



**OFFICIAL REPORT**

**OF THE**

**STATES OF DELIBERATION**

**OF THE**

**ISLAND OF GUERNSEY**

**HANSARD**

**Royal Court House, Guernsey, Friday, 1st February 2019**

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

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R. G. Prow, V. S. Oliver

**Representatives of the Island of Alderney**

Alderney Representatives S. Roberts and A. Snowdon

**The Clerk to the States of Deliberation**

S. M. D. Ross Esq. (H.M. Senior Deputy Greffier)  
Ms C Foster (H.M Deputy Greffier)

**Absent at the Evocation**

Miss M. M. E. Pullum, Q.C. (H.M. Procureur);  
Deputy C. N. K. Parkinson (*relevé à 9h 46*); Deputy M. P. Leadbeater (*relevé à 10h 41*);  
Deputy P. R. Le Pelley, (*indisposé*); Deputy M. H. Dorey (*relevé à 9h 46*)

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# States of Deliberation

*The States met at 9.30 a.m.*

[THE BAILIFF *in the Chair*]

## **PRAYERS**

*The Senior Deputy Greffier*

## **EVOCATION**

# Billet d'État I

## **SCRUTINY MANAGEMENT COMMITTEE**

### **III. Scrutiny Management Committee – In-work Poverty Review – Debate continued**

*Article III.*

*The States are asked:*

*Whether, after consideration of the Policy Letter entitled 'In-work Poverty Review', dated 23rd November 2018, they are of the opinion:*

- 1. To direct the Committee for Health & Social Care to investigate improving equity of access to primary healthcare and to report back to the States no later than the end of 2019 with any proposals.*
- 2. To direct the Committee for Health & Social Care to investigate improving equity of access to emergency healthcare and to report back to the States no later than the end of 2019 with any proposals.*
- 3. To direct the Policy & Resources Committee and the Committee for Employment & Social Security to consider the implementation of additional options within the benefit/tax system and to report back to the States no later than the end of 2019 with any proposals.*
- 4. To direct the Policy & Resources Committee to investigate improving data collection relating to in-work poverty and to report back to the States no later than the end of June 2019 with any proposals.*
- 5. To direct the Committee for Employment & Social Security, the Committee for the Environment & Infrastructure and the Policy & Resources Committee to investigate housing policy proposals, to support people experiencing in-work poverty and to report back to the States no later than the end of this term with any proposals.*

[Amendment by Deputy St Pier and Deputy Stephens](#)

*To replace Propositions 1-5 with:*

*'1. To note the findings and recommendations set out at sections 13.2-13.6 of the Scrutiny Management Committee's policy letter titled "In-Work Poverty Review"; and*

'2. To direct the Policy & Resources Committee to review and report on work streams and measures in the Policy & Resource Plan with regard to the reduction of in-work poverty in its policy letter to be debated on 25th June 2019, with particular regard to the issues referred to at sections 13.2-13.6 of the "In-Work Poverty Review".'

**The Senior Deputy Greffier:** Billet d'État I, Article III – the continuation of the debate.

**The Bailiff:** Deputy Le Clerc.

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

I thought during yesterday's debate on the Alderney runway that there were a few reality checks, and I think that is what we need today in this debate.

10 We have to manage expectations. Whatever this Government does it will never achieve total avoidance of financial hardship. It is the nature of social welfare. Society changes, expectations change, and the Island's ability to fund social welfare also changes. We will always be chasing our tail, but we are making progress, possibly not as fast as some would have us, but I can assure progress is being made.

ESS, by working with other committees and in particular with Policy & Resources, will ensure current progress is maintained.

15 These are harder times and although the Island has managed well since the recession, my belief is that many families across all incomes are really feeling the pinch and tightening their belts as costs and charges rise. We at ESS help those on Income Support which does include working families, but more about that in due course.

20 But there are and always will be those that are just outside Income Support. I presume that these are the families that this In-work Poverty Report refers to, or in the UK the just-about-managing households.

We also have the squeezed middle who are grumbling about rises in TRP, waste charges etc. Are we including those in the scope of these recommendations?

25 We then have the Open Market Forum complaining that we are not helping Open Market residents and they are struggling due to the population regulation changes.

The dilemma is that help comes at a cost: Income Support increases, free primary care, support for housing initiatives, tax allowances etc. but no-one wants to pay more taxes or insurance contributions or face GST and it seems unlikely that we can grow our economy substantially in the current financial climate. But I will continue to fight for those on the absolute lowest incomes.

30 Through Income Support and the welfare reforms agreed by this Assembly, those in intolerable poverty are being picked up by ESS, but we know not all. We know that there is further work required on looking at the benefit limitation, earnings disregard and capital allowances, as there are still families assessed as in need, families with children, but due to the benefit cap we cannot help. We know that these are often hard-working families and perhaps this is the opportunity to dispel the myth that everyone who is receiving Income Support is not working.

We have approximately 2,000 Income Support claims from people of working age and of those at least 40% are working and receiving a top-up. Of the 60% who are not working many of those will not have a work requirement because of severe sickness or disability.

40 Income Support rates of benefit are based on a basket of goods. It is a process by which ESS can justify its benefit rates, but the basket of goods is in need of both review and repricing and the results of these separate processes could prove to be expensive. However, let me assure you that the basket of goods is not the equivalent of a Christmas hamper full of goodies; it is not, it is more baked beans than *pâté de foie gras*. This is essential not only to inform future Income Support levels but also to give an indication of the costs for those families targeted in this report.

45 With the uncertainty of Brexit, I see basic food costs rising again this year and this will hit lower income households the most. The basket of goods repricing is a piece of work that ESS

Committee sees as a priority and will be asking in this year's Budget funding for 2020 so that essential work can be undertaken.

50 To sum up, ESS provides both short- and long-term financial support to most of the Island's poorest pensioners; to the community's lowest income family units; the Island's most vulnerable adults; and those for whom life, for complex reasons, is a constant struggle. But the Committee knows it has to go further, and it will be asking for the support of this Assembly and reminding Members of their comments in the debate.

55 With regard to minimum wage and data collection, I hope that when the new revenue service is designed for future IT systems the ability to record hours worked and hourly rate will be collected. Sir, I am not sure why a couple of the Deputies yesterday felt it was so important to identify public sector workers on minimum wage and perhaps that might be explained. I do not know why they need to be differentiated over other sectors.

60 With regard to a further tax and benefit review, I can assure the Assembly that there have been meetings between P&R and ESS and some very lively discussions with different views. As with many recommendations in this report, there are no easy answers and if I can refer back to my opening few sentences, any reforms will come at a cost whether that be to another socio-economic group through higher taxes, redistribution of allowances, means-testing – there is no magic bullet.

65 I am pleased that Deputy Roffey is now part of the ESS Committee and I will ensure that he is part of these ongoing discussions, and I am in no doubt that he will ensure that additional options come back to the Assembly by the end of this year.

70 Sir, with regard to housing I think the first thing I need to do is to advise the Assembly that P&R have agreed the funding to enable both ESS and E&I to undertake a future housing strategy and my hope is that it will be a root and branch review of what will be needed in the future, both affordable, social and private housing.

75 Sir, we are already working on recommendation 5, paragraph 9.8. I can, however, give an update on where we are today. The GHA are responsible for all current building of social housing and they have 126 properties looking to be completed by December 2020. That will be a mix of rented and partial ownership. Partial ownership has been a success; this was acknowledged in the KPMG report and I think we do need to understand why people seem reluctant to use this as a step towards home ownership.

80 One of the issues that we have with housing and cost of housing and increasing supply is the availability of land. The previous rural area pre-IDP which met the RH2 Planning Policy provided many valuable sites at reasonable prices for our social housing programme. Under the current IDP no affordable housing has been built. This needs to be reviewed as this would have provided additional housing, but this policy has not worked. The Committee have just advised the DPA of their concerns that this policy is not working and needs to be reviewed. (**Several Members:** Hear, hear.)

85 We are now in discussions with STSB on sites available for future development, but despite the States owning many sites and some being vacant for quite a while, it is not easy to acquire States-owned sites for development. For a start, any land we acquire through STSB will be bought at fair market value. This does not enable us to reduce the building costs and pass on these savings to tenants. It might produce profits for STSB but does not help towards provision of reasonable cost housing.

90 ESS asked the GHA to approach STSB with regard to availability of land for social housing on the Fontaine Vinery site, although supportive of our request they are unable to give a timeline to availability of that land and have asked for more detailed plans. Leale's Yard is another possibility, but this is privately owned and will take many years before becoming available for housing due to the complexity of the infrastructure needed to get the site ready for building.

95 What I am trying to highlight is that it is all very well to say that we need to widen the scope and increase the earning limits for social housing, but in doing so we will increase our waiting list, and some of those most in need of housing on the lowest incomes may be on waiting lists for

100 years. Any widening of limits needs to be in tandem with a house building programme and availability of land.

Deputy Roffey said that the income limits had not been reviewed for many years. I can advise that these were reviewed only last year, and I think it is worth advising this Assembly that our income limits for a family with three children is £55,120 and the capital limit £69,000.

105 I believe ESS are working hard to provide affordable housing and increase both earnings and capital limits to enable hard working families to continue to live in social housing and to save for a deposit. But of course we will continue to look at both these rates for our 2020 uprating recommendations as well as looking at our waiting lists.

110 Finally, I would like to go on to primary care and I am sure that Deputy Soulsby will have some comments on improving equality of health care and the Partnership of Purpose. I would like to confirm that ESS are already working with HSC on initiatives to improve provision of primary health care. I absolutely agree that affordable primary care is a priority for this Assembly, and in particular when children need to see a doctor or a dentist cost is not a barrier.

115 We are working with HSC and looking at the potential redistribution of Family Allowance to cover GP and dental costs for children. We have a joint political meeting next week to look at the options.

120 With regard to paragraph 11.5 of the report, I just have a couple of points I would like clarified when Deputy Green sums up. A universal primary care insurance scheme is one of the suggestions. We already have two schemes – three if you include the General Insurance Fund: the Health Insurance Fund and Long Term Care Fund. The latter is already facing sustainability issues and we know that the Health Insurance Fund does not cover all the costs of health care. A further insurance scheme will increase contribution rates and as outlined in my speech on Wednesday we will see an increase in contributions for other schemes over the next few years. It will be those in-work that any insurance scheme will hit, exactly those that this report seeks to assist.

125 Any changes in the current grant scheme and I presume that bullet point was the £12 and £6 grants for the GP and nurses' appointments and when the paper says to help where most help is needed, I would ask Scrutiny does that mean that they would like us to see means-testing on those £12 and £6 grants?

130 Then, thirdly, I was not sure what is meant by decoupling the point at which benefits are paid and at which primary care is paid for by Social Security. If people who have been in receipt of benefits move into work and outside of benefits' scope we have the ability to give them support with house costs and we do for the first six months while they are in their full-time employment, as we know from experience that without this buffer of support many people struggle during that first six-month period. We do have Income Support medical only claims and many of these will have started off as low earners who now have income over requirement rate and do not receive a cash benefit.

140 So, sir, to sum up, I think ESS together with other committees are already working hard to progress many of the recommendations in this report, but we need to be realistic and manage expectations, not only with the timelines laid out in the report but with the financial impact of the recommendations. ESS will continue to work hard with other committees to find solutions to ease the financial burden for Islanders.

Thank you.

145 **The Bailiff:** While you were speaking, two Members entered the Chamber. Deputies Parkinson and Dorey, do you wish to be relevé?

**Deputy Parkinson:** Yes, please, sir.

**The Bailiff:** Yes.  
Deputy Gollop.

150



**Deputy Gollop:** Yes. Deputy Le Clerc has given a masterly summary and development of the key issues and I would concur that a lot of progress has been made on many fronts, capital limits, income limits. We are also looking at all kinds of other things like earnings disregard, SLAWS and so on; and it is quite true that we have had a dynamic new housing team and part of that work does include a degree of reform of entry. We now have a joint waiting list application procedure from Social Housing and GHA anyway. One of the reasons why things are looking potentially good in that respect is the success of SWBIC; the Income Support scheme has targeted more money where it was needed and less money where perhaps it was not quite so needed, so some tenants currently in social housing are moving into the private sector and of course they can now be covered in certain circumstances which in turn has meant that it has freed up a little bit of capacity hopefully in the public sector.

As you can see from the Scrutiny Report, there has been generally speaking a reduction in waiting lists, certainly a lot on a few years ago.

That said, Deputy Le Clerc knows we started on the Committee together, oh, seven years ago now and I am the bane of her life, politically, because I am extremely obstructive and difficult and everything else, and sometimes get bored reading all of the complicated procedures and policies that we do. Because in many cases I have seen it all before, because whereas we heard, through you, sir, the successes of former States' Members who in many cases significantly changed and reformed social policy, in a different era the fruits being medical specialist grant, the primary care grant when £12 really meant £12, more than today perhaps, and of course the community Long Term Care Scheme which was ground breaking in its day and the envy of many other jurisdictions.

We had all of that in a different financial and social era and they were very successful and I was on the fringe of that because I joined this Assembly, let me think now, nearly 22 years ago, and not only do I remember the 1998 requête that Deputy Roffey referred to which led to the Corporate Anti-Poverty Programme, I think I was one of the signatories, but I have not confirmed that because it goes back so far in the mists of time that it is not even on the excellent Greffe website of Billets because it goes back before the millennium period. So there you go, that is some work for the Members' Room to look at.

But you could argue that compared to some of the more illustrious Members, past and present, I am on the other end of the continuum as being incredibly unsuccessful because here I have been bleating about anti-poverty for 21 years and there are still problems and issues to resolve. But this is where I probably part company with Deputy Le Clerc and where I am difficult, because I do not want to manage expectations, I do not want to be realistic. We have had that message from the top bench of this Chamber for a long time and it is not really working, and part of me would love to sit on the top bench not only because it would perhaps elevate me out of relative poverty but also because I would have a chance to influence things more on Policy & Resources etc., because let's be clear, ones circumstances means that everybody's situation even with the same income is not the same and people who smoke, for example, or have unhealthy lifestyles may have more costs in their lives, other people in different situations have more costs, and we really have not grasped the nettle on these issues.

For my part, I think we should have more of a national health system – not necessarily free GP consultations but a significantly different system, either through insurance or States' provision whereby the person perhaps does not pay more than £20 per person. I would like to see the same apply to dentistry.

I want to see a much bigger programme of social housing for the States to acquire larger areas of land or work in partnership with the private sector to create a whole range of social affordable and intermediate housing. In passing, I mention tomorrow I believe there is an open day for the GHA for some partial ownership properties on the St Saviour-St Peter's Longfrie border. That is proof that we are moving forward, there are opportunities still.

All these arguments, I do not think people should have to pay. Certainly not the amounts they have to on this extraordinary scale at Accident and Emergency. We have been ratcheting up

charges on all kinds of things and the people who get the bills are generally those who are in the least able position to pay. It is regressive taxation, pure and simple.

205 So do I care whether the amendment passes or not? Not particularly. On balance, I think I would prefer the Scrutiny Committee's recommendations to take effect because I think they give a sense of political direction and ownership and I think, to be honest, Policy & Resources should be covering these issues anyway in their annual update.

210 But what I would not like to see is the June debate hijacked exclusively by social issues, because I think there are many other significant issues of economic, communication, financial and so on that need to be looked at. So I think that it is important to give direction.

215 Now, Members listening to me will say, 'Deputy Gollop is off his head because he is talking about programmes that could cost another £5 million, £10 million, £20 million or £30 million a year.' Well, implicitly that has been the message of the last two days. But the problem is States' Members past and present have pussyfooted around the real issues. While I have been standing or sitting in this Chamber I have actually gone through an era when I have spotted six different Health & Social Care Presidents or Ministers, or whatever title they have had, and seven – no, it is the other way round – seven Health Presidents and six Social Security Presidents, political leaders have come and gone and some of these issues have remained the same.

220 Deputy Inder yesterday mentioned issues to do with population of younger people not having a great future in every situation and their concerns about the cost of housing first-time buyers. Now that is an interesting issue because we kind of did not go as far as we should have done with the Housing Report last year and more to the point, well Deputy Inder has his own original ideas on the subject and we have to listen to them and anyone else's at Planning, but we cannot change the planning system overnight, and the IDP, the entire States endorsed, but when Deputy Inder and other Members talk about first-time buyers Deputy Roffey referred to younger elements may be wishing to leave because of the costs of living here. We have actually gone well beyond poverty, we are not talking absolute poverty; we are not even talking relative poverty, we are talking about aspirations here. Which is why I always had a reservation on one level about the anti-poverty campaign because it actually needs a much broader look about encouragement of people across society.

225 230 So what is my take on all this? Well, I will explain in one minute because we have had a really long debate. The first is I believe there has been a degree of institutional resistance to some of the issues outlined in the Scrutiny Report from different factions. Maybe the new system of Government, not just on a political level but the new Chief Officer, Head of Policy, Head of Reorganisation will be a boon to improving that. We will have to wait and see.

235 But there are really only two ways of resolving this issue, because we know from the work Loughborough did, from the work that Guernsey Community Forum did, from the work Dr Bridgeman did, that we have between 15% and 20% of our population in relative poverty. The figure never changes. So there are two ways out of it. The first way is to grow the economy, which has been a message Deputy Ferbrache, the Islanders, the 2020 Association and the business organisations have been telling us for several years now. We need to be listening to that, which does require probably more intervention along the lines Deputy Parkinson and others have outlined. It might mean freeing up the Planning & Development system in certain circumstances. It will mean more States use of bonds or finance, it means more public/private partnerships, it means a newer, fresher attitude to immigration, population, transportation and many other issues.

240 245 The second way of doing it, and I think it is a combination, personally, is to fundamentally reform our welfare and tax system, and it possibly means some people will end up paying more. I perhaps will stand out from the crowd if I stand at the next election because I will be putting across the message that actually there will need to be some form of taxation or benefit contribution increases in order to resolve these problems, because we cannot pretend we want to resolve them and then have a fiscal conservatism strategy whereby we have effectively 25%, 26%, 27% of our economy in use when other areas have 35% or 40%. The argument that you can have

world class services of a Scandinavian country and ultra-low tax does not marry very well unless we think smarter and really work collectively.

255 So I am not too keen on the bleeding heart liberals who want everything. It reminds me of a manifesto I saw an election or two ago whereby the first page was we must control public expenditure, reduce taxation; the second page, we must have a world class health and education system. Well, actually – very difficult to have both. So if we really want to address these issues and  
260 move towards a more rational and more progressive and in some ways a fairer society with opportunities for all and equalities across the generations, we actually have to have a fundamental reconsideration yet again of our personal tax and benefits system as well as –

**Deputy Yerby:** Point of correction, sir.

265 **Deputy Gollop:** – health systems. So to me that is the answer.

**Deputy Yerby:** Point of correction.

**The Bailiff:** Point of correction, Deputy Yerby.

270

**Deputy Yerby:** Deputy Gollop attributed to bleeding heart liberals the mindset that you can have both ultra-low taxes and excellent services. Actually a liberal view recognises that you have to have one in order to have the other and it is quite a centrist myth that you can have ultra-low taxes and excellent services at the same time.

275

**Deputy Gollop:** Perhaps I stand corrected and we could go into a long side-line debate about Victorian Liberals versus American Liberals, but I think I have said enough.

**The Bailiff:** Deputy Soulsby.

280

**Deputy Soulsby:** Sir, I started off yesterday with notes on the side of a piece of A4 and now I have got slightly more than that after listening to the debate yesterday.

285 Sir, in-work poverty is something Government should address and I really believe it is a worthy topic for the Scrutiny Committee to investigate. But the debate so far, certainly yesterday, really has not explored it, what it is, how people get into it, and more importantly what do we do about it.

290 There just seems to have been a focus on the Propositions and the amendment to them, which I find a bit of a disappointment, to be perfectly honest. It is not what this debate should be about. So much of what we have heard is the Propositions are fine because all they do is tell committees to do something and if committees are not doing it, well we are telling them to do it, but if they are, well what does it matter. It kind of misses the point. Frankly, it is inappropriate for a Scrutiny Committee to instruct Principal Committees on what to do and when, (*Interjections*) as it is for Government to tell Scrutiny Management Committee what it should review even if there are times when I would like to. Indeed, this debate has made me think whether there is any merit in a requête to do just that.

295

300 Deputy Lester Queripel spoke at length about the Children's Services Review and I agree it was a good report by Dr Marshall and it, as well as the Parry Report, has made a difference. However, what is missing here is that did not come to the States and the recommendation were not Resolutions of the States; it was completely unnecessary. You cannot have a Scrutiny Committee produce a policy letter either; it is a report.

However, am I bothered? No, not really, because it is all pretty meaningless, the Propositions and the amendment just add nothing.

Now Deputy Merrett laboured the point about when Members would see something. She did not know and Deputy Fallaize went big on this as well. Now the Committee for Health & Social

305 Care wrote to the Scrutiny Management Committee President in October 2018 to provide its feedback on SMC's draft policy letter emphasising that ensuring fair access to health care including primary health care is fundamental to the Partnership of Purpose and essential to most, if not all, of the workstreams currently ongoing under the transformation programme.

310 We also said we would be reporting back this term through a series of policy letters, including proposals for the future structure of and funding for primary care in Guernsey. Not only that, and what makes it even more galling, is that although the Scrutiny Management Committee quote the P&R Plan of 2017 they do not acknowledge the 2018 update in which the Committee set out as one of its key areas of focus of 2018 and 2019 work on establishing more equitable funding and charging arrangements for primary care.

315 And at the last States' meeting in my statement to the Assembly I said the Committee is also progressing a review of the future structure and funding arrangements of primary care incorporating the Emergency Department to ensure that cost does not prevent people getting the treatment they need. It is also a progressive note. What is the point of making statements if no-one listens to them?

320 Now as the Scrutiny Management Committee have been spending time putting together this report telling us what they think we should do, we have developed the Partnership of Purpose, had it approved, secured the resource to undertake the work on primary care and will be considering a first draft of the policy letter later this month. This is separate from the work that Deputy Le Clerc referenced in her speech.

325 Now had we not been doing any of these, the Propositions would not have been achievable anyway. The time taken to get the resource if free, and have time to do the work under the cloud of Brexit, I believe it would have made it almost impossible. So far from needing to be told what to do, we are ahead of the game.

330 But this is not just about the Propositions that relate to HSC being unnecessary and adding little value, we are also concerned that SMC have looked at things in a piecemeal way when it comes to health, which is reflected in the two Propositions. The reality is you cannot separate emergency care from general practice in this context. You cannot just recommend that under-fives go free without taking into consideration how this will impact on GPs. As has been seen in an Island not so far away, unless you do the same thing in GP practices people will roll up to ED and cause real strain on that service when they really should be dealt with by a doctor or nurse in primary care. And this becomes a more obvious issue for out of hours when the GP is based right next to the Emergency Department.

335 The Propositions also do not recognise that it is not just the cost of primary care that needs to be considered but the model. We have a demand-based system GPs acting as gatekeepers for other services. Just looking at the funding does not address these fundamental aspects that impact on the care people receive, that is why the grant system is unsustainable.

340 At the same time any recommendations that result in changes to the ways in which health and care services are funded will impact on the Committee's budget, and its relationship with private providers, and as such must be examined closely and managed in a cohesive way.

345 So fair access to health care including primary health care is fundamental to the Partnership of Purpose and essential to most, if not all, of the workstreams. We want to reduce the barriers to accessing the right care at the right time. However, in order to do so we have to have an idea of the problem we are seeking to solve. That is why the Partnership of Purpose policy letter also emphasised the need for better health intelligence to define need, guide decision making, set goals and targets and to monitor progress.

350 Now Winston Churchill has been quoted quite a few times recently; he is always good for a quote, and here is another one:

You must look at facts [as] they look at you.

HSC has invested time and money collecting and analysing data that will ensure we benefit from structured evidence-based decision making when recommending changes to health care policy. Indeed shortly, we will be publishing the first KPIs ever on secondary health care.

Now SMC say how they support the need for more evidence on which to make decisions. However, this report does give rather much the impression of do as we say not as we do, because what disappoints me about it is there is a lot of opinion but not much in the way of fact.

For example, we are told that the cost of visiting a GP in Guernsey is a major issue for a large section of the population. Now no-one has denied that the cost of primary care is an issue for a proportion of the population, which is why we want to do something about it, but it is essential that we have a better understanding of the extent of the problem in order that we can understand the most appropriate solution. What is a large section? If it is 75% then that may require a completely different approach than if it is 25% say. Who struggles to pay and who just does not want to pay?

I think it is also important to get the phraseology right here. Paragraph 11.1 speaks of the relatively high costs of accessing medical and para-medical cover. However, I think you will find the hourly rate of the GP holds up well compared to the costs of an advocate, although I am sure Deputy Ferbrache would provide excellent value for money.

Again the Emergency Department, although it does charge for its services, operates at a loss of around £1.7 million, and of course St John Ambulance can only survive on a States' subsidy.

Really what I think is being said is that the costs are high for a proportion of the population, not high for the quality of service given, and I will expand on that in a minute.

Before I do, I do need to correct a couple of errors in the report which Deputy Merrett has repeated today. First, it is not correct to say that invoices from PCCL doctor charges will pay for the rest of the Hospital staff are effectively free. It really is not as simple as that. HSSC charged PCCL for the cost of staff, they also had a multitude of ancillary charges. When HSC took over we simplified the structure and made it more open and transparent, now at least you know exactly what you are likely to be charged.

As I found the other week when I managed to lose a battle with a cauliflower and ended up at A&E, I knew at the time I went and what needed to be done, it would cost me £155 and eventually the bill came to me just the other day for exactly that amount. We have not hiked our costs up, as was implied by a quote from a couple of Constables of St Peter Port Douzaine in the interim report. The actual truth is we now have an ED department not run by GPs but emergency care consultants supported by highly qualified nurses. A team that has achieved the nationally recognised blue scape award, that takes years to achieve by the way.

Now Deputies Merrett and Roffey refer to the low through put – an average of two people seen an hour. Well, firstly, it is implied that they are just sitting there and saying, 'Oh look, there are two people going by, they're coming to see us.' Firstly, it does not take account of how long it takes to care for that person: stabilise and treat. Remember the majority going through the doors of ED Guernsey are the more elderly and frail in our community with complex morbidities. Actually the demand is rising all the time.

But let's not forget we absolutely have to provide an emergency service. For us to provide such a service, we have to meet clinical best practice. That is what our community expect, that is what the regulatory bodies expect, and that is what we have. We did not have that for years, but we have it now, and it comes at a cost. The simple truth is we do not benefit from economies of scale, and whilst the impression given is that ED can just be another GP service, that is not the case anymore. The world is more specialised than 10 years ago and that is a problem we are facing not just in primary care but secondary care too. We are a tiny population in the scheme of things and the increase in specialisation is just one of the reasons why the cost to the community is increasing.

However, that does not mean we are not looking at innovative ways to enhance the service provided. We are. But I do not think it is for the Scrutiny Committee or this Assembly to tell clinical staff what they should be doing and practice out of scope.

405 But that is not the real issue here, that is just about how much we charge people, not about  
whether we charge people for emergency care. Personally, as I said at the Scrutiny Hearing, it  
makes me very uncomfortable that I have inherited a system going back decades where people  
have to pay to be treated. I am only alive because of the NHS who saved my life free at the point  
of delivery. That is why I want to do something about it. The question is how of course. If it was  
410 easy I am sure it would have been done by now.

The report suggests various options for the funding of primary care which reflect those  
systems currently in place. I am not going to go through them now as we will cover them off  
when we put forward our proposals. However, given the current ratio of GPs to the population is  
approximately one in 800 compared to one in 1,600 in England and Wales, I do not think having  
415 another entrant into the market is a solution.

Saying all that, it is important to separate the weaknesses of the report from the subject matter  
itself, and I am truly of the opinion that the issue of in-work poverty is something that needs  
addressing. It has a considerable impact from a health perspective after all. The poor in our  
society are statistically more likely to need our support. Life expectancy is lower the poorer you  
420 are, you are more likely to be overweight, drink and smoke, and there is a direct causality between  
financial worries and poor mental health, and that is rising.

Now a couple of days ago I watched an interview given by the Prime Minister of New Zealand  
Jacinda Arden, and how refreshing it was amongst all the rubbish we have been hearing from  
leaders across the world at the moment. She spoke about how New Zealand was projected to  
425 have 3% growth, unemployment was just 3.9%, things should be great, but homelessness was at  
staggering rates. New Zealand has one of the highest rates of youth suicide in the OECD and  
mental health and wellbeing are not what they should be. She spoke about how stagnant wages  
in developed countries is a concern, people's quality of life is not improving. She talked about the  
importance of addressing this gap through how we measure success and broadening out what  
430 success is, that it is beyond economic indicators, how this gets to the heart of the current political  
crisis and the populist agenda.

She went on to say: 'If you are somebody at home, listening to a politician saying, "Well,  
according to GDP we're now in a recovery phase," and yet you are still sitting there and don't feel  
it, your situation isn't improving, then that means you have a disconnect and an increasing lack of  
435 trust in your institutions and lack of democracy.'

She finished by saying: 'If you want to start looking at politics through a lens of kindness,  
empathy and wellbeing, then it does not matter what just happens in a political cycle; it matters  
what happens over decades.'

But that should not be news to us here! We are in theory at least already ahead of the game.  
440 We have agreed we want Guernsey to be one of the happiest, healthiest places in world. We have  
agreed that we should consider health in all policies and that is not just health policies, all policies,  
fiscal, economic, social, environmental – the wider determinants of health that we cover at length  
in the Partnership of Purpose policy letter for a very good reason.

But New Zealand is going further. The plan is if you are a Minister and you want to spend  
445 money you have to prove you are going to improve inter-generational wellbeing. I think that is  
something we really do need to consider here.

Members will remember, although not referenced in the report, that as a result of a successful  
amendment to the Budget by the P&R President, I believe prompted by an earlier one by Deputy  
Hansmann Rouxel, it was resolved amongst other things for the Policy & Resources Committee to  
450 publish every December an annual management report addressing the adapted OECD regional  
wellbeing framework indicator set out in paragraph 4.6 of that policy letter; with the aim of  
contributing to establishing if Government policy is influencing key measures as desired. That is a  
start, although we have not seen it yet. By measuring what we care about, we can then make a  
difference that matters to our community.

455 But then we need to do something about it and that is when it gets tricky. Now the proposals  
in the report in respect of ED charge is free for under-fives and a cap of £100, we have worked out

would cost about a million pounds. However, there is no suggestion as to where the money comes from. Deputy Laurie Queripel says the headline in *The Guernsey Press* that Scrutiny Review plucked some costs of proposals out of thin air was something he felt quite comfortable about. 460 But that is the easy bit, the difficult bit is finding the money, because that really is the elephant in the room here. (*Interjection*) Whatever we do to make primary care more accessible will cost money. Making everything free and providing all NICE drugs and treatments, reciprocal health agreement, will cost eye watering amounts. This is in addition to the projected increase in HSC costs if we do not change our model of care, and the cost of long-term care. We are talking tens 465 of millions of pounds annually, not just a one-off cost like the Alderney runway. So who is going to pay?

If people want more, expect more, that has to be paid for; you cannot have one without the other. Now, down at Le Vauquiedor office at HSC, they have been doing a bit of tidying up, clearing out bits and pieces here and there and they came across this report produced by 470 Dr David Jeffs who was previous Director of Public Health & Strategy, called 'Healthier Islands Revisited'. He talked about poverty around that time, and then it talks about back in 2002 two thirds of the population said they would be prepared to pay more tax to help end poverty in Guernsey. Well, we have more taxes and higher Social Security contributions since then, but I do not get that warm fuzzy feeling people want to pay any more. Here we are, debating a report 475 17 years on about poverty and taxes and charges have gone up since then.

Be careful if you think businesses should pay. Do not forget that most people are employed by local small businesses who have also felt the squeeze over the last 10 years. However, if we want free primary care – no, if we want the services we currently have in the next 10 years the money is going to have to come from somewhere. The report talks about increasing personal allowances for the less well-off but how do we pay for that unless we cut personal allowances for others, or 480 we have different tax rates?

Now *that* was something I tried last term, and was told by the previous Commerce & Employment Minister that I had gone to the dark side! (*Laughter*) I still bear the scars. But as Deputy Gollop is wont to say, but he did not say it in his speech today which I was surprised, you 485 cannot have the penny and the bun! (*Interjection and laughter*) So this is half a report. It tackles one side but not the other. It makes us all feel good and we can pat each other on the back by supporting the Propositions and say we care about those hardworking people who cannot make ends meet.

But HSC, more than any other committee, has been tackling inequality through the development of the Partnership of Purpose. It sets out what we are going to do to make it real, 490 most recently through the provision of free cervical screening, but also through increasing support in the community by 25%. We will be coming to the States this year on our proposals for emergency and primary care which I hope will help reduce in-work poverty.

So I will finish with a quote from somebody I have quoted quite a lot actually because it really 495 has guided my thinking over the last few years and that is Sir Michael Marmot, the guru on the social determinants of health and this comes from his book *The Health Gap*. He speaks about the UK or the US:

Virtually no one in public life in the UK and US is prepared to have a grown up discussion in public about whether a more progressive taxation system, with a higher overall tax take, is a price worth paying for improving the quality of people's lives to match that of the Nordic countries.

We can have primary care, free emergency care, cheap social housing and other benefits if we are willing to pay for it, and that is the debate we really should be having. That is what SMC 500 should really be considering.

Unless that is, we want to continue taxing and charging the way we have done for years and years. If we do not, all we are doing here today is paying lip service to in-work poverty and reducing the wealth gap.

505 HSC has been and is doing its bit. I think ESS and ESSC are also trying to do the same, but all we are really doing is focussing on the symptoms not the cure. It is this Assembly and this Assembly alone that can improve the lives of people today and we all need to do it for the health not just of the individual Islander but for that of the Bailiwick as a whole.

Thanks. (*Applause*)

510 **The Bailiff:** Deputy Ferbrache.

**Deputy Ferbrache:** Sir, it is rare, despite the number of speeches that we hear in this room, that you hear one speech of quality. This morning we have heard two of exceptional quality and I wrote down 'Wow!' after I heard the first one and I have written down 'Wow!' after I have just  
515 heard the second one, and those are the speeches from Deputies Le Clerc and Soulsby. They are two excellent Presidents of their committees, they are conscientious people, they have a purpose and they are leading their committees well and they have got two of the most difficult mandates in the States, but both of them had a common theme. They were productive, they said this is what we are doing, this is what we can do, but if you really want us to give national health service, if  
520 you really want us to solve social housing you are going to have to pay for it.

Then we had Deputy Gollop who got up and said, 'I do not want to manage expectations or realism,' I thought, oh, no, it is alright but the election is not for another 17 months, give that speech in 15 months' time. But he was a little more constructive as we went through.

Now I was listening to *Radio 4* this morning and John Humphries said it was St Bridget's who is  
525 a patron saint – and they have got three in Ireland. They have got all these borders but they have also got three patron saints – it is her ... it is the patron saint anyway today, and I was talking to my good friend Deputy Mooney and said, 'Who is this lady? I have heard of lots of Irish Bridget's but I have not heard of this particular one,' and he said she was a simple lady and she laid down a blanket in a farm and the farmer said to her, you can have as much land as is covered by your  
530 blanket. Well, she must have had a blinking great big blanket, because she had seven acres of land given to her which is down the Curragh which is a rather famous part of Ireland. Now miracles exist for those people who believe in them, but we live in the real world, and in the real world there are not too many miracles.

We can pat ourselves on the back, as Scrutiny have tried to do, and we can also pass the  
535 amendment proposed by Deputies St Pier and Stephens but, as Deputy Soulsby said, it is all meaningless.

Deputy Laurie Queripel and Deputy Green then muttered to themselves, between themselves, saying, 'Well, what's the problem then?' The problem is this: why should we be doing meaningless things? Now we should be solving problems not just talking about whether we should have  
540 another report at the end of the year, whether we should do this that or the other.

Most people in here are full-time politicians, so why can't Deputy Lester Queripel, Deputy Laurie Queripel, Deputy Inder, who have no more concerns than I do i.e. the same concerns, I am just as concerned as them about young people leaving the Island, about people not being able to get on the housing market, people not being able to go to A&E because it costs £155 if you argue  
545 with your colleague about that. All those kinds of things. I am concerned about them just as much as them, but I would like to see them and others come up with some solutions, not just ask others to come up with solutions and I see Deputy Inder is going to get to his feet and try to interrupt. If he does I will save his energy and he can sit down because I am not going to be interrupted.

But in relation to all of that, I would like us to see ... the States set its face against GST last time  
550 because, rightly, it says it is a regressive tax. If we were to interfere with the basic rate of Income Tax we would be casting our own society into penury because we would be out of kilter with our competitors, and if we think we have close working associations with our near competitors, we do when it suits them but not when it also should suit everybody. If we were to invoke capital taxes we would cast this Island into even more financial difficulty.



555 So therefore Deputy Gollop is right when he says one of the answers is to grow the economy and I am not the only one, lots of people in here want to grow the economy but then nearly every States' meeting we make it more difficult for people to grow the economy and to run a business. We make it more difficult and yet we expect them to produce more money to pay for the things that we all welcome.

560 So what I would like to see for the 40 people – well some people are absent/late through illness or whatever, but for the 40 people – that comprise this Assembly is for them over the next three months to sit down in various groups and come up with something to solve social housing.

Deputy Le Clerc said rightly that the STSB is mandated by the States to get fair value for its property. I do not give a jot about that; if it is the decision of the States that STSB transfers that for a pound or a nominal fee that is the decision of the States, but it has got to be a decision of the States because the STSB is just a servant of the States. If that is the case that is fine and personally I would not have any objection to it but it is going to cost money, because it means that an asset that the States might have that is worth say a million pounds is transferred for £10 so therefore there is a loss to the States of nearly a million pounds. That can be done, that is fine.  
565 We can promise everybody apple pie, cream and custard, but how are we going to achieve it? How are any of us going to achieve it? In all the speeches we have had today and yesterday, except for the two truly excellent speeches by the two Presidents this morning, nobody has come up with one blinking solution.

As Deputy Le Tocq said yesterday when he came into the States and I was in just before him, money was gushing in, it was pouring in, we had millions here, millions there, we could have built a new school at whatever figure it is going to come in in five or six months' time every month almost well certainly two or three a year. We could have done lots and lots of things with that money and the States ... some of it was wasted – I do not mean profligately but it was not probably managed as well as it should have been – but some of it was put to good purpose and some of it was put away for a rainy day, it is now called something else because we like to change the terminology. But all of this is banging our chests saying what a wonderful liberal society we are and how we care about people; and how we want people to get on the housing market; and how we want people to have proper care; and how we want people to prosper without any solutions. Go out and tell the people there how you are going to achieve it.  
570

585 Thank you very much.

**The Bailiff:** Deputy Meerveld.

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

590 I was not planning on speaking on this matter but I am driven to my feet by first Deputy Soulsby's speech and then Deputy Ferbrache's.

In Deputy Soulsby's speech she implied that for some reason SACC should not be bringing this kind of policy letter – (*Interjection*) sorry not SACC, Scrutiny Management Committee my apologies, should not be bringing this form of policy letter – or effectively instructing another committee to take a course of action. Well, as Deputy Green pointed out in his opening speech, SACC has historically brought – (*Interjection*) Sorry, Scrutiny, yes, I am confusing the two – Scrutiny has historically brought policy letters, and in fact any group of Deputies in the form of a requête can bring a policy letter to this States in the form of a requête for this States to debate, and Scrutiny are not instructing –  
595

600 I give way to Deputy Green.

**Deputy Green:** I am very grateful to Deputy Meerveld for giving way.

Would he also reflect upon the fact that any two Members of this Assembly can bring an amendment to this Assembly directing committees to do certain activity within a certain time without any evidence base whatsoever? On the other hand, Scrutiny spend two years researching  
605

an issue, bring a policy letter to the States and we are now told that we cannot lay Propositions. Is that not inconsistent?

610 **Deputy Meerveld:** Yes, it is. I agree totally and it is part of the observation I was going to bring at the end of the day: Scrutiny is not instructing committee. Scrutiny has spent two years working up details on an issue that Deputy Roffey pointed out has been a blight on our society for some time.

615 **Deputy Soulsby:** Point of correction.

**The Bailiff:** Deputy Soulsby.

620 **Deputy Soulsby:** The policy letter does instruct committees what to do, and that is my objection. It is not about the report at all, to note fine, it is not that that is the issue, it is the Propositions.

625 **Deputy Meerveld:** Sir, I do not agree with that point of correction, the policy letter makes a proposal to this *Assembly* for consideration of the *Assembly* instructing a committee to take a course of action, and that is exactly within the authority of this Assembly to do. The policy letter is simply highlighting an issue that has been a blight on our society for a very long time and is a major issue for a large segment of our society, as pointed out by Deputy Roffey, and as Deputy Gollop pointed out in his speech, numerous committees and presidents of those committees sitting in this room today have failed to address this issue.

630 What is being asked of Scrutiny is for this Assembly to consider whether this issue should be brought to the fore and a deadline for delivering a solution or proposals for consideration being placed before this Assembly.

635 Deputy Ferbrache stood and made a very eloquent speech about the failings of other people to come up with solutions, but at the end of the day we have committees who are meant to be working on these specific issues in conjunction with Policy & Resources for work on the finances to come back to this Assembly with recommendations. In fact there are usually loud objections if other groups form and start trying to work up other committees' mandates.

640 So at the end of the day, I think Scrutiny is absolutely within the rights and procedures of this Assembly to bring this paper. I believe that this is an issue that is affecting our society. I personally know of blue collar workers who are saying they cannot afford to live on Guernsey anymore and are moving out of Guernsey. Guernsey born and bred, carpenters, plumbers who are moving to England because they cannot afford to live here.

645 We need to address this, it is up to the appropriate committees to come forward with proposals and I would suggest *carpe diem*. It is time for this Assembly to seize the day and make a Resolution asking those committees to come back with specific proposals.

**Several Members:** Hear, hear.

**The Bailiff:** Deputy Hansmann Rouxel.

650 **Deputy Hansmann Rouxel:** Thank you, sir.

I did not quite plan to follow Deputy Meerveld's standing on the table speech. I will try to keep this short.

655 Something that has been touched on very briefly in the report that has not, I think, been highlighted to the degree that it should is the way that in-work poverty disproportionately affects people with disabilities.

A lot of the in-work poverty focusses on areas where people are excluded from fully participating in all areas of society and there are hidden costs to disability where you need those

660 luxuries like extra supported shoes, or specially tinted glasses that you can drive in or just walk  
along the round with headlights blaring in your face, adaptations to your house, and luxuries like a  
wheelchair. (*Interjection*) Yes, well, that is what it becomes if you cannot afford it. If you are above  
the threshold for Income Support and you are also above the means-tested support, medical  
support, then those extras can push you further into poverty.

665 Now in the UK there has been research. In fact I found this paper, the title is, 'The Intersection  
of Disability and In-work Poverty in Advanced Industrial Nations – The Lived Experience of  
Multiple Disadvantage in Post Financial Crisis UK', which I thought was incredibly apt for our  
current In-work Poverty Review. Yes, it is UK and like Deputy Queripel mentioned yesterday we do  
not just have to dismiss something from the UK when our lived experience and as Deputies and  
myself as Disability Champion the cases that come to me every single day and the theme of those  
stories, the majority of people are living in in-work poverty definitely who come to me for help. So  
670 the report says:

Disabled people are at a significant risk of being unable to make ends meet through paid employment.

That is a quote from Gardiner and Millar, 2006.

Such key statistics paint a grim picture of disability and in-work poverty. Statistical studies indicate households with a disabled adult are nearly twice as likely to experience poverty compared to a household that has no disabled adults.

That is from Schmuecker, 2014.

Further statistics reveal the disabled to have the lowest employment rates compared to other groups with protected characteristics ...

We know that is true from our work with GET in Guernsey. They:

... represent the group most likely to be covered by the National Minimum Wage...

Financial hardship is also apparent in terms of working adults in families with at least one disabled member, with disabled people 77 per cent more likely to be getting by on a low income when compared to households with no disabled members ...

675 So not only is it exacerbated by having a disability and having to pay little extras, you are 77%  
more likely to have a low income if you a person with a disability.

Disabled workers in in-work poverty, as such, are more likely to have difficulties paying bills, budgeting for food and having limited or no money for 'treats', such as holidays or nights out ...

In Guernsey it is exacerbated because the treats are also things like wheelchairs and adaptations if you do not fall into the threshold of having support.

680 We are a consensus Government, we sometimes forget that and start drawing little battle lines  
and start acting like Westminster where there are people who are in opposition and people who  
are in power. We are all in power, I think that is (*Interjection*) from Deputy Ferbrache's speech.  
That is, I think, we are saying the same thing: find the solutions.

685 But I think it is also important for us to understand how the policies are working across the  
States. Now I do not believe there are any in this Assembly who do not recognise that this is a  
problem and it needs solving, but with all the complex policy areas we may disagree on how to  
get there, but what we see in this report is an indication of the failure to fully realise countless  
strands of social policy.

690 It is no wonder that there is frustration boiling over and everyone is feeling like there needs to  
be action, something tangible; and that is why I think that, despite what I believe are the best  
intentions of P&R, there has been what feels like a backlash against their amendment, because it  
does not actually move us forward, it feels like it is adding another layer of bureaucracy into the  
system.

695 It is very difficult for us to see those tangible results of policy when ... We came into this  
Assembly and we inherited a lot of social policy strategies, SLAWS, Disability Inclusion Strategy,  
Ageing and Living Well in the Bailiwick, all of these and Integrated Transport Strategy, a host of  
these social policy strategies, some bold, some ambitious, some without any movement; and a big  
criticism was that we had not matched our ambitions with our resources, and we have spent a  
large proportion of the beginning of this term trying to match those ambitions with our resources.  
It is not easy but it also is very difficult for us to see instant results. So a lot of this has been done  
moving those social policy strands forward and matching them with resources, but the effects of  
700 these changes will only start to be noticeable in years to come.

What this report really does seek to distil in some aspects of those strategies which could  
make real and tangible differences. I think the frustration felt by Scrutiny Management Committee  
– and it is reflected in the Propositions – is we can see that these key areas we can see tangible  
changes happening and we want to be able to say to people, yes, you will see some tangible  
705 change and that is why the Propositions I believe direct.

As Deputy Le Clerc and Deputy Soulsby have said, the committees and E&I as well, our  
committees, are already doing all of this work; it is just very difficult to show what we are doing  
when we cannot show you a tangible result.

710 I have no problems with the Propositions, they are directing work that is already taking place  
and if P&R want to weave the findings of the report into the P&R Plan update, which I think they  
should do as their amendment would do, then I think that is a great idea and it is in their mandate  
and they should not need to be directed to do so, so I will not be voting for their amendment.

715 I think we need to be really careful that we are not getting caught up in the process instead of  
focussing on the outcomes. So we spend a lot of time on the P&R Plan and the P&R Plan updates  
and the complete reticence to then take away these directions in the Propositions and place again  
the emphasis on the P&R Plan.

The P&R Plan now is a living document and P&R can choose to bring together reports like this  
and integrate them; they do not need the direction to do so.

720 A theme when we are talking about realising these changes, we also need to acknowledge  
where they are policies that we do not necessarily agree with or we are actively against but we are  
not acknowledging where those policies are actually seeking to get to to eliminate or work on in-  
work poverty and social equity. Things like, and this is a quote from the report I quoted earlier,  
findings from the report about how disabled people were working in in-work poverty and one of  
the findings was:

Keeping a car, even entirely for essential purposes, was evidently a major stressor for many participants, with a fear of  
an expected or unexpected repair bill, as well as the anxiety of having [finance to replace] at some point in the future.  
Indeed, paying for a car, principally to get to and from a place of work, often accounted for a sizeable amount of  
disposable income, leading to a further major pressure being put on how to pay for other household necessities.  
Nearly half of all participants [struggling] to buy decent food several times in any given month, causing a further well-  
being problem and a further barrier to escaping in-work poverty.

725 I am not saying that the Integrated Transport Strategy is an answer to everything but we need  
to acknowledge where it is actually to address some issues that are tangible and things like when  
we have a public transport system which is growing but it would give access to people starting to  
address those inequalities. So I find it difficult when Members constantly criticise but they do not  
realise that it is part of the solution. Now if you do not agree with that solution provide an  
730 alternative solution, do not just criticise it.

735 So we do have the solutions to in-work poverty but it is part of a complex web of interwoven  
policies and you cannot just pick out one thread and say this now please, because they are all  
interlinked and that is how policies work. In order to have a policy, you need to check that it works  
with other policies and fits in a common objective and direction. So when a committee or Deputy  
constantly focusses on rubbishing one policy they do not like, but not asking what their policy is  
trying to solve and providing a solution, then we are going to go round in circles again and again,  
and I am going round in circles in my speech so I will leave you with that.

Please let's get on. (*Applause*)

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

**Deputy Leadbeater:** Please, sir.

**The Bailiff:** Deputy Tooley.

745

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

Over the last 20 hours or so I have run a full diagnostic on myself. Since Deputy Queripel has suggested that as a Member of the Review Panel I should perhaps be offended by the amendment and Deputy Fallaize has suggested that as a Member of HSC I should perhaps be

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offended by the original Propositions.

**Deputy Lester Queripel:** Point of correction, sir.

**The Bailiff:** Deputy Lester Queripel, point of correction.

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**Deputy Lester Queripel:** Sir, I never said in my speech that anyone involved in the review would be offended by the amendment. Sir, I think that Deputy Tooley needs to withdraw that statement.

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**Deputy Tooley:** I believe I said suggested and I took that suggestion, but I will withdraw the comment if Deputy Queripel feels that there is a difference.

**A Member:** He is offended by it.

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**Deputy Tooley:** Interestingly, I perhaps am a very thick-skinned individual but I find I am offended by neither. What I am offended by is any suggestion that our benefits system and those who live in relative poverty are scroungers or parasites. Everyone is feeling the squeeze across the board, that is undoubtedly true, but you can squeeze an awful lot more from a grapefruit than you can from a lemon slice – (*Interjection*)

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I have read extensively on the subject of welfare and agree with Elke Heins of the Social Policy Institute at the University of Edinburgh that although the Welfare State is often presented in a negative light, people talking about dependency culture and nanny state and in the context of financial squeeze, an increasing emphasis is put on the cost of social policies, a well-funded and functioning Welfare State plays a critical role in securing societal wellbeing as a whole from which everyone benefits.

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The Welfare State not only impacts directly on individual wellbeing through the provision of personal services and family benefits but also more indirectly through improving the health wealth and social wellbeing of a nation.

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The Welfare State, through its health, education, pension and care services, plays a crucial role in securing economic growth. For example, it provides the infrastructure to support and help and develop human capital in the form of a healthy workforce equipped with the necessary skills demanded in the modern economy and the preventative functions of many welfare services moreover mean that they will lead to cost savings and long-term benefits in the future.

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We have in our community individuals, couples and families who obey the rules, both written and unspoken, they work hard, they do not cheat the system, they contribute to society, they raise their children to be good citizens, and they pinch their pennies, metaphorically robbing Peter to pay Paul. Their existence is, if not hand to mouth, one which can be knocked off kilter by any unplanned for and unexpected bill. That might be health related, but it could also be that a car tyre needs replacing; or the car breaks down; or a child has a growth spurt and needs in one week

790 new shoes and trainers and football boots; an unexpected cold spell means that the heating bill  
soars through the roof; the washing machine or the oven packs up; a redundancy might only  
mean a week or so with no pay but that is a week when the rent might not get paid, the bills  
might take a back seat and buying food will be difficult.

Many households, through no fault of their own, are completely unable to build a reserve to  
795 help smooth out these bumps in the road, let alone to allow their child to attend a highly  
educational school trip to Herm or to Jersey or further afield. Yesterday, my Year 8 son came  
home with a wonderful list of activities that he would like to participate in at the end of the  
summer term, the cheapest of which was a games week which would take place at school with a  
cost of nothing, but then the prices escalated through £300 for a cycling trip to France, or £600  
800 for a ski trip to surf Snowdonia. The pressure on the family who cannot afford to replace a car tyre  
when faced with a child who has come home really excited about these wonderful possibilities  
that they have been told will be stretching and invigorating and a real benefit and that will create  
community spirit through their school, the stress on that parent must be unendurable.

We as Government need to find solutions which will help and I have no objection to any of the  
805 Propositions in either the amendment – sorry, I am not going to give way – or the original policy  
letter, save that the policy letter seems to ignore the work that is already being done, work that  
has been listed already by Deputy Hansmann Rouxel in terms of transport Integrated Transport  
Policy, by Deputy Soulsby and Deputy Le Clerc, work that is taking hours and hours of Civil Service  
time, hours and hours of committee time, proper consideration of the issues of the solutions.  
810 These recommendations do not go far enough. Medical care, for example, while expensive and  
often prohibitively so, I do not for one minute deny is available ahead of payment, and it is  
possible to stagger repayment without needing to guarantee your credit worthiness in advance.  
The same is not true of many of the other expenses which can unexpectedly hit the pockets of our  
in-work poor. I sadly, despite having been on the Review Panel, see nothing of that in the  
815 Propositions that Scrutiny have brought.

That said, we do need to address the issue of inequality of access to primary health care and as  
we have said, there is already a considerable amount of work being progressed to do this.

Listening to debate one might imagine that Members are calling for an NHS-style system, but  
every conversation I have had belies that. So I am unsure of how I am going to vote here. I have  
820 no issue with any of the Propositions, I have no issue with the policy letter, I have no issue with  
the amendments to the policy letter, except that none of them really do anything.

What does bother me though ... I can understand the frustration that anyone outside those  
actively working on those committees might feel, the sense that they need to send a message to  
the public that says, 'I do care, I am interested. I do want to push the Assembly's hand. I do want  
825 to say I am holding your feet to the fire on this.' Well, I am fine with that, and on that basis I can  
vote for these Propositions. I am quite happy to say that this Assembly has the right to hold the  
feet of the relevant committees to the fire and say, 'You have got to do something about this.' I  
am happy with that.

But I have a sense that in bringing and supporting the Propositions that are placed by Scrutiny  
830 there are people in the room who are seeking to do something that is not that. Conversations I  
have heard around the periphery of debate suggest that there are those who think that  
supporting Scrutiny on these proposals has the effect of bloodying the nose of the P&R Plan, of  
making a first step to tear down the work that we have put together in trying to create a set of  
priorities and that worries me.

I do not want to fight against the P&R Plan, not over something where actually the outcome is  
835 the same whether we do or we do not. If we decide that our priorities are other than what is in the  
P&R Plan and that we have gone the wrong way and that we need to make changes I will be the  
first to man the barricades and pull it down. But I am not going to do it for the sake of something  
where it makes no difference. The P&R Plan makes provision for us to make changes to the lives  
840 of our people who are struggling. The Partnership of Purpose has set out ways in which we will  
work towards doing this, the work that is being done by ESC and ESS and E&I and HSC is working

to address many of those inequalities that people who are struggling under the cosh of being the squeezed middle are facing.

845 So am I willing to support Proposals which hold those committees feet to the fire if the knock-on effect from that is to damage the priority plan that we have set out? I do not think I am. So I am left in a predicament where I feel that I need to vote against things which are solid and good and true because of the knock-on effect that there is a perception this creates within Government.

I have not come to a full conclusion on that. I will be honest, I am tempted to abstain on everything.

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**The Bailiff:** Deputy Langlois.

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

855 Relative to some of the early speeches this is going to sound very basic, certainly none of the psychological insights that Deputy Tooley has just given us.

860 Our Income Support requirement rates are intended to define what is an acceptable level of household income. In theory no household should be suffering from in-work poverty. In practice every instance of in-work poverty identifies an anomaly in or the inadequacy of our income support system. It really is that simple. What is complex, difficult and expensive is eliminating those anomalies and inadequacies.

The merging of the Supplementary Benefit and Rent Rebate system into Income Support was a big step forward in eliminating in-work-poverty as we define it. However, it took many years and three attempts before the States was presented with a price tag it would accept.

865 The system became slightly more generous to achieve SWBIC's fundamental aim: a more level playing field between the public and private housing sectors. Though thanks to the benefit limitation there are still working households which do not have the income we have deemed is the bare minimum to avoid poverty.

870 One could play around with definitions of poverty, as we have done in the past but the States settled on SWBIC's basket of goods which is better than most to define requirement rates. We would be wasting valuable time if we revisited rival definitions that the States rejected previously, often for good reason.

Of course if we are to eliminate in-work poverty further there are alternatives to making our Income Support system more generous, but those alternatives also involve either expenditure or income foregone. That is the issue this review does not address directly.

875 Deputy Roffey talked forcibly about income redistribution yesterday, but the phrase or its derivatives are not to be found in the review.

880 Some expenditure can be recouped. For instance, if subsidised childcare is provided it might allow parents to put in more hours as employees or as self-employed, lifting the household from in-work poverty and paying more tax and contributions. However, even with such a positive example the arithmetic is not straightforward. Other examples are investing in training; ESS has or partially funds several training schemes which often achieve very satisfactory results.

885 All, including the SMC, who spend time on the subject of in-work poverty almost inevitably chance upon the concept of refundable tax credits, a means of topping up income, and their more radical relative a universal basic income. The former was dismissed almost 10 years ago as many recipients of Supplementary Benefit had variable income and tax credits work best with a steady income stream. However, with the demise of the Rent Rebate and therefore an increase in the numbers of Income Support recipients in regular employment, it might be an idea worth revisiting. That is a plug for a hobbyhorse of mine as I was disappointed the SMC only mentioned tax credits in passing. Deputy Roffey's alternative was a Jurassic Park-style revival of a long extinct allowance. (**A Member:** Hear, hear.)

890 The other side of the equation is of course household expenditure, of which housing and health care are major components. I will not explore those further today because I think the whole

topic of charging for States' services is worthy of a report on its own and several people have touched on primary health care and housing costs.

895 Of course reducing poverty will result in some expenditure savings as outlined by Deputy Merrett and others yesterday. However, the fact that all measures to alleviate in-work poverty come at a high initial cost cannot be ignored. Implementing the measures is essentially a resource issue which is why the Policy & Resources Committee's amendment makes sense. If the poverty issue is ignored once it is included in the Policy & Resource Plan, as Deputy Laurie Queripel fears, 900 we will only have ourselves to blame. Including it in the Policy & Resource Plan will give it a discipline and will not allow us to posture on such an important issue, and that is my big fear if we accept Scrutiny's Propositions as written; it will just give a platform for posturing and I think we have already had hints of that this morning.

So I urge everybody to support the amendment to the Scrutiny review.

905 Thank you, sir.

**The Bailiff:** Deputy Dorey.

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

910 There has been some criticism about Scrutiny bringing Propositions to direct. Well, I would defend that. (**Several Members:** Hear, hear.) When I was on the States' Review Committee 2012-16 we spent quite a bit of time on scrutiny and one of the key factors was to strengthen the role of scrutiny. So I do not necessarily agree with them but I welcome them and I think it is a healthy part of Government that they do bring Propositions to direct. (**Several Members:** Hear, 915 hear.)

Deputy Laurie Queripel referred to page 12 in his speech and the word 'subsumed' and he gave us amusing definitions of that word and other words that could have been used. Well, I do not think that was a fair analysis of the historical situation which happened, and I just really wish to put the record straight.

920 In 2008-12 the Government business plan, whatever it was called, was divided into three parts and one of them was the Social Policy Plan and the Social Policy Plan meant that all the Ministers or representatives from the various committees involved met together to discuss a programme of works, it involved both politicians and civil servants. If I recall, it was monthly or bimonthly meetings, so it was a regular meeting.

925 One of the outcomes of that and one of the key things was modernisation of the Supplementary Benefit scheme, and that was one of the key things and that was taken forward, the Corporate Anti-Poverty accepting that, as Deputy Langlois has referred to we had two different schemes and it was inequitable having two separate schemes. So that was an important part of the Social Policy Plan. He referred to tax credits. Tax credits was one of the things that was 930 initially looked at. The conclusion that was reached was that they were an expensive and inefficient way of directing benefit to those concerned, so it was rejected and we came up with the minimum income standard which again he has referred to. He said there were three previous attempts. This was one of the attempts and it was meant to be a minimum standard of living for Guernsey today, which includes but is more than just food, clothes and shelter, it is about having 935 what you need in order to have the opportunities and choices necessary to participate in society.

That was a key thing. It was more than just the basics, it was so that people could be part of society. Anyway it had an expensive price tag of a big variance. Unfortunately that came very late, and although it almost got through the States, but it did not, it was one vote or so, it was rejected. So again the States had supported doing the review but when it came to the actual price tag and 940 the proposals they rejected it.

Again, that is a theme of the past. If you look at primary care, there was a review which was done which supported an insurance scheme. Those who remember, I think it was, the end of the previous decade or the beginning of this – in the previous century, sorry – a proposal for an insurance scheme which included both primary and secondary care. (**A Member:** Yes.) Again, it



945 was expensive and it was rejected. I remember attending some of the public meetings. There was very strong public opinion against having such a scheme. I think it was using one of the insurance companies.

So the States has looked at these matters in the past but they have rejected them, or society has rejected them.

950 In trying to find a way forward in terms of primary care, I with Deputy Fallaize in 2015 and Deputy Le Clerc partly without referring directly to the amendment she referred to the basis of this amendment which was in October 2015, which was to report back by October 2017. Of course that is long past and it has been referred to in their previous Uprating report which was to look at and it is trying to find a cost effective way about the cost of primary care particularly for families  
955 and look at using some of Family Allowance to provide free medical care in terms of primary care, dental, optician, physiotherapy, and looking at breakfast clubs, homework clubs, school meals and holiday clubs for States' schools. So there is a proposal which is there for work to be done on that, but it is ongoing. I am not criticising Social Security and that is why I have not been active because I know they have an amazing programme of work to do but I was encouraged to hear her words  
960 that she used this morning.

So we do have within our books outstanding Resolutions of the States in relation to primary care, and I think in terms of what is cost effective and what is possible, looking at medical services for children is where we should start rather than a universal scheme.

I am particularly concerned about children and families when I hear that our fertility rate is continually dropping and I think as a society if we have any money we should concentrate it on making families – the cost of bringing up children more acceptable to our community. (**Severall Members:** Hear, hear.)  
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So having thought about it at length and knowing that there is the housing review which has also been referred to, there is the ongoing work on Income Support by Employment & Social Security, there is the work that HSC is doing on primary care and emergency care. I struggle to find the purpose of these Propositions. So at this point, unless I can be persuaded different, I will be supporting the amendment, because I do not think that imposing a schedule of work on those committees – some of them are going to do that work, some of them will not do that work in that timeframe – is not the way forward. I think we have a Policy & Resource Plan, we have  
970 outstanding Resolutions. I think we should try and fulfil those Resolutions first before we just pile more and more on and just fail to achieve them. So at this point I will be supporting the amendment.  
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Thank you.

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

**Deputy de Sausmarez:** Thank you, sir.

Apologies in advance for what I am sure will be a very disjointed speech.

985 Just picking up on a few points here and there, Deputy Soulsby and Deputy Ferbrache this morning referred to yesteryear, Deputy Ferbrache reminded us of the days when the money was rolling in and Deputy Soulsby reminded us of a report where it was quoted that people would be happier to pay more for better public services.

I just thought it was worth bringing to the fore the context of what has been one of the most significant changes in the intervening period which is the loss of Corporation Tax which was what  
990 fundamentally whipped the carpet out from under the feet in terms of our fiscal framework. So I think it is important. It is completely true that people across the spectrum actually are feeling the squeeze and it really is tangible how much the higher charges and what feels like a greater tax burden which has shifted to the individual and that is hurting people and it is hurting families and it is a very real problem, but I think it is important that we understand and acknowledge the  
995 broader fiscal framework around that.

I was going to talk about housing just briefly. Deputy Inder talked about first-time buyers and Deputy Gollop mentioned them as well and while I completely agree that first-time buyers are a very important issue to address, it is very much an integral part of the overall system. The housing market, the housing system is just that, and changing any one thing affects the entire system of it. So I think it is important that we do not just pick out strands in isolation and we do try to work holistically on these things.

When I was thinking about housing it actually reminded me, reading the reviews on in-work poverty, both the policy letter and the interim report reminded me, of something that I had not thought about for a while which was also most surprising to remember, I experienced in-work poverty myself when I was in my 20's, and I was a long way from Guernsey. I was not in Guernsey. I think had I been in Guernsey I probably would have grovelled to my parents and asked to move back in, but again I was thinking what tipped me into it, and in my particular case it was unsubsidised secondary health care costs which was the really deciding factor. I was very fortunate because I could count the length of time that I was in those circumstances in months rather than years and I was able to get out of the cycle again, but it was an incredibly stressful time of my life and that was without having dependents. I did not have children to worry about in those days.

I have to say at that point buying a property was not even on my aspirational radar. I was just so concerned with being able to pay the rent and in fact keeping a roof over my head, so security of tenure was such an important issue, and in fact my fears came to pass and I did return back from my two jobs that I was holding down at the time – a very long working day – to find that my slightly eccentric landlord had moved all my belongings outside of the flat, thrown some of them out of the window and changed the locks. So I suddenly found myself homeless and I was very fortunate I had friends I could call on to sleep on sofas and all the rest of it.

As I say, that was a very short lived experience for me where I struggled to find enough money to feed myself and all the rest of it, but this is the reality year in and year out and sometimes across lifetimes for other people in the community. So I am very much one of the fortunate ones, but I will not forget that experience, because that is a cycle that some people never ever manage to break out of. So it is something that I am very keen that we take as many opportunities as possible to address.

One aspect that was touched upon in the report that has not really been touched upon much in debate is childcare costs, and for me I think this is one of the big issues, and we almost take it for granted. We hear a lot about, 'Oh, child care is so expensive in Guernsey.' The flip side of the coin which it sort of hurts is that the people providing childcare, having done that myself, are actually in a low paid sector ... is something that hurts me; I think we have got our priorities all wrong there. But childcare – the reality is really quite punishing for people with children who are not on high incomes.

I have a particular friend who when I first got to know her had very young children who were younger than school age and I asked her how on earth she did it, because I knew that she worked full time, as did her husband, and she could not afford childcare costs, and the way she managed it was this, she worked night shifts in a very demanding physically and emotionally caring role at night and she would get back home just in time to take over from her husband who would start early in a labouring job and they would tag-team, so she would work all night and then come home and look after two small children all day and how they managed to have more than one child is a complete mystery to me but ... (*Laughter and interjections*) It put a lot of stress on their marriage, it did, and it puts a lot of stress in the macro sense on our social fabric.

So I think childcare is one of those things that we really do need to grab by the horns and take very seriously. However, this does come with a word of caution because it is very easy to point to places where they have excellent high quality, low cost childcare. I have friends who enjoy that very regime and I am just green with envy when I hear about the kind of provisions that children have growing up in Norway when there is basically some wonderfully trained person that will help them on to the train and it is very low cost, it costs them nothing and their children are out romping through the woods while they are at work enjoying ... and it is all just so perfect. But we

do have to remember that system can only operate because they are in a high tax regime. I do not know of any examples where high-quality, low-cost childcare exists in a low tax regime. So I think we do have to be very cognisant of that.

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But there is another difference in those countries which I think is also worth bearing in mind and it is not just fiscal; the reason I think these countries are consistently ... you find them at the top of the productivity scales and the top of the happiness scales when we look at those metrics, is not just because they outsource. They do not, they do not just outsource their children for 12 hours a day so they can work for 12 hours a day; they have very much got a different culture which facilitates being involved with family life and allowing people to not just work and contribute economically but also to contribute socially and to be active members of society. I would really hate to see anything that kind of tries to railroad us down anything that encourages just simply outsourcing children to other people for great swathes of the day.

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I think we do have to work on making a cultural shift and this is something that I think we are starting to address. I am very much hoping that the Equalities Law when it comes back will be one of the facilitating factors to looking at parenting in a more equal way. I think far too much unpaid childcare, unpaid caring roles in general actually but childcare in particular, is seen to be women's work. That is a cultural barrier, it really is, especially because quite often it is women in a partnership who have the greater earning potential and the greater potential to contribute more to the economy and so by burdening them sometimes simply by virtue of expectation with those unpaid caring roles which comes at the expense of economically productive roles we are not doing our own economy any favours in fact and I think culturally I would like to see much more emphasis on sharing the caring burden and particularly childcare burden equally among parents as much as possible. And it is something, we often hear this, 'Oh, but women want to do it.' I do not dispute that many do but I do think if you look at other jurisdictions where there is a much more equal expectation in terms of parental caring roles and you realise that it is not something that is necessarily ingrained, there are certain things about our culture which have pointed us in a certain direction and there are certain things that we can do to broaden that scope. So I will get off that particular hobbyhorse now.

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Unlike Deputy Fallaize, I do think the data matters, and in our efforts to capture data I am very concerned that we capture that kind of gender data as well, so that we have a much better understanding of the issues that surround things like unpaid caring roles. Because I think anecdotally it is quite clear that even at the point where parents can go back to work it is often women who go back part-time and if it is just the women going back part-time you see on the broader scale again women on the whole taking home less pay, not progressing through the different levels in their work, not being promoted in the same proportion, you do not see them in the senior management roles, it does actually have a big knock-on impact. So yes, I would call for any data to capture that element as well.

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Deputy Hansmann Rouxel made a really great point when she was talking about how transport can affect people in terms of the proportion that they spend on transport as a proportion of their household income. What she was describing has a name actually and it is called transport poverty. We are all quite familiar with the idea of fuel poverty, well transport poverty is the same thing but just in transport terms, and I think the better the understanding we have on what proportion of costs people have to spend on getting about this Island the better. I am not talking about getting off the Island, just moving around it. So I think she made a very valid point there.

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I am slightly torn in terms of the amendment and the Propositions. I do know I disagree with Deputy Lester Queripel's analysis of the purpose and perhaps the motivation of the P&R amendment. I do not agree with that analysis. I personally do not see it as anything other than well intentioned and I can see the merits of both the P&R amendment and the original Propositions. At this point I am more inclined to agree with Deputy Hansmann Rouxel, in that it feels like there is just something a little bit more tangible about the original Propositions than the P&R amendment, and while I agree that it fits well with the P&R Plan, I would hope that is

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1100 something that P&R will take into account in any case. So I am more minded to support the original Propositions unamended than I am the amendment at this stage.

**The Bailiff:** Deputy Graham.

1105 **Deputy Graham:** Thank you, Mr Bailiff.

When it comes to registering our concern for in-work poverty and showing enthusiasm for doing something about it, I suppose some Members make a bit more noise than others and I am on the probably inconspicuous side of it, but that does not mean that I care any less about it and that I am less determined than anybody else to do something about it.

1110 To me listening to the debate so far, there is a danger that we are getting snared up in my nightmare of process stymying progress; it should not be about process in my view. The essence really of the debate, given that we have the amendment, given that we have a broad consensus on the objectives outlined in the policy letter, the question to me and the essence really of the debate should be by what route do we have the best prospects of doing something about it in this year in reaching those objectives.

1115 Listening to the debate, it is pretty tight call. I agree with Deputy Rhian Tooley. It is very difficult to make a call on that one, because I actually on one hand have confidence in the three Principal Committees that are engaged or will be engaged in this, and I also have confidence in the Scrutiny Management Committee, the team and the work that they have done over the last year or so. So it is a difficult one. But unlike Deputy Tooley I am not remotely tempted to abstain. 1120 When I was elected as a Deputy I did vow to myself that on no occasion would I ever abstain from voting in a debate and I have not so far and I am not going to start now. But it is a tight call.

So it almost comes down to not only a question of by what route are we most likely to get there, but where is the balance of collateral damage in voting either this way or that? I hear what Deputy Tooley says, that there is the risk that we will somehow inhibit the workstreams that are already current under the three Principal Committees involved. I cannot assess the degree to which that applies, but I can sense that it may well do.

1125 But I also sense that if we turn to the Scrutiny Management Committee and its Members and say, 'Thanks very much for the work you have been doing. We think it is a great thing but we do not really want you to have continued ownership of it and we are going to transfer ownership of it away from you to P&R,' there is the risk there that in some way unintentionally one is undermining the credibility of that Committee. I do not personally subscribe to the view that there is some sort of Machiavellian purpose behind the amendment, but I leave it to other Members to decide that.

1135 It is a pity it has become a bit of a turf war. I would say the way I am going to vote I think will largely depend on the responses at the end of the debate, and it really is as close as that. I would say to both parties really that from my point of view I would hope they would not take my vote either way as a declaration of confidence in one and not in the other. I am looking particularly hard at Deputy Green on that because I suspect this whole workstream must be pretty close to the heart of those involved. Equally, I would say to the Presidents of the three Principal 1140 Committees if my vote happened to go the other way it in no way indicates at all that I lack confidence in their ability to reach the objectives that are in this admirable policy letter.

**The Bailiff:** Deputy Brehaut.

1145 **Deputy Brehaut:** Thank you, sir.

I like Churchill quotes too. The one I like in particular is the Churchill quote where he says, 'Politicians use statistics like drunks do lampposts – more for support than illumination'. *(Laughter)* It is one that sticks in the memory!

1150 As we know, housing costs are a significant percentage of household living expenses, so focussing on the policy direction in this area is a key contributor for tackling in-work poverty, and

I think what this speech will demonstrate is that E&I, the work we are progressing chimes in very neatly actually with the report that the SMC has presented.

1155 The programme of works established in the Local Market Housing Review and development of future housing strategy sets out a number of workstreams that have been identified as requiring action and will feed into forming future housing strategy for Guernsey.

1160 With particular relevance to Scrutiny's In-work Poverty Review, these include: analysing the legislative framework and processes governing house and quality standard in the Island's housing stock; delivering an elderly tenure strategy; developing a key worker housing strategy, *still*, and that is a long outstanding piece of work; continued support and review of the partial ownership scheme; and establishing a robust data collection process and model to determine exactly what Guernsey housing requirements are now and in the future. We always think we have the number, we did think we had that number, groups outside this Assembly who lobby, for example, for things such as loan deposit schemes believe they have that number, but there is still a great deal of work to do in that area.

1165 E&I remains committed to progressing and co-ordinating all workstreams within the programme of works and acknowledges that fits with the findings of the Scrutiny review.

There are three overarching areas of housing policy that appear to link closely with Scrutiny's In-work Poverty Review, that is modelling Guernsey's housing requirements; the cost of housing; and standards of housing.

1170 Now modelling Guernsey's housing requirements – Guernsey needs better data on the number of properties that need to be created to match the Island's housing requirements, what size they need to be and what tenure. At present, and this is the crucial thing, accurate – as I said a moment ago; data is out there but accurate data does still not exist. This is an extensive and complex piece of work but, when complete, will better inform all housing policy and make sure that it is targeted in the areas of real need. This is fundamental to the future direction of housing policy locally.

1175 It is envisaged that flexibility will exist within the modelling processes to adapt the criteria for each tenure based on emerging policy work and political decision making. This should link directly into work identifying and tackling households living with unrealistic housing costs in comparison to their household income, so directly again picking up on the issues raised in this Scrutiny review.

1180 With regard to the cost of housing, social housing obviously sits with our colleagues at the Committee *for* Employment & Social Security and they will do their bit through the supply of social housing and intermediate housing, in that sense, is the term I think we all understand by meaning affordable.

1185 My Committee, the Committee *for the* Environment & Infrastructure, will support wherever it can, most notably in developing a model that accurately identifies and forecasts the Island's requirement of all tenures.

1190 Now Deputy Le Clerc and Deputy Andrea Dudley-Owen are keen on seeing savings schemes I think, in the debate that we have had around the affordability of housing there is the social – the term affordable of course is the social housing term which can confuse people, myself included – it will be necessary to do a discreet piece of work around savings schemes. We got notification from P&R very recently that funds will be available to E&I, including a sum of money of about £100,000 if we need to outsource some of the work because the key strength of E&I is not having staff at its fingertips that can deliver bespoke financial products with regard to loan schemes, or savings schemes rather.

1195 So standards of housing – when considering the housing element of households living in in-work poverty there are two components that need to be balanced, the cost of accommodation and the standard of accommodation. It is of no benefit to have accommodation at a lower cost therefore reducing the percentage of household income spent on meeting costs if that comes from lowering the standard. It is all well and good to have mechanisms there to assist people with rent for example, but the rent sometimes is extremely high and bears no relation to the quality of accommodation that people are living in.

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At present the regulatory framework covering the quality and fitness for habitation of housing units across the tenures on the Island is limited, and as such poor housing standards can and do exist. The Committee is seeking to address this and has started scoping a general housing law with the aim of ensuring that basic living standards are achieved across the Island's housing stock so that a sustainable supply of good quality properties exist on the Island and we are considering areas such as the legislation to support provision of good quality housing; registration of the private rented sector, to substantiate that the dwelling meets the basic standards; licensing of houses in multiple occupation which will be a crucial measure; and the introduction of loan deposit schemes, which again is something that is long outstanding.

The Committee will be consulting with all interested parties on its proposals within the next couple of months and intends to publish a policy letter later this year.

The findings and recommendations of the Scrutiny review are welcomed and help endorse the approach the Committee has taken in pursuing the programme of works set out in the Local Market Housing Review and development of future housing strategy – in that report rather – together they map out future direction for housing policy in the medium term and will feed into the development of the detailed housing strategy for Guernsey.

Just perhaps referring to other more general matters that are in the review, Guernsey is about 10 or 15 years behind in housing policy. Quite rightly, we held the former Housing Department/Committee in high regard for the progress that they made, for example, with GHA in providing good quality accommodation, but it needed more than that and unfortunately the GHA became the one trick pony that Housing had at its disposal. You have States' housing, how do you get more bang for your buck? You then go with the GHA who deliver. We should not forget we grant funded the GHA, we grant funded the Guernsey Housing Association, we gave them land, they then demolished States' properties and in some cases, although to a better standard and with disability access, they actually produced fewer houses on occasions from the same footprint of land. So the next step was really never taken and we could have certainly done a great deal more with regard to housing regulation. We should not also forget that we lost the mechanism of rent control whereby if a tenant felt aggrieved and it sounded quirky and quaint but you would have the tenant, the landlord and the Cadastre sat in on negotiations saying, 'Why do you feel you are being charged too much?' and the landlord would make the case for and the tenant against, and generally it would mean that the person would remain in that property with an agreement that had been reached between them usually.

Looking to the Public Gallery and seeing former Deputy Andrew Le Lièvre, I lobbied – he was a politician at the time I was – we lobbied heavily for emergency housing. When Sarnia Housing – *(Interjection)* Sorry, Deputy Gollop, **(Deputy Gollop: I remember.)** *(Laughter)* I did not intend to have a conversation. I thought you wanted me to give way. *(Laughter)* We lobbied for emergency housing. We made the case that sometimes there were enough voids within the housing stock where people with a housing crisis could be accommodated, but sadly that is something that was not achievable.

My role as a Procureur in St Peter Port ... and if I take one thing to my grave it will be that I did my little bit in putting to bed the wretched welfare system that we had with the 'deserving poor' and the 'undeserving poor' this Victorian benefit system which had run its course and yet I think some people are still very fond of. But I was struck ... my first day as Procureur I never imagined that I would be sat opposite people wearing their work clothes and wearing suits because they had come for a top-up. They were in work. We are talking about in-work poverty, they were in-work; they were not earning enough, the States was making up their salary. So when people say watch the wage stop you are not giving these people on benefits that sum of money, remember people were in work they, could not afford to live, the States were topping them up, and that is something employers need to take responsibility for too. You cannot have a high minimum wage and then say to the person well you have got a better minimum wage, I suggest I knock a couple of hours off the week and then find that person having to go to the States for a top-up.

1255 One thing I would like to see is tying benefits to accommodation. That sounds Orwellian and it is not meant to, because what we struggle to do at times is find houses, very sub-standard houses – we do not know how many people live there. One way to do that is that these people will need housing assistance, so when they go to get that assistance if they gave their Cadastre number perhaps then it could be by the time the fifth person from the same Cadastre number came in to claim a benefit then somebody might be able to work out that this house listed on the Cadastre as a two-bedroom property might now have morphed into a four- or five-bedroom property, so we need to keep control of that.

1260 Deputy Soulsby, if she does not mind me saying so – I do not think it was intentional – she came across as looking a little bit, dare I say it, defensive. I chaired Scrutiny once; I have to tell you it is a miserable job (**Deputy Green:** Hear, hear) (*Laughter*) because you are saying to people all the time, 'Told you so, told you so,' and it is very easy to take that Scrutiny role but it is a very ... I think if I have recalled this correctly, others may remember, I think it may have been former Deputy Roger Perrot as a Member of T&R that said to PAC, that Deputy Heidi Soulsby was chairing at the time, 'Get your tanks off of our lawn!' So if Scrutiny – As anticipated, I will give way!

1270 **Deputy Soulsby:** Can I just answer that, in response I did say to Deputy Perrot, I think it is more like bikes on his lawn, rather than tanks when we are fighting T&R. (*Laughter*)

**Deputy Brehaut:** However, if ever you do get a tank I could take you to a tank haul if you are interested. (*Laughter and interjections*) Not for long. That is another headstone.

1275 Deputy Meerveld said that politicians have for too long ... I am to the left of centre, it may be a surprise to some of you – all I know is, I have come to this Assembly time and time again with progressive social policies on numerous committees I have been a Member of and they have been rejected. So long-serving Members of this Assembly have before now – we will be on the right side of history by the way, but we bring proposals to this Assembly that are thrown out by people who might just be a little bit more fiscally conservative than us.

1280 The debate with first-time buyers sat for some time ... just on that and if the political class are making the argument for first-time buyers, in making that argument they have to acknowledge they have already left a lot of people behind. I was not getting phone calls at home saying, 'How are you going to release funds for my son or daughter to get on the property ladder?' We take calls from people who say, 'My daughter sleeps on the sofa and her child's cot is next to her. What can you do for us?' and we have got so much more to do before we have the luxury of helping developers release land to access that little pot of ... rather large pot from a loan deposit scheme.

1285 One area I would like to touch on briefly – I beg your pardon, I give way to Deputy Inder.

1290 **Deputy Inder:** Thank you, Deputy Brehaut for giving way.

1295 What I am getting through this, and some of it has come from Deputy Le Clerc as well, is I think what we have actually got is we do not have, whether we like it or not, an aspiration strategy in housing. In effect, what it looks like is we have effectively got a rental market strategy in terms of housing; it is the GHA, it is the care for the ... basically oversight from E&I over the rental sector and the quality of accommodation, which I accept, but there is nothing wrong – and I do not think he is suggesting that either for people to aspire beyond the rental sector.

1300 Can I ask him through you, sir, that when a housing strategy does come forward I think he said that he was going to bring forward with his Committee, can we have some sort of greater bias towards those people in our society who want to move beyond the rental sector and see actually buying and owning their own property as a legitimate right? Can we also consider that in this narrative, sir, through you, it is not always about developers; the individual can build their own properties, it is not always about developers.

1305 **Deputy Brehaut:** I think there is a good case for partial ownership, but you cannot see the housing chain in isolation. If you give people good quality rental accommodation it is secure, it is well insulated. The rent is reasonable, they have a good relationship with their landlord, they stay put, so part of the market stays static. What you have is this perpetual movement of people moving on that puts pressure on social housing and we clearly are still failing with some regard in  
1310 that area on the provision front, but you have to look at the market not as first-time buyers are a distinct separate group of something different, you have to look at the housing in the round, which I think our report will attempt to do and make it clearer than me, I have to say, in the brief time I have available.

In closing, there is one area I think perhaps needs a little more attention and that is we do not particularly use the term very often of 'young offender', but we have to really understand why it is that essentially still poor young men find themselves on the wrong side –

I will give way to Deputy Merrett.

**The Bailiff:** Deputy Merrett.

1320 **Deputy Merrett:** Thank you, Deputy Brehaut.  
You were just talking about the housing strategy; now if my memory serves me correctly, I think it was earlier on today it was referred to just get the funding for that from P&R so I was wondering if it is realistic to expect to see housing strategy in this political term.

1325 **Deputy Brehaut:** Well, we will produce –

**Deputy Gollop:** It has to be.

1330 **Deputy Brehaut:** It has to be – thank you, Deputy Gollop. We will produce it because we are under Resolution to do so and we want to do it. The person dealing with this at the moment, the one person within E&I, works a half day, so that is the type of resource we have available to us. We all chip in as politicians and do our bit, but the person doing this day in and day out has a certain contract.

1335 Just in closing is the term 'young offender', why it is that we find predominantly poor young men in court – I hate these generalisations but it is true – and why it is within that group of people we see younger people with learning difficulties finding their way into the court processes and sometimes into prison sentences? That has its roots in poverty and that is still something that we need to bottom out.

1340 Thank you, sir.

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

**Deputy Dudley-Owen:** Thank you, sir.

1345 I would just like to congratulate many Members this morning on the quality of their speeches. I have been really impressed actually. I think it is because this is a really quite emotive and very complex matter that we have seen people really digging deep down within themselves and coming out with some original ideas and a lot of soul searching in a way, and I have had to do the same actually.

1350 Because I do agree, sir, with the sentiments behind the Propositions of the policy letter and the desire to help those in our community who are struggling the most is entirely logical to me.

1355 But despite my support for the aims behind the Propositions – because we know that Guernsey is an expensive place and that things can be done and should be done to mitigate necessary expenses for those who cannot afford them – I have not actually been comfortable with the policy letter, or some of the research behind it, especially the consultation report, the tone of which I found not only at odds in the case of some of the work done in previous years, (*Interjection*) but



was strangely emotional in places compared to the vanilla overlying letter which we are debating today.

1360 This is one of the most nuanced and complex matters I think that has been brought to the States, and because it goes to the heart of many public services and how they are delivered, and whether they are delivered effectively, it also rubs up against the complexities of human life, as Deputies Tooley and Hansmann Rouxel so well described this morning.

1365 For me, the policy letter has not done this subject anywhere near enough justice at all. It has not set us up in any way for the right amount of information or detail that we should give the constructive suggestions that Deputy Ferbrache rightly says should be gushing from all of us.

1370 Even though I have read through the report, I feel very uncomfortable about the fact that I am still no more knowledgeable and have not been told about the true extent of the problem of in-work poverty in our community. (**A Member:** Hear, hear.) I know, from my own experiences and also have known people who are in financial hardship and who struggle, that there is a problem. I am not convinced of the extent and that is not good enough for me.

1375 We have been told on a number of occasions during the debate and it is a fact confirmed in the policy letter in clause 8.9 that we cannot measure issues precisely. The umpteen reports behind the policy letter tells us that there is a problem, but again confirm that there is no quantifiable number of people suffering in-work poverty. Frankly, after 20 years that research has been going on into this matter, I am surprised that no formula or data collection framework –

**Deputy Green:** Point of correction.

**Deputy Dudley-Owen:** – has been found to ascertain more accurately.

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**Deputy Green:** Point of correction, sir.

1385 What I made very clear in my opening statement, some time ago now yesterday, was that at the time of the review it was indeed the case that we were not able to measure with exactitude, with precision, the exact amount of members of our community who were in in-work poverty, but what I very clearly set out was the fact that subsequent to the publication of the report the statistics that P&R collect have now been published and the statistic is beyond doubt, it is 14.1% of households in the Island who are below the 60% threshold who have one or more members of their household in work full time or part time. So we do know numbers. It was the case, and Deputy Roffey said this, I said this, when the report was being done we did not have the statistics at that stage, but subsequently we do know how many people are affected by in-work poverty.

1390

So I fear that Deputy Dudley-Owen was misleading the Assembly.

**Deputy Dudley-Owen:** Thank you, Deputy Green.

1395 I was actually talking about the long consultation and the many years of research not having come up with a formula. Poverty, as Deputy Langlois has told us today, is a subjective matter as well, so I am still no clearer, despite Deputy Green's helpful interjection, of actually the extent in our community.

1400 So, yes, sorry, let me get back to where I was. Yes, I am very pleased to have heard today from both Deputies Soulsby and Le Clerc as they have really hit the nail on the head for me in terms of telling me what work is already being done and within set and agreed parities and budgets, but they have also called out some of the weaknesses of the policy letter which I felt uncomfortable with.

I will be supporting the amendment today, sir, as I believe much of the work in the original Propositions set out in the policy letter are already actually being carried out.

1405

Sir, thank you very much.

**The Bailiff:** Deputy Tindall.

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

1410 Having spent many years helping those in poverty, working or not, albeit that that was in Wales through the UK legal aid system, I saw the pain and suffering of those in such circumstances. I too believe that this suffering needs eradicating.

I do not intend to concentrate on the specific actions that are needed to assist those in in-work poverty as this has been ably covered by others and I do not wish to be accused of repetition. However, I will touch on a few speeches issuing challenges today. Deputy Ferbrache asked for solutions, I happen to think Deputy Le Clerc identified several such solutions, not by raising taxes but by amending firstly IDP policy GP11 on the ability to ensure that land owners who benefit from an uplift in land after the granting of planning permission contributing to the provision of affordable housing, by going back to the original proposals of the IDP and saving the States some £10 million in respect of affordable housing needed. Unfortunately, that saving was rejected in October 2016.

1420 Also she mentioned the possibility of transferring States' assets at less than fair value for affordable housing. I consider that also a sensible option whereby taxes are not increased but our assets are generally used more wisely, managed more effectively.

1425 Deputy Meerveld called for action, but as others have identified, this policy letter does not direct action, it reaffirms the need for the action, but the action is actually already being undertaken. It appears to me that those who are involved in that action are aware of the strides being taken, but some of those who are not involved are those calling for that action. This appears to be a case of the left hand not knowing what the right hand is doing, and it is the right hand doing all the work. To me, that comes back to the issue I mentioned in my speech on the HMIC debate, we do not communicate sufficiently well enough to the public. (**A Member:** Hear, hear.)

1430 Those in this Chamber, as Deputy Soulsby pointed out, should be aware of the work, but I feel that those calling for action are repeating words heard in the public. So we need to promote to show the tangible results, as Deputy Hansmann Rouxel said, to assure action is being taken. This debate being perhaps one such method.

1435 I am very grateful to Deputies Brehaut, Le Clerc and of course Deputy Soulsby articulating what committees have been doing. The role of Scrutiny was to review such policies and to report how they are working, but the report does not seem to take account of in particular HSC's work, which has been reported on, statements made, policy letters produced, as again and again so well set out in Deputy Soulsby speech.

1440 Whilst Scrutiny's role is disputed, this report seems to me to belittle the work done by Principal Committees and that message I cannot endorse.

1445 I believe, as Deputy Tooley has pointed out, the issue on the vote on the amendment is the value of the P&R Plan. She also referred to the speech of Deputy Lester Queripel. Now, I have thought long and hard about this and whether to rise to the bait but I will as this is not the first time. I too took issue over the words he used. I am not going to recite them in fear of quoting even slightly incorrectly but my opinion is that because of his accusatory tone I felt intimidated. I leave others to note this irony.

1450 There seems to be a disconnect, as I say, between the way in which the P&R Plan is being described and its purpose. Unlike previous plans which may have subsumed in-work poverty workstreams, the current P&R Plan is very much the means of getting work done. You need to be in it to win it.

1455 Previous concerns over Government plans obviously continue despite assurances. Whether a cynic or not over the P&R Plan, I feel it is important for the in-work poverty to be included, as the important Resolution identified by Deputy Fallaize is one which we in the HSC already have clear direction from the States and is going to be reported on to the States in 2019. I can only see that the amendment is an improvement. It seems to me it is down to a view on the value of the P&R Plan or indeed other Resolutions of this Assembly. By rejecting the need to include it in the master plan, it questions its value and it questions the view of this Assembly expressed almost

1460

unanimously when it was first voted upon. Such plans need continuing support, and indeed scrutiny to ensure it does work. I do not agree with Deputy Hansmann Rouxel that the importance of in-work poverty can be included by P&R automatically.

1465 So this report does scrutinise policies on in-work poverty, but by virtue of the fact the most important of the Propositions repeats what has already been resolved and what has already been set in motion, I believe that the amendment is required because it actually ensures a report by June 2019 on progress, when all matters which are necessarily linked can be debated and amendments made.

1470 So for me this debate is about tackling the most important issues of in-work poverty, whilst Resolutions already in place there need to be emphasised and by putting that in the P&R Plan to get focus and pressure and action, I therefore support this amendment.

Thank you, sir.

**The Bailiff:** Deputy Kuttelwascher.

1475

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

Interesting debate so far. I am trying to look at the overarching issues of what this debate is all about, and ultimately I have decided in my analysis that this is a challenge from Scrutiny to the management up to date of the current P&R Plan, like it or not, now that is fine.

1480 I have a problem with that because I remember going back over previous States' difficulty in getting some sort of plan in place. We had no problem coming up with a capital prioritisation plan but what came late to the table was prioritisation of potential revenue expenditure, and this is primarily about the possibility of increasing revenue expenditure.

1485 I still have some faith in the Plan. I think if the Propositions from Scrutiny pass unamended then that will cause a crack in the credibility of the Plan now – not yet. Now a crack is a crack, two things can happen, it can be contained or it can increase and the whole lot can collapse in the end.

1490 I have absolutely no problem with what P&R brought forward and it just shows that when I discuss issues I never look at the face, I look at the issue; I have said that on several occasions in the past. Yesterday I was happy to put a £2.50 rubbish sticker on their amendment and put it in the bin and they did only get five votes. On this occasion I am going to support them because I still want to support the Plan, because it is important that we do not try one way or another to muscle our way in on particular issues when there are so many other issues still there, and they have to be properly prioritised.

1495 I do not think this is a wise way forward, to leave this particular policy letter unamended. So if it is amended I will be happy to support it, if it is unamended I will not, and that is my position. I am quite happy to sit down and give way to Deputy Green.

**Deputy Green:** Well, I thank Deputy Kuttelwascher for giving way eventually. *(Interjection)*

1500 Can I make it absolutely clear in no way is it the position of the Scrutiny Management Committee that we are trying to attack the P&R Plan process. We are not trying to destabilise or lead to ruin the proper appropriate planning process that we have. We just feel strongly on this particular issue that it should be *(Interjection and laughter)* enacted sooner. But actually, sir, and I will make this point when I sum up in a moment, in any event the circumstances are that all of the recommendations, all of the Propositions, that we are putting forward, if they are carried, can be rolled into the P&R Plan seamlessly in any event.

**A Member:** Hear, hear.

1510 **Deputy Kuttelwascher:** Sir, I thank Deputy Green for agreeing with me, although I do not think he meant to.

I think his actions may actually be involuntary, but to me that is how I read them. I do not see how what is being proposed cannot be seen as a challenge to the current management of the P&R Plan, otherwise they would not have those Propositions in there at all.

1515 So that is where I stand and I will be supporting the amendment.  
Thank you, sir.

**The Bailiff:** Deputy Lowe.

1520 **Deputy Lowe:** Thank you, sir.

I will be supporting the amendment because I am not comfortable, in fact I find it really odd, to see Scrutiny Committee actually directing committees, and I know it has been said, and Deputy Green has stood up and said, 'We are not telling them what to do,' well actually you are saying 'to direct', that is exactly what you are trying to tell them to do. So each one are being directed to go away and do something –

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**Deputy Green:** Point of correction, sir.

**Deputy Green:** The policy letter seeks to ask the States to direct the committees. (*Interjection*)  
1530 Scrutiny is not able to direct anybody, it is for the States to direct them.

**Deputy Lowe:** Thank you, Deputy Green.

Okay, I still think it is playing with words to be honest and that is my opinion because Scrutiny have been asked to go and have a look at this, there are no answers in this at all, all they have done is pushed it back to the committees who are already doing it anyway.

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In the amendment I would have stopped just on the first one of the amendment and do number 1 and that is it, because number 2 – I am going to support them both but number 2 that is a standard thing anyway, all the committees have to get in touch with P&R, say where we are, what we are doing and update the P&R Plan on the work we are doing.

1540 So I am supporting the amendment because it actually takes away the 'to direct' but 'to note' is fine because we have spent nearly five hours now just to sort of come to a conclusion that there is really nothing in the Scrutiny report that is not already happening and also that we are now going to ask if it is successful for P&R to note and make sure it is in their report when it comes back. Now if the P&R Plan came back and it was not in there, well of course that is when States' Members have got the right to start saying, 'Why not? Why is it not in there?'

1545

As Deputy Soulsby said before with a cracking speech that she made there and I commend her and thank her for it, because this has been on the radar for years ever since I have been in the States about poverty and it is the definition of poverty too. Most of you watch the national news nearly every day, or catch up with it some time, or look at it in the papers; there are people living in the streets, sleeping on the streets in the UK and it is shameful, absolutely shameful. Thankfully in Guernsey we have not got that. That does not mean to say that we have not got poverty, but it is what definition of how people see poverty.

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If you go back many years ago, and it was many years ago when I was at school, there were only four in our class who owned their house, they were seen as the rich ones in our class, and we had a class of 40 by the way, not down to 23 as they are now; 40 – four of them owned their house, so they were the rich ones. It is now the other way round, isn't it? If you do not own your house you are poor. Well, it was not seen like that at all. There was not this sort of swing of any of the children struggling and everything like that, it was just the way you were brought up. Most parents did not own their house. It did not make us especially poor or in poverty, you just got on with life and not everybody had an awful lot but that was how life was in those days. But there is almost this, I am not quite sure of the word I want, expectation that everybody should own their house, everybody should have lots of money and we should all be equal and that, but that is not how life is really, there are some that will always have more than others.

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1565 Now that is not dismissing that we have got to do something about poverty and in-work  
poverty, but when you read that report and the wording in that report, it is right, it goes back to  
almost the Townsend Report and those of us that were in the States can remember the Townsend  
Report. I mean it had there the list of the basics and if you did not have the basics – four pairs of  
shoes, I think it was, for a child ... Well, goodness gracious me, I think if that is classed as the  
1570 basics I know at the time a relation of mine they both worked had two children paying their  
mortgage and they were shocked to read that because that then meant they were actually poor in  
poverty even though they were able to go and join the swimming club, but again in the Townsend  
Report they must be able to do a sport, they must be able to do this, they must be able to do that,  
must have all these shoes.

1575 So the definition again of where the base line of poverty is really key on that, and we have not  
got that data. So people that actually are on low income do not necessarily think they are in  
poverty, they are quite content with their life, where others might have more money and actually  
they feel they are in poverty. How that is actually established, as to where you get that data from  
and if you have got the data and the stats, it does not actually also tell you the full story of it all. It  
is not easy but I think also it can be used at times, very emotionally, for wanting to do a lot which  
1580 we must do, but I think we have to be factual as well, and realistic as well.

So I will support this amendment and hope that we can go some way forward with this, but  
how we get the answer and the true reflection ... because again, and just before I sit down I have  
just remembered, Deputy Meerveld said local families are leaving this Island, he did not finish and  
say actually there are quite a few coming back. This is the danger of being emotive, this is the  
1585 danger of standing up and it is not a criticism here because that has been said for many years in  
this Assembly and others have had to stand up and say, 'Yes, but remember,' and they have given  
examples of different families that have come back. So standard thing, approximately 4,000 come  
into the Island each year, not all families, and around 3,800 leave. That is where the 200 net has  
always been established from. So I think again you have to be very careful about the sound bites  
1590 that say people are streaming out of the Island. Yes, they are but equally there is an awful lot that  
come back and that is good, we welcome that.

Thank you, sir.

**The Bailiff:** Deputy Oliver.

1595 **Deputy Oliver:** Thank you, sir.

I will be quick because most people have said what I wanted to say but there is just one little  
thing that I would like to mention and it is regarding the Scrutiny Committee, that I have no  
qualms they bring back Propositions to actually direct any committee if they feel that part of the  
1600 Government is not doing what it should be doing. But where I am disappointed with the report is  
that we always get blamed as a States for working as a silo mentality. I feel this report is very  
much that because many of the Propositions that have been stated in this the committees are  
already doing, and it is shame that if within this report they had not said, almost an update, had  
gone to these committees and said, 'This is what we are doing. This is where we are. This is where  
1605 we still need to go,' and that would have made it a lot more meaningful report rather than just ... I  
think most of us knew most of these problems, but actually it is getting to the next step and that  
is what I think the Scrutiny Committee failed to do and that is what I feel is quite disappointing.

I will give way to Laurie.

1610 **Deputy Laurie Queripel:** I appreciate what Deputy Oliver is saying, because I actually said in  
my speech yesterday we were communicating with P&R and with the relevant committees  
throughout the research, and as I said yesterday, the Propositions were put together with P&R's  
knowledge and in conference with them and then we had the amendment on Tuesday, I think it  
was.

1615 Thank you.

**Deputy Oliver:** It might have been with the research around it, but it was not with the actual solutions that were potential that you could do. That is all I have to say.

Thank you.

1620 **The Bailiff:** I see no one else.  
Deputy Green, do you wish to speak on the amendment?

**Deputy Green:** I do, sir, yes, thank you.  
Funnily enough, sir, I ask Members to reject this amendment.

1625 Firstly, I am somewhat disappointed that this amendment has been laid at all by P&R. It was, and is, a very last-minute amendment. P&R had a draft of our policy letter in early September 2018 and the final report was lodged in November of 2018. The review has been ongoing for years and if there was genuine concern it should have been expressed much more promptly than this. But we were only presented with this particular amendment on Tuesday afternoon and in my  
1630 submission that is not good governance in and of itself.

Secondly, the key question in this debate is the one that was identified by my Castel colleague, Deputy Graham: what is the best way to deliver policies within the States to tackle the issue of in-work poverty, and I think we all agree that this is a problem that needs to be solved. Let's not get bogged down in the process when what we need is the progress.

1635 There is basically nothing wrong with this Assembly directing the committees in question in the way outlined in this policy letter. We are led to believe that the committees in question are all working away already on potential policies in these areas in any event, they are doing the work already. All that these Scrutiny Propositions do is ask various committees to report back on various issues by various dates. There is nothing in these Scrutiny proposals as they stand  
1640 unamended which prevents these workstreams being done as part of those committees' P&R Plan work anyway, rather than a stand-alone project. It can and should be all folded into the P&R Plan without this amendment. So I do submit, sir, I think this amendment is unnecessary.

Our recommendations in this report are already aligned with the existing priorities set out in the P&R Plan. The Propositions in fact chime with those programmes of work that are already  
1645 being undertaken by the States' committees in question.

Our intention all along has been not to add to the existing priorities of the States but rather to add more detail and more substance, where identified, to existing workstreams. So I do not think this would unreasonably inhibit the actions of the committees.

We also deliberately decided not to seek to make our recommendations a higher priority than the existing ones. Bearing in mind that the P&R Plan is supposed to be an unbureaucratic and flexible plan, I really do not see the necessity for this amendment, and Deputy Roffey referred to dual standards at work here. I do recall that the Civil Service transformation project seemed to come out of a clear blue sky, sir, a major piece of States' transformational activity which was never conceived to be part of the P&R Plan. Let's not forget what has happened earlier on in this  
1650 Assembly in this States.

Sir, the idea that it is not good governance for the States, for example, to ask the Committee for Health & Social Care to return to the Assembly with some specific proposals in the given time scale, I would say that that is simply perverse.

1660 Sir, it also appears from the explanatory note to this amendment that P&R have already decided on the items that they believe should be additionally prioritised when considering the issue of in-work poverty, namely the disregard, rent-induced poverty and the medical assistance scheme, although we are not aware ourselves of any work undertaken or analysis specifically done by P&R to support these particular inclusions.

1665 Mr Bailiff, the Propositions in the amendment are basically to note the findings and recommendations of our review and, quote:

To direct the [P&R] Committee to review and report on work streams and measures in the [P&R] Plan with regard to the reduction of in-work poverty in its policy letter to be debated on 25th June 2019, with particular regard to the issues referred to at sections 13.2-13.6 of the In-Work Poverty Review.

Sir, I am sorry but that direction does not require the committees to do anything meaningful at all. That is just too insufficient given the nature and scale of the problems identified. Our Propositions are rather more tangible than what the P&R amendment would actually do. A point made very well this morning by Deputies Hansmann Rouxel and de Sausmarez.

1670 Broadly speaking, sir, I think there are legitimate concerns across this Assembly about what will actually happen to this issue if these issues are made subject to the Propositions in this amendment. That is the unspoken fear, I think.

1675 Simply put, there will be a loss of pace and momentum if this amendment is carried. I think we need to wake up and smell the coffee and get cracking on these things, and the best way to do that in my submission is to reject this amendment. Our Propositions attempt to galvanise a proactive, co-ordinated package of measures. The amendment, on the other hand, is really a recipe for not very much at all, unfortunately.

1680 On the issue of the extant Resolution under the Partnership of Purpose, it is quite evident that the Propositions that we are seeking, Propositions 1 and 2, sir, go far beyond that extant Resolution and are much more direct and explicit about what it is the States should be doing to deal with health inequalities in particular.

1685 Thirdly, and this is probably the most important point that I will ever make in the States, I think. Thirdly and perhaps most importantly and most worryingly for all scrutineers in this Assembly, there is an issue of principle engaged here. Much of the problem with this amendment is contained in the explanatory note. P&R seem to believe that this Assembly should agree it is not appropriate for the Scrutiny Management Committee to submit Propositions to the States just because there are extant Resolutions in place. I just do not accept that in principle and Deputy Meerveld made this point very well this morning. Deputy Dorey spoke to this as well. Just because there is an extant Resolution in play, it does not mean that Scrutiny cannot lay its own  
1690 Propositions if it feels it is necessary to prompt action. If the P&R view as set out in the note is correct in principle then it constitutes a significant dilution of the scrutiny process within our parliamentary framework. Mr Bailiff, the point is Scrutiny should always have the right to up the ante and to put Propositions before this Assembly on matters it thinks need urgent further attention. (**A Member:** Hear, hear.) I really should not need to say it, but clearly I do.

1695 Deputy Inder yesterday – he is over there –

Perhaps before I come to that point I give way to Deputy Roffey, thank you.

**Deputy Roffey:** I thank Deputy Green for giving way.

1700 It sounds like a question at Question Time, but wouldn't he agree with me that this whole idea that Scrutiny somehow should not bring policy letters or lay proposals is out of all kilter with the history of the scrutiny process, even before it was strengthened, as referred to by Deputy Dorey this morning. They have always laid policy letters and brought proposals.

1705 I have here, sir, out of the library the very first report ever brought by a Scrutiny Committee to this Assembly. It was a policy letter, it brought proposals, it asked States' committees to take certain actions. So if the idea is that we are going to roll back from that now, we are going to emasculate Scrutiny to the point where it is almost pointless. Nothing changes, sir.

1710 I would just say before sitting day that actually at the time of that particular report the Policy Council's comment was about actually strengthening the complaints procedures of individual committees and instructing them to do that, said that the Council was very conscious, particularly in the current financial circumstances, to ensure that an appropriate balance was struck between the legitimate rights and concerns of individuals and the wider cost to the States and the community. So nothing changes, but certainly Scrutiny has ... it seems to have become a myth that they were not able – unlike two Members on the back of a fag packet amendment – that they were somehow not able to actually lay firm Propositions instructing States' committees to do

1715 something. Never been true. If it becomes true then just pack up and go home, I would Deputy Green. (*Interjections*)

**A Member:** Hear, hear.

1720 **Deputy Green:** Well, sir, I thank Deputy Roffey for that intervention. It is spot on, it is absolutely spot on. Previous Scrutiny Committees have always seen fit to bring policy letters and Propositions to this Assembly. In Jersey the Scrutiny Panels have that ability, at Westminster the Select Committees in effect do as well. It has become a myth and it really is absolute nonsense.

1725 Deputy Inder raised this point yesterday, he said he took legal advice from the Law Officers at some point on it and the matter is absolutely clear.

I really hope, sir, when Deputy Gavin St Pier comes to respond that he confirms the view in principle that I have just outlined, and Deputy Roffey has outlined as well, the idea that Scrutiny can lodge the Propositions. He may not like these Propositions – I think we can infer that from this debate – but I think it is really important as a matter of principle that Deputy St Pier answers this: 1730 does he accept as a matter of principle that Scrutiny can lay its own Propositions or not? Because if the answer to that is he does not think they can, then I think we have a serious problem. (**Several Members:** Hear, hear.) I really do.

1735 Sir, the explanatory note seems to imply that Scrutiny in effect should provide nothing more than a commentary on issues and cannot ask the States to direct committees to do certain things. That seems to be envisaging a very pale form of scrutiny indeed, and I am not having it, and my colleagues are not having it. We must always have the discretion to take Propositions to the parliament of this Island, as scrutiny panels and select committees do in other jurisdictions.

1740 Let's not forget, and this is a point that has emerged very well from debate, we can have any two Deputies in this place on a very simple consideration of the issues involved; they are perfectly entitled by right to bring an amendment asking for the States to instruct Principal Committees or P&R to carry out all sorts of work (**A Member:** That is right.) and report back, but the Scrutiny Management Committee, having conducted an evidence based review for two years, an in depth investigation into the issues, apparently is not. That is perverse. (*Interjections*) It is just plain wrong in principle, and that is why this amendment must not succeed. (**Several Members:** Hear, hear.)

1745 So there you have it, Mr Bailiff, the timing of the amendment is dreadful, it is technically unnecessary, and in its effect it would set a dangerous and unwelcome precedent that will dilute parliamentary scrutiny when we need to be stepping it up. (**Several Members:** Hear, hear.)

1750 Moreover, Mr Bailiff, I do fear that if this amendment is carried the actual effect will be that the issue of in-work poverty will get lost and subsumed into the P&R Plan monolith. Let's not lose the sense of getting on with tackling in-work poverty with action. Let's stick with Scrutiny's Propositions, maintain the tangibility of those.

For heaven's sake, please reject this amendment.

**The Bailiff:** Deputy St Pier will reply.

1755 **Deputy St Pier:** Thank you, sir.

I am going to begin with Deputy Green's assertion, and indeed Deputy Roffey's as well, that Civil Service reform came out of a clear blue sky, as Deputy Green said. Public Service reform is at the heart of the Policy & Resource Plan and the Medium Term Financial Plan. So it is absolutely 1760 central there, so to describe it as coming out of a clear blue sky is just bizarre.

**Deputy Green:** Point of correction, sir.

**The Bailiff:** Deputy Green.

1765



**Deputy Green:** What I was referring to was this specific inclusion in this year's Budget of the Civil Service transformation, the reduction of the 200 posts; that particular element did come out of a clear blue sky and was not in the P&R Plan.

1770 **Deputy St Pier:** I am going to deal with some other peripheral topics that have come up in the conversation, one of which I will perhaps deal with Deputy Merrett's first. She made a great play in her speech of the coincidence as she described it, of this amendment with some article which appeared in the *Press*. I can confirm to her that neither I nor Deputy Stephens have had any contact with the author of that article until after the amendment was lodged, when he emailed  
1775 both Deputy Stephens and I to comment on it and felt that it was the right thing to do. It is exactly as she described it, a coincidence.

The timeline – and this addresses Deputy Lester Queripel's question as to why it was laid so late: we received on 17th January a letter from the Committee for Health & Social Care dated 16th January; that was considered at our Committee meeting on 22nd January and officers were  
1780 instructed to go away and draft an amendment. I had a series of exchanges with Deputy Green on 24th and 25th. I would have done those either in person or by phone had I not been off Island on that Thursday, Friday and the following Monday, but I did share the draft amendment at that stage with the President and the principal officer of the Scrutiny Management Committee. The amendment was then considered at the meeting on Tuesday of this week, at which some  
1785 amendments were made in light of the feedback from the Scrutiny Management Committee. That is the timeline and I think that hopefully explains and answers the questions raised by both Deputy Lester Queripel and Deputy Merrett.

Sir, Deputy Laurie Queripel, I felt, gave an excellent speech on why we need to consider and tackle the question of in-work poverty, and I think that was supplemented as well also by the contributions from Deputy Tooley, who I thought described it well in terms of ironing out the small bumps in the road, as she described it, and I think Deputy de Sausmarez' personal experience, which of course many of us will not ourselves have had. I think was a particularly pertinent contribution to this debate. Also her focus on, as she described it, the stress on our social fabric. I think these are all incredibly important contributions as to why this is an important topic.  
1790  
1795

Deputy Lester Queripel, also, another issue which I feel I should tackle is the question of this amendment questioning the integrity of the Scrutiny Committee itself, perhaps the authors of the report and indeed the public. I think it was quite a long list of people who would be insulted and certainly no insult was intended, and I do not in any way seek to question the integrity of the Scrutiny Management Committee by P&R bringing this amendment.  
1800

Deputy Lester Queripel also said this series of Propositions, if they become Resolutions unamended, then the work will be done. Well I do not think we can actually guarantee that, I think this is a theme which came up in quite a number of the other speeches, because the committees have already got their priorities set and, as Deputy Dorey said, some will do and some will not, and I think what we risk doing with an unamended set of Propositions is, again picking up what Deputy Le Clerc said and indeed Deputy Langlois, I think we are mismanaging expectations we are unfairly raising for our community and that could potentially be seen, risks being seen, as virtually signalling and I do not think that is particularly helpful for anyone. I think Deputy Langlois said that the amendment will not allow us to posture and think that actually puts it quite well.  
1805

Deputy Fallaize, on a similar theme, said there is no harm in directing Health to return by the year end. Well, there may well be no harm, but again if the resources are not there to deliver on that timeline there may be little point in doing so.  
1810

I think Deputies Soulsby and Le Clerc's speeches were both excellent and I think have been complimented by others, and I think Deputy Dudley-Owen dovetailed into that with her contribution as well. Deputy Soulsby, asking that the focus needs to be on what it is that we are talking about, what it is that we are trying to tackle, and most importantly what are we going to do about it.  
1815

1820 The criticisms that Deputy Dudley-Owen had of the report, I think a number of other people  
did have too. I think the report is narrow in its focus, it is focussed very much on the work that is  
already underway, there is a whole raft of other things that we perhaps should be thinking about.  
There were the three bullet points that Deputy Green drew attention to that were in the interim  
report but that are not dealt with further in the final report: the issues of low value debt relief;  
regulation of payday loans; extension of free food for breakfast clubs and lunchtime clubs in  
1825 schools; additional support for pregnant women, particularly those in second and third  
pregnancies; more child care was an issue that was addressed very much by Deputy de  
Sausmarez; opportunities for offenders to maintain their employment and supplement their  
partners' incomes. There is a vast array of additional things that perhaps we should be thinking  
about that are not addressed in this report that need to be in a considered way which is why it  
needs to be driven through the Policy & Resource Plan.

1830 Just as a little bit of an aside to Deputy Soulsby, she referred to the speech given by New  
Zealand's Prime Minister Jacinda Ardern and her focus there on wellbeing, she may be interested  
to know that New Zealand is participating in a group of wellbeing economies which is coming  
together and that is something actually that we are tracking to see what application, if any, it may  
have to our own work in this area.

1835 I think Deputy Hansmann Rouxel talked about the need to match ambitions with resources and  
that of course is what the P&R Plan is for and she also talked about weaving the findings into the  
P&R Plan update and we do not need a direction to do it; and she is right, she has come to a  
different conclusion in terms of this amendment but I think the point is very well made that that is  
the purpose of the P&R Plan.

1840 I thank Deputies Tindall, Kuttelwascher and Lowe for their support and I think also Deputy  
Graham can rest comfortable that if he supports this amendment he is not taking anything away  
from Scrutiny's role, because if you look at the original Propositions, those original Propositions  
are to direct the States, as has been pointedly made, it is the States directing Principal  
Committees. Effectively, this report is handing off the issue to the States and through the States to  
1845 the other committees, so there is no damage I would suggest to Scrutiny's role and I think Deputy  
Graham can rest assured in supporting the amendment.

So with that, sir, as I say, I think going back to where I started the debate, it is important that  
we do acknowledge, as Deputy Kuttelwascher and others have said, that we adhere to the P&R  
Plan process and, with that, I encourage Members to support this amendment, sir.

1850 **The Bailiff:** Deputy Laurie Queripel.

**Deputy Laurie Queripel:** I was hoping Deputy St Pier would give way to me, sir.

1855 **The Bailiff:** Well, he has not done, he has sat down.

**Deputy Laurie Queripel:** I was just going to ask a question that was not answered, but –

1860 **The Bailiff:** He has sat down now.  
I thought perhaps you were rising to request a recorded vote but nobody – (*Interjections*)

**Deputy Lester Queripel:** Sir, I have already requested that, sir.

1865 **The Bailiff:** Deputy Lester Queripel did request that.

**Deputy Lester Queripel:** I requested that in my speech, sir.  
Thank you.

**The Bailiff:** You requested that yesterday, so there is no need –

1870 So we will have a recorded vote on the amendment proposed by Deputy St Pier and seconded by Deputy Stephens.

*There was a recorded vote.*

*Carried – Pour 23, Contre 14, Ne vote pas 0, Absent 3*

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

1875 **The Bailiff:** Members, the voting on the amendment proposed by Deputy St Pier, seconded by Deputy Stephens, was 23 in favour with 14 against. I declare the amendment carried.

It is 12.27 p.m. Deputy Green, I imagine you have got a longish speech, or now we have amended Propositions are you – ?

1880 **Deputy Green:** I think the problem is, sir, that certain things have been said in this debate I feel obliged to respond to, equally bearing in mind the amendment has gone through and I certainly hope that the people who voted for the amendment will ...

1885 **The Bailiff:** I am not inviting you to speak now I am just wondering how long you are likely to be; if we can have an indication of how long you are likely to be we can then decide whether we ... If it is a short speech I will suggest that we have it now, otherwise we will rise for lunch and you may wish to use the lunch interval to prepare your closing speech and we resume at 2.30 p.m.

**Deputy Green:** After lunch, sir.

1890 **The Bailiff:** All right.

I said yesterday we really need to get through all the business at this meeting and not defer any to the next meeting. If we resume at 2.30 p.m. are Members confident that we will? (**Several Members:** Yes.) Nobody wants to propose an earlier return? No.

So we will resume at 2.30 p.m.

*The Assembly adjourned at 12.29 p.m.  
and resumed its sitting at 2.30 p.m.*

1895

**Procedural –  
Order of business**

**The Bailiff:** Well, Members, before I call Deputy Green to reply to the debate, can I just say we have, after that two further matters, the second one of which is the Territorial Waters. So we have got Data Protection and then extending the Bailiwick of Guernsey Territorial Seas.

1900 The Alderney Representatives wish to speak in that debate but they also need to leave early to get back to Alderney. So if there is no objection from Deputy Lowe, I would like to propose – and I know Deputy St Pier is in agreement – that we reverse those two items just to ensure that we get to the Territorial Seas ones before they go.

1905 **Deputy Lowe:** It will be my pleasure, sir. As long as we get ours through today as well, that is fine, no problem at all.

1910 **The Bailiff:** So I put to you the Proposition that we take Proposition 2019/5 Policy & Resources Committee – Extending the Bailiwick of Guernsey's Territorial Seas before Data Protection: Data Sharing with the United Kingdom. Those in favour; those against. We will do that then.

**SCRUTINY MANAGEMENT COMMITTEE**

**Scrutiny Management Committee –  
In-work Poverty Review –  
Debate continued**

**The Bailiff:** Deputy Green. Thank you very much.

**Deputy Green:** Sir, thank you very much.

1915 I am not going to spend a lot of time replying to all of the points that related to the now-defunct Propositions, suffice to say Scrutiny will be expecting no policies at all to emerge from now that are *not* featured in the P&R Plan and we will be watching that very carefully.

1920 My Committee have tried to get things moving on bringing forward actual Propositions allied to a Report that did in fact contain a number of highly constructive ideas to alleviate the in-work poverty – some Members seem not to have read those examples – but the issue has now been kicked subtly into the P&R Plan process, and that is fine. The responsibility passes to P&R and the other Principal Committees to co-ordinate policy on this now, and let's see what actual progress is made between now and June 2019. We will be watching like hawks. Let's see how far we get by June 2020 as well. Again, we will be watching like hawks.

1925 The problem is that we have heard all sorts of people in this Assembly saying things that they are going to be doing X, Y and Z on these issues, but that is just talk. We need action and deeds, not words. (**A Member:** Hear, hear.) So what are the actual proposals going to be and when will they actually come forward? Again, we wait with bated breath. We do not know at this time. We have been waiting two and a half years in this political term, how much longer are we going to have to wait? We made proposals in our policy letter that sought to galvanise the committees into  
1930 action, but that has failed. That is obviously disappointing but that is life and I will not be losing any sleep over that. But the onus is now on the committees to outline exactly what they will do and how.

Scrutiny, Mr Bailiff, was never supposed to give all of the solutions to in-work poverty. It is not our role or function to foist solutions on to Committees. That is why our Propositions were

1935 general but nonetheless we did not just want to say, 'Something must be done'. That is why we set out in the text of the Report a number of potential solutions. The straw men I referred to ...

The point is that as of today we do not know what is actually going to be done and when by P&R and the Principal Committees; we do not know in any detail what States' policy is on in-work poverty and that is the nub of why this whole review and this whole policy letter was necessary in  
1940 the first place. If it had not been for this policy letter, Mr Bailiff, the issue of in-work poverty *per se*, would never have found its way into the P&R Plan anyway. So I take this to be a success for the Scrutiny Management Committee on that basis.

Raised in this debate have been all sorts of very valid questions, actually, about the affordability of measures to deal with in-work poverty like additional tax allowances, tax credits,  
1945 more social housing, greater and more-affordable access to emergency department care and to GP surgeries and all the rest of it. Such questions, sir, are entirely valid and these sorts of solutions may or may not be truly affordable in the Guernsey offshore context. That will be a matter in due course for political judgement.

But the point is, sir, the Assembly will need to make that choice: either we have the political will and the ambition to tackle in-work poverty effectively with the difficult decisions that that will  
1950 actually entail, or we do not. If we do not, then we should be open, frank and clear about that and we should tell it like it is to the 14% or so of people who know what in-work poverty really means. (A Member: Hear, hear.)

Finally, Mr Bailiff, it was interesting that Deputy St Pier did not take the opportunity to answer  
1955 my challenge in terms of whether he thought Scrutiny had the right to bring Propositions to this Assembly. And in my view, in my submission, sir, that silence was very telling. The implication, sir, is that P&R do not feel that we should. If so, sir, today is a sad day for the parliamentary scrutiny function. It is a sad day for this States, but most of all, sir, it is a sad day for the community and for the public interest. (*Interjections*)

1960

**The Bailiff:** We vote, then, on the Propositions as amended; there are just two Propositions, I put them both to you together.

**Deputy Lester Queripel:** I did ask for a recorded vote, sir, please, in my speech.

1965

**The Bailiff:** And we will have a – I do not know whether anybody is actually going to vote against them. (*Interjections*) Can I just have an indication? If anybody intends to vote against them or to abstain will they please stand? Nobody is standing so everybody intends to vote for them. Can we go *aux voix* just to save time?

1970

**Deputy Lester Queripel:** We can do, sir.  
Thank you.

**The Bailiff:** Thank you.

1975

If we go *aux voix* then, on the two Propositions. Those in favour; those against.

*Members voted Pour.*

**The Bailiff:** I declare them carried.  
Thank you, Deputy Queripel.

## Billet d'État II

### POLICY & RESOURCES COMMITTEE

#### II. Policy & Resources Committee – Extending the Bailiwick of Guernsey's Territorial Seas,

*Article II.*

*The States are asked to decide:*

*Whether, after consideration of the Policy Letter dated 10th January, 2019, of the Policy & Resources Committee, they are of the opinion:*

- 1. To agree that Guernsey's territorial sea should extend, in accordance with international law, up to 12 nautical miles from the relevant baselines (but not beyond any appropriate median lines, where relevant).*
- 2. To direct the Policy & Resources Committee (following corresponding decisions by the States of Alderney and the Chief Pleas of Sark in respect of their own territorial seas) to send a formal request to the UK government that an Order in Council be made under the Territorial Sea Act 1987 to extend the territorial seas of the Bailiwick of Guernsey up to 12 nautical miles from the relevant baselines (but not beyond any appropriate median lines, where relevant) in accordance with international law.*
- 3. To note that the territorial seas may be extended whether or not the maritime boundaries between Guernsey, Alderney and Sark or between the Bailiwick of Guernsey and France or between the Bailiwick of Guernsey and the Bailiwick of Jersey have already been agreed.*
- 4. To delegate authority to the Policy & Resources Committee to negotiate and agree, with the States of Alderney and the Chief Pleas of Sark, the co-ordinates to define the maritime boundaries (median lines) between Guernsey and Alderney and Sark.*
- 5. To delegate authority to the Policy & Resources Committee (in conjunction with the States of Alderney and the Chief Pleas of Sark) to work with the UK government to negotiate and agree the co-ordinates where necessary to define the maritime boundary between the Bailiwick of Guernsey and France and between the Bailiwick of Guernsey and the Bailiwick of Jersey.*
- 6. To agree that, following extension of the territorial seas of the Bailiwick, legislative and administrative measures are implemented and adopted in order to ensure that the Bailiwick fisheries management regime remains the same as it was before extension until any new regime is subsequently agreed between the Bailiwick authorities.*
- 7. To agree that, following or upon extension of the territorial seas of the Bailiwick, any necessary legislation to give full effect in domestic law to the extension and any consequential amendments to extant Bailiwick legislation, such as the Sea Fish Licensing (Bailiwick of Guernsey) Law, 2012, that may be necessary is enacted.*
- 8. To direct the Policy & Resources Committee to establish whether a transfer of Guernsey's foreshore and seabed from the Crown (so far as the same are vested in the Crown) to the States or another suitable person or entity can be agreed in principle, and –*
  - (a) if agreed in principle –*
    - (i) to identify a suitable person or entity in which title to and rights in the foreshore and seabed surrounding Guernsey might most appropriately be vested,*
    - (ii) to negotiate the terms and conditions of transfer, and*
    - (iii) to report back to the States with proposals enabling the States to approve any such transfer and the identity of the transferee,*
  - or (b) if not agreed in principle –*
    - (i) to report any failure to agree to the States, and (*

*(ii) to make recommendations as to any further actions or measures that might need to be taken to enable an agreement to be reached.*

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

*The above Proposition(s) have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.*

1980 **The Bailiff:** That brings us then to the ...

**The Deputy Greffier:** Article II, Policy & Resources Committee Extending the Bailiwick of Guernsey's Territorial Seas representative assigned to keep an eye on open debate on policy issues.

1985 Thank you, sir.

**The Bailiff:** Deputy Brouard will open debate on behalf of P&R Committee.

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

1990 '26th May 2006 to Deputy S Falla, Minister, Commerce & Employment. Dear Deputy Falla, Fishing Boue Blondel: I write with regard to what has been expressed to me in respect of overfishing of the spawning bass stocks at Boue Blondel ... blah, blah, blah, blah, blah, blah, blah. (Laughter) I would also be grateful for any further information which you feel would be of assistance so I can better understand your position and intentions. I very much look forward to hearing from you in due course.' Written by a new Deputy, wet behind the gills.

1995 I did not understand back then what territorial limits we had. I did not even know what territorial seas were, let alone three-mile limits; and that is thanks to some very concerned fishermen who kept an eye on our west coasts, my journey began. I am surmising that is also the same for my colleague, Declan Lyall, who has also championed these concerns which started for us back then.

2000 The issue was in my manifesto. I think I helped it make the cut into the P&R Plan. So I am personally delighted to be able to present not only on behalf of Policy & Resources, this particular policy letter, but also on behalf of all those who have wished to see this be achieved and hopefully full support from the States today.

2005 I must say, I am not a fan of Brexit but it did help to push this particular issue up the priority order, when the UK announced the withdrawal from the London Fisheries Convention in July 2017.

2010 Staff and Law Officers have put a tremendous amount of work to get us to this position today and I cannot thank them enough. We stand side by side with the other two jurisdictions in the Bailiwick – Sark and Alderney – where we have been working together in the Bailiwick Council to get alignment of our desires and ambitions, something which we have had under consideration for years. But by working together and understanding each other better through the Bailiwick Council we now have a common position – something which had eluded us for years.

2015 This is one step in our journey. It does not solve every problem. It does not rewrite history in our favour. It does not remove the legacy of the past, but it does take the Bailiwick one positive, really big step forward towards greater autonomy over the seas that surround our Island. My dream – and for many of you, too – is to have vested in us the seabed and maybe an exclusive economic zone as well. But those are for another day.

2020 So what are territorial seas? It is a band of sea around our coastal state where the State has sovereignty over the rights to legislate in that band of sea. It is the seabed, water column and airspace but we are not a sovereign state and our sovereign, the Crown, will continue to hold in trust the seabed until further legislation is enacted. Jersey and the Isle of Man already have their seas. At the moment we have territorial seas to three miles out for the Bailiwick as a whole. We

also have British fisheries limits to 12 miles for the Bailiwick. Various countries and jurisdictions have lawful access to these waters to fish – British, French and Jersey, and all with certain limits and controls; and a situation where our local fishermen hold a British fisheries licence with, in effect, a special Bailiwick cover around that British fisheries licence which is at its core. So it is the same fisheries licence that someone from Plymouth might hold or somebody from East Anglia, but we have a special cover over that licence to make it special for Guernsey.

Alderney has ownership already of its bed out to three miles. In many ways we look after the area already as it is the limit of our fisheries out to 12 miles. In future, with territorial seas, vessels will have the right of innocent passage rather than the freedom of navigation as in high seas which we have at present.

There will be many benefits to each jurisdiction – to Guernsey, Sark and Alderney. We will have greater control and please have a look at table 1 in the Billet, it his deals legislative, shipping, policing, fishing. The 12 miles of water around us is there any way. It is our backyard.

Having it classified as a territorial sea gives us greater control and it would be remiss of me not to mention some of the disadvantages and their mitigation. Obviously Hurd Deep is one that raises the most concerns. It is a valley in the seabed north of Alderney, which has been used as a munitions dump, and a dump for low-level radioactive waste. Now, far more information than I am going to mention now is in appendix C, page 36, if anyone is interested, where we give a fuller account of our research.

It was also very pleasing a few days ago to receive from the UK Foreign and Commonwealth Office their support in helping us obtain our sea and in their letter of support this very crucial passage: 'I can confirm that the UK government will continue to recognise its responsibilities with respect to the future management of this waste, following the extension of the territorial seas, they are considered to be extra responsibilities and liabilities and related costs for any of the islands in the Bailiwick for such sites. Indeed, the UK government considers that the additional powers that the relevant authorities the Islands would have to manage activities in these areas once the territorial seas are extended, could be beneficial. The UK government stands ready to work with the relevant authorities of the Bailiwick in this regard'.

I do not think we could have a better acknowledgement of their responsibilities than that. And as mentioned, we can ensure that those particular areas are not disturbed.

We also have a protected site for HMS Affray. And again there are more details in appendix C. Sark and Alderney will be also going to their legislators to present the same or very similar proposals as we have before us today. The idea is that once we have the territorial seas we will agree a line between Guernsey and Sark; Alderney and Guernsey; and Sark and Alderney. And also between all of us and France. And you can see the map on page 7 - actually it is probably a chart rather than a map, but it is a pretty good indication of the likely positions. And I know it is a particular interest of Alderney that the median lines are drawn up as soon as possible; and we undertake, as Policy & Resources, to do so accordingly.

Now, in the preparation for this, the consultation with your Committees has been both useful in formulating the policy and has really helped our understanding of what we are going to be undertaking when the UK enact an order in council under their Territorial Seas Act of 1987. We have consulted with the UK in advance of this meeting and they are very supportive of our plans and also had much to do with consultation themselves with their departments and they have offered to progress this very speedily if you agree today.

I would just pick out the Committees who have more scales in the sea, so to speak.

Economic Development: thank you for your full support. A major part for them is fishing and thanks to Deputy Mooney in that regard. And while mentioning fishing, the proposals between the Islands as we go through this change and hopefully get our territorial seas is that we will freeze our present regime as it is until we agree otherwise. So as we move to have our territorial seas there will be no change in fishing arrangements until we agree otherwise.



Environment and Infrastructure: for support with the marine environment, the largest area in their portfolio, apart from the area in space which is another issue, but the area for our territory  
2075 for Guernsey alone bounces from 190 square miles to 690 square miles.

Health and Social Care: with pollution control and cable licensing. Thank you for your support. Home Affairs, with responsibility for policing and many other aspects. So, thanks again.

And the last of the Committees with a deep interest in this area is of course the State's Trading Supervisory Board which was responsible for harbours and many things maritime. Again, very  
2080 supportive.

And Deputy Paint: thank you for your time and giving us some more guidance with regard to the fisheries issues. So thank you for that.

(A Member sneezed) God bless.

There is much more I could say. I will pause at this point really. I will do my best to cover any  
2085 questions and I am grateful that Her Majesty's Comptroller does not choose this time to go for a break. (Laughter) There will be many 'what if' questions. We all have them, but we will not have all the answers to every single permutation at this time.

Please support the Propositions. We need to give a strong, unanimous message that, as Island nations we want control of what happens, by whom in our waters. Please do that today.

2090 Thank you very much.

**The Bailiff:** Deputy Paint.

**Deputy Paint:** Sir, I have today to declare an interest, being the President of the Guernsey  
2095 Fishermen's Association, which I have been for about four years now. I will be supporting the Propositions for the whole Bailiwick of Guernsey – and I will repeat for the *whole* Bailiwick of Guernsey. But I have many concerns and reservations on this matter – a few I will go through with you this afternoon.

Fishing has been a commercial enterprise since the 1500s around Guernsey and has helped our  
2100 economy enormously over the years. It may not be *huge* amounts of money but it has been – I will take 2016 as about £5 million income. Now, that money is mostly distributed amongst engine repairers, boat repairers, buying fishing gear and so on. So it is being distributed – and, of course, paying lots of peoples' wages.

It is true that there has been consultation on this matter over the years, but not recently.  
2105 Additions have been made to what is being proposed today from the original proposals. I have been President of the Guernsey United Fishermen's Association for about four years, as I said earlier, and no official has contacted me on these proposals. And I have many, many concerns. I will not go through all of them today with you, because I will be here all afternoon.

I would like to thank P&R for speaking to me last Tuesday morning where I expressed my  
2110 concerns – or some of them. I must say I still have grave concerns on certain matters. Alarm bells started ringing with me when a certain Mr Dent from Alderney speaking on BBC Radio Guernsey in the latter part of last year – I cannot remember the exact date – said that – and this may not be to the letter – he claimed that Alderney wanted exclusive rights to the 12-mile limits. He went on to say that the reasons for this were preservation of fish stocks.

Mr Dent went on to say that Alderney wanted the ability to be able to issue fishing licences for  
2115 younger Alderney people who would like to start in the business. He went on to say that if these licences were not taken up Alderney would be able to offer them for sale for those who may want to buy them. Well, you can buy fishermen's licences now for crabbing, for anything you want – you have just got to pay for them. So I do not really know where he is coming from on this.

I do not believe this relates actually to preservation of fish stocks. The evidence I have just read  
2120 out to you actually means more self-interest, and that worries me. As soon as I could report this I spoke to one of the senior Sea Fisheries officers overseeing the Sea Fisheries Department and the pros and cons of this were discussed quite thoroughly. I am sure that the BBC Radio would still out of the article of this review, but also if Deputies would all like to look at this chart on the Billet

2125 you will hopefully see the problems that might occur from this – especially if Alderney has got exclusive rights.

On the chart there is one line missing, which might not seem important, but it is – and it is a six-mile limit. Outside the six-mile limit, various boats from various countries have the rights to fish for certain species of fish. Some of them are squid; others might be gurnard; others might be turbot, brill and black bream or red bream; or whatever. But that is one of the dangers. I will not go any further into that because it could be a bargaining point.

2130 About 10 to 12 Guernsey-based fishing vessels earn part of their living within the 12-mile limit of Alderney and perhaps several other UK fishing boats. In fact we know that one has a Guernsey licence for that purpose. One of our fishermen has fished the same patch of ground by means of potting for 30 years, and that is within the 12-mile limit of Alderney. The means he catches, as I said earlier, is by crabbing, by pot fishing, and he has not moved his pots for 30 years – that means that fish are moving through, he is not clearing the ground out, the fish that actually eat the crab and lobster are moving through. So therefore he would not be fishing if he had the patch he is using. Now, 30 years is a long time to have your game in one place. That means if Mr Dent has his way, can anyone tell me what will happen to, in particular, the Guernsey-based fisherman, because they have got nowhere else to go? And also, you pay fishermen that actually fish within Alderney.

2140 Every year that I can, I attend a south west potting conference. And there are zones where trawlers cannot go and potters can lay their gear. The difference is towed gear and static gear – the two do not mix. Now, I am pretty sure, although I have not got the chart with me, that some of those zones go *within* the 12-mile limit of Alderney. So that is another problem. I certainly hope that this and the future Government do not sell out our oldest existing commercial enterprise, the fishing industry.

2150 Just a little addition: Deputy Brouard said he had complaints about overfishing at Boue Blondel. The biggest amount of bass exported from Guernsey over the years had been about 180 tonnes of bass. Some of the larger European fishing boats catch that in one haul! (*Interjections*)

So, you have got to be using this in a bit of perspective. A bass can be at Boue Blondel tomorrow and off the Isle of Wight the next day. Fish move; all fish move. So this is a worry.

2155 What you have is last year is very typical. And for years the amount of spider crabs that have been cast has been slowly decreasing. Last year, they had so many spider crabs there were too many for sale – you just could not sell any more. One French boat working east of the Roches-Douvres Lighthouse caught four tonnes of large male spider crabs in one day. Where did that fish come from? I do not know. Perhaps it is better that none of us know! But it was there.

2160 There is a lot more to be considered than this and I certainly hope there is consultation and at least somebody gets hold of me and all the fishermen to resolve these massive, massive problems.

Thank you, sir.

2165 **The Bailiff:** Yes, Alderney Representative Snowdon.

**Alderney Representative Snowdon:** Thank you, sir. Thank you, Deputy Paint, for your comments. (*Interjections*) Oh sorry, through the Chair.

2170 Just going on the points that were raised about the fishing, which I think were excellent points. I am not quite sure what Mr Dent said on a radio interview but if I could give some reassurance, the States of Alderney has not actually discussed any of this in detail so he must be expressing his own personal view.

2175 I would like to, sir, invite Deputy Paint maybe up in the future to actually talk to the States of Alderney because his knowledge of fishing is very detailed and I think it would help the States of Alderney understand that situation.

The States of Alderney does fully support the 12-mile extension and I think it was outlined that the fishing would remain the same until a later date – and I will sincerely take all these comments on board that you raised about fishing.

2180 Just going on to other matters, I think it is very good that you have got a letter from the Crown about Hurd Deep which is obviously of great concern to the Bailiwick, if anything happens with the responsibility. I think Alderneys interest with regard to the seabed is more tidal developments. Some of you might know the Raz Blanchard is going ahead with Atlantis which is the other side of the Alderney Race and potentially there may be benefits going forward with that, with Atlantis, for another tidal developer. So that is probably the benefit that we see for Alderney.

2185 But I would just like to go with my point again, I would like to welcome Deputy Paint up to talk about fishing which is very important for the Bailiwick as a whole.

Thank you.

2190 **The Bailiff:** Alderney Representative Roberts. (*Interjection by Deputy Paint*) You have spoken so I am afraid you cannot speak again.

**Deputy Paint:** Sir, it is just a point of clarification.

2195 **The Bailiff:** Well he has sat down now, I am afraid. Sorry.  
Alderney Representative Roberts.

**Alderney Representative Roberts:** Thank you very much.

Alderney is content with this proposal and we will vote in favour, as we see this as a good thing, and also to protect ourselves after what may happen with Brexit.

2200 We need to sit down and agree the median lines as soon as possible and start the first stage of extending to 12 nautical miles. We can talk about fishing and other issues at a later date.

2205 I have spoken with Mr Paint and invited him up, and I would like Mr Brouard to come as well, if that would be alright because we have total sympathy. We are one Bailiwick; we have got to work together as a Bailiwick and we have got to work a new way forward. Mr Dent's comments have not been discussed up here as yet.

So you have support from my colleague. Okay?

Thank you.

2210 **The Bailiff:** Deputy de Lisle.

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

2215 While fully supportive extending the Bailiwick's territorial sea, sir, it carries with it increased responsibility. This is a point that I want to make and this cannot be taken lightly, sir. It assumes additional liabilities and obligations and it is not, as is stated in the second paragraph of the policy letter, without assuming significant additional liabilities and obligations. There are liabilities and obligations.

To start with, the area to be managed by the Bailiwick's authorities would increase from 380 square miles to 1,400 square miles – almost four times the area. And responsible management would require added resource.

2220 Sir, earlier this month the Environmental Audit Committee group of MPs in their new Sustainable Seas Report made the point that the world must stop treating seas as a sewer and Britain should play its part by ending the export of plastic waste to countries that may dump it in the ocean. They called for urgent action to protect the oceans and stop destroying the seas and the marine life. They focused on threats to marine life from climate change, overfishing and pollution and they set out action that Britain must take. In fact they mention the fact that the government's out of sight, out of mind treatment of the oceans puts marine resources at great

2225

risk. They also spoke about plastic which makes up 70% of the litter in the ocean and the amount could treble within 10 years unless urgent action is taken.

2230 These really are stark warnings, as I see it, to Guernsey as Policy & Resources brings in its policy letter for extending the Bailiwick's territorial seas beyond three nautical miles and into 12. It calls into question what record of protection has resulted from the Island's guardianship over the three mile level, particularly with respect to sewage and the problem of plastic waste. We are still dumping, sir, all our sewage directly into the sea with no thought of proper sewage treatment. Meanwhile, many of our beaches fail internationally recognised bathing water quality tests.  
2235 Reducing food packaging and removing plastic food containers is slow moving and retailers continue to distribute plastic carrier bags.

**Deputy Inder:** Point of order, sir. I am not entirely sure this has got anything to do with the territorial seas.  
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**Deputy de Lisle:** This is very, very important, sir, to the seas because we have got to take additional responsibilities with the extension of the territorial sea.

**The Bailiff:** But how does the increase from three nautical miles to 12 nautical miles make a difference?  
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**Deputy de Lisle:** It gives us increased responsibilities, sir, (*Interjection*) and that is extremely important.

2250 **The Bailiff:** But we are not going to be dumping sewage at 12 miles –

**Deputy de Lisle:** All I am saying is, will we be seeing more responsibility from our Government with the extension of our territorial seas?

2255 Now, there are extra liabilities, sir, in this particular situation where we are extending the 12 nautical mile area. Three or four distinct ammunition and radioactive waste dumping sites lie within the extended area. (*Interjections*) So this is very important to mention.

2260 North of Alderney in the Hurd Deep and south-west of Guernsey, which Deputy Brouard mentioned. Now, we are told that the containers dumped were designed to implode at depth, or degrade gradually to release radioactivity slowly over time. The risk of radioactive pollution was uninsurable. There is potential pollution and reputational risk. Low levels of radioactivity are detected in the Hurd Deep.

2265 So, instrumental in thwarting earlier attempts to extend the territorial sea to 12 miles was very much this issue. This was raised actually as a concern by Douzeniers in Torteval at their monthly meeting on Monday night. I wanted to ask the President, will P&R be negotiating over future responsibility over the radioactive sites with the UK and Belgium before extension?

Now, obviously we have heard from Deputy Brouard that that invitation has been opened. But we did not hear about Belgium and they also dumped in those areas.

2270 The second question: will marine samples continue to be gathered and analysed by the Centre for Environment, Fisheries and Aquaculture Science (Cefas), and also the UK Food Standards Agency on radioactivity in food and the environment to measure radioactivity at these sites?

So there are two questions there to the President or to Deputy Brouard as to what actions we will be taking, because it seems to me that we have to have this clear before signature and agreement, otherwise then afterwards is not the time to make these particular confirmations.

2275 Now, the extension of the seas and the territorial sea is something that I have called for as Deputy Brouard mentioned, since 2006. With the continual complaints off the west coast from constituents with regard to foreign vessels off the west coast, pair trawlers particularly off shore, bass trawling, and the huge factory ships also within eyesight of the offshore and the concern over the conservation of our fishery resources. This has been a major issue and an extension of

2280 the territorial seas would extend sovereignty and it would assist in legal rights and control to manage and conserve the Bailiwick fishing stock, plus enhance powers to protect the environment and reduce marine pollution.

It would also provide a larger area for the exploitation of renewable energy products. Ownership of the foreshore and the seabed is important also as the next step, as we are told, in the policy paper to transfer rights from the Crown. So establishment of an exclusive economic zone beyond the three nautical mile area would also serve potential renewable developments and give greater controls and protection for cables and renewable energy resource opportunities for licensing.

2285 Sir, just to conclude, I support Guernsey's territorial seas being extended from three to 12-nautical miles. It will offer additional controls and powers over the three-to-12-mile zone but we should not downplay the additional responsibilities that come with extension. I would hope, sir, that we take heed of the MPs' Environmental Audit Committee Report and stop treating our seas as a sewer and garbage dump, and take this opportunity to reduce marine pollution in the seas under our control and take action to clean up the territorial sea we have responsibility for.

2290 Thank you, sir.

2295

**The Bailiff:** Deputy Inder.

**Deputy Inder:** Sir, I think it is a good report. It is obviously the opportune time to do this, what with Brexit and everything, so I am hopefully not going to paraphrase what Deputy Brouard said.

2300 But, looking at the advantages in that, I think table 1 is correct; we are finally recognising the value of our seabed and our water column and everything that flows in it and flows out of it – with the exception of the sewage, obviously.

Fishing and fisheries: better fisheries management and control of our three-to-12, fantastic – really a card-carrying nationalist, brilliant; the more area we get, the better.

2305 Environmental protection, marine plans for protection of habitats: brilliant, and I think somewhere else in the positive appendices it makes mention of a marine plan – I believe Environment & Infrastructure are going to be looking at at some point. (*Interjection*) Sorry? That is right. So I am looking forward to seeing that. And maybe Deputy Paint and some other interested parties could contribute to that. And obviously, the infrastructure is the sea-based renewables which seem to be coming down the tracks at some point.

2310 I just want to pick up on some of the points that Deputy Paint has said – and this is going to be related to Alderney and Alderney does worry me a bit because, through you, sir, the Island can be a bit random sometimes. At 6.4 it says it is intended to give Alderney more control over its extended territorial seas to access for fishing grounds. Now, Deputy Paint mentioned the value of the fishing industry currently is around £5 million and I do not know what the breakdown of that is. But what I do not actually know by weight is what percentage of our wet fish and crab come out of Alderney. That would be interesting: by weight, what the real value is. I am sure it is not 50/50, but I do not know so I am not going to create percentages, but there will be a reason later on in this why I mentioned that.

2320 It also says in 2.10 – or is it 2.90, it must be 2.10, I cannot read my own writing ... 'would give the islands significantly more control.' However, elsewhere the Report suggests any response to fisheries management would be joint. So on one hand we have got joint control and it looks like a Bailiwick solution. But on the other hand it effectively says that any of the Islands could decide to do things differently in the future and each Island will have its own TS over it which will have its own legislative control.

2325 So that seems to suggest that Alderney, as an independent state, can go out and create its own fishing licensing regulation. Now, if what Deputy Paint has said is true – and just to expand on that and I do not disbelieve that he heard it – effectively we own it, we could be putting ourselves in a position where if Alderney does anything silly beyond wanting to develop its own fishing industry, we could see licences being sold to foreign vessels.

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2335 Now, the size of the foreign vessels are not going to be your 27-foot boats doing a bit of  
potting and trawling, they are going to be pretty large vessels. And what worries me quite  
considerably ... because I do not see anything in this from the fishing grounds and what is in that  
area. So I am only concentrating ... and I have got real concerns that even though I like the idea of  
extending and establishing our territories properly, I have got real concerns that Alderney might  
do something silly if what Deputy Paint has said has translated what Mr Dent has said. But we  
cannot get us into a situation where Alderney, desperate for money, desperate to prove it is  
creating an industry, desperate to show that it is making an effort, goes out and creates its own  
regime and sells its bed, effectively, off to French or Spanish trawlers and the like. That is my real  
2340 concern and I would like when you tidy up, sir, if you give me ...

I am going to vote for it but I have got real concerns over the loss of the Guernsey access to it;  
or Guernsey keeps access and then just gives the rest of it away to foreign vessels, which then  
blows a hole straight through the environmental protection aspect in table 1. So that is what I  
would like to hear when Deputy Brouard sums up, please.

2345

**The Bailiff:** Deputy Graham.

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

2350 I have been following this issue from the side-lines with great interest and I am delighted that  
we seem to be close to fruition. But I think Deputy de Lisle was quite right to remind the Assembly  
really, that with the extended area of control – fourfold – there comes additional responsibilities.  
The focus of his interest was on environmental issues, but mine is more on security issues.

To me, there is no point in having an area of responsibility unless one can have at least eyes  
and ears over it and then the ability to react to events within it. I am pretty certain that some  
2355 thinking would have been given to this and certainly table 1, where it lists the advantages and  
disadvantages and highlights the potential requirement for additional resources for law  
enforcement, for example, in this. But there is not an awful lot of clarity in the policy letter about  
precisely what is meant by, 'without assuming significant additional liabilities or obligations'.

I am assuming that there is a certain reliance on an agreement with the United Kingdom  
2360 authorities that certain responses would be shared with assets of the United Kingdom and we do  
not – particularly with regard to anybody up to no good, in our extended territorial seas. I mean,  
those who are up to good in our territorial seas can easily be monitored through the AIS system  
and others like that. But I mean those up to no good have no respect for AIS and that sort of  
thing.

2365 Of course, we do not need to be talking about nefarious activity here. I think the recent  
tragedy of the loss of that airplane the other day, highlighted perhaps the potential ambiguities  
that arise as to who has responsibility for what within territorial waters.

2370 So I am certainly not really saying I am too concerned about this, but I really think, when he  
responds to the debate, Deputy Brouard might seek to clarify precisely what is meant by 'without  
assuming significant additional liabilities or obligations. And if he could touch on any concept of  
operations for maintaining security over a newly-extended area?

Thank you, sir.

2375 **The Bailiff:** Deputy Laurie Queripel.

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

The policy letter and the annex clearly and attractively lay out all the perceived and potential  
benefits of extending our waters and we have heard of course about risks and things, concerns  
that have been raised by other Assembly Members, but I am very much attracted to the idea.

2380 But my eyes were drawn when I first read this policy letter to 8 on page 2, and then my query  
around it was strengthened by things that were said at the Vale Douzaine meeting on Monday  
evening. Number 8 says:

8. To direct the Policy & Resources Committee to establish whether a transfer of Guernsey's foreshore and seabed from the Crown (so far as the same are vested in the Crown) to the States or another suitable person or entity can be agreed in principle, and –

– and it goes on to say a few other things.

2385 Now, I do not know ... the policy letter gives no indications as to who that suitable person or entity might be – might it be Her Majesty's Procureur, perhaps, or something along those lines? But I just wondered if the Policy & Resources Committee could give us any idea as to who this suitable person or entity might be – because to vote for this without having some sort of idea ... there must be a very short shortlist, I imagine.

2390 So I would be quite interested to know who is in the frame for this and why that particular route has been chosen in regard to where the foreshore and seabed should be transferred to, or to the responsibility for. And it is the idea of it to manage risk, perhaps, or to limit liability in some way? Is that why that the idea has been put forward?

2395 It would be nice to know, because before we say, 'Yes, we want to go along with this', it would be nice to know where that responsibility would be established or where that transfer would go to. So if we could have some idea as to who, or what entity is in the frame, and why. That will be very good to know, I think, before we actually take the vote on this. And then perhaps it comes out afterwards, wherever that responsibility has gone to, or whoever that person or entity is, raises concerns for the Assembly and for members of our community.

2400 So it will be a good idea to be told why that chosen route is in here and who was on the shortlist in regard to the simple person or entity.

2405 There is just one more point I would like to raise, sir. Now, Deputy Brouard has spoken about the talks with the UK authorities, who has responsibility for the Hurd Deep and so on, and of course things change over time. They certainly changed in regard to the Alderney breakwater; at one time the UK took responsibility for that and now we have responsibility for the Alderney breakwater and all the costs that go with it. So is there any likelihood, could any scenario be seen where eventually the UK might say to us, 'Now, actually you have got to take back responsibility for the ammunition dump and any problems or risks that go with that'? Because, as I say, it did happen with the breakwater in Alderney, and so I just wondered if it will be a forever scenario, a forever agreement, that forever and a day the consequences of having the Hurd Deep will not be our responsibility?

2410 Can Deputy Brouard or P&R foresee in the future that perhaps there might be a shift in that and responsibility might be pushed back towards Guernsey for that situation?

Thank you, sir.

2415 **The Bailiff:** Deputy Gollop.

**Deputy Gollop:** Yes, thank you, sir.

2420 I know I am probably speaking a bit late in the day, for response from the States of Alderney on this occasion, but I have been listening to the points about Alderney and I think I have not really followed things since 1st January completely there because there have been a number of changes. But it should be admitted that the States of Alderney has its own way of doing things different from SACC, and the thing is they have 10 political Members there and curiously enough their Policy & Finance Committee consists of all 10 Members, of whom at least eight have portfolios on the Committee; and their General Services Committee which covers fisheries has six

2425 Members. So you sometimes get the situation in the States of Alderney whereby the Assembly is meeting effectively *in camera* as a Committee rather than as an Assembly.

2430 So I think there are issues to address there. And I do take on board the points that Deputy Inder and Deputy Paint have made there. I personally would like to see Alderney's fishing industry very much survive and thrive and I also believe that they have a right to greater responsibility for their seas. But I think a good relationship and access from Guernsey fishermen has to be worked

for, and although we all support – especially Policy & Resources these days – Alderney making more of an economic contribution when they can to themselves and the Bailiwick, I think we also – through the Law Officers and through you, sir, and through the whole Assembly – have to ensure that Alderney goes about that in a responsible way and is not allowed to behave in a way that is detrimental to Guernsey business or international interest, or ecological fish habitat issues.

I think generally what surprises me a bit is firstly, the way it has come to us what is in fact quite a detailed and complicated, sophisticated subject. And I think to myself, why has that not happened before? Because, clearly we are, from Guernsey's point of view, a little behind the curve here and maybe if Brexit had not happened in the way it has we would not be looking at this now.

But it does make sense to try to move on it. I do not pretend to understand all the issues – I am a bit of a fish out of water, all at sea on some of these issues and get a bit crabby on some of them. We were thinking about the Isles of Scilly yesterday, well hopefully we will be sensible and not silly, as Deputy Inder implied another island might be.

But I think, with this, first of all that although the policy letter covers a lot of areas and Deputy Brouard has certainly covered many of them, it does not give us clear indications of any liability in relation to the security issues Deputy Graham has raised or environmental Hurd Deep issues that Deputy De Lisle has raised.

I think that is a point we need to understand, because on the face of it extending our territorial seas is generally winning rather than losing. But what, if any, are the legal or financial consequences? I do not understand the sea fisheries industry. I remember a friend of mine, a colleague, one day when we had lots of committees said, 'Why don't you stand for the Sea Fisheries Committee, John, and maybe even be its president?' And I said, 'Well, I don't know anything about it.' (*Interjections*) And he said, 'Oh, well, that has not stopped people in the past!'

But, no, we do have in this Chamber some experts, especially Deputy Paint, and we do need to know what effect that has on both our wildlife sustainability and the future of that industry – and our relationships with Jersey and France, the French mainland. And we do not have much comfort in this policy letter, really.

The other question I would raise is similar but different to what Deputy Laurie Queripel has just pointed out, which is this important idea that unlike perhaps Alderney, we do not, apparently, as a community or the population, *own* our territorial water; it is invested in Her Majesty, our gracious Majesty and the Crown. Now, the policy letter implies as soon as we vote for this today and we extend the territorial waters with the cover of security and other things it might need, in the medium term we can maybe address the issue of a transfer from the Crown to a suitable entity – it might be Her Majesty's Procureur or Comptroller or the General, or whatever. But it implies that could be easy without any consideration and I am wondering if anything ... and we cannot speculate, really on what the Crown might require us to do to enable the transfer to take place. There are certainly no details about this.

The other thing that worried me, and we complain sometimes that our Committees are a little bit slow on the uptake, but there is comment made in the policy letter that in March 2018, diligently Policy & Resources, etc. contacted Her Majesty's government and they are still awaiting a response. And I would also add that a Committee that could be affected a little bit, of course is the DPA – because we have, within the Island Development Plan, had a greater status of conservation for the foreshore as an important marine reserve.

So my mind is not entirely at rest, but I can definitely support the direction of travel.

**The Bailiff:** Deputy Trott.

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

There will be some in this Chamber that may be surprised to hear that it was fishing that started my political career. I remember sometime towards the end of the 1990's when Deputy Roffey was a fresh-faced, if nonetheless still bearded, reporter with Channel Television, that he interviewed me during my time as secretary of the Guernsey Fishermen's Association. So they, sir,



were three of the most enjoyable years of my life, but they were without doubt three of the hardest.

2485        Around that time, as the State's Report reminds us, Jersey were given the extension of territorial seas out to 12 miles and the then Guernsey Fishermen's Association was very keen to see something similar here. So it has been a long journey – and I make that point specifically because whilst my friend, Deputy Paint, makes the point that there may not have been any recent direct consultation with him in his capacity as President of the GFA, the view of Guernsey  
2490 fishermen has remained unchanged to my knowledge throughout that period, and that is that territorial seas bring many more advantages than they do disadvantages and indeed that point is made on a table within this Report.

Now, I think the issue around fisheries licences and particularly fisheries management agreements is one of the reasons why it has taken so long for us to get to this position, because  
2495 back then in 1997 there was some dispute – not, indeed, with our friends to the north, but with other near neighbours – and there were some matters that needed to be resolved. Now, a fisheries management agreement has been in place for some time and it has worked very well and the fishermen have the licences that Deputy Paint referred to. But I make this point in particular: currently for fishing purposes EU countries who are party to the London Fisheries Convention can  
2500 fish in the six-to-12-mile zone around each of the Islands for certain species; and Deputy Paint in particular will know that that does happen and the French in particular spend a lot of time fishing for bream – or at least they *say* they are fishing for bream – during the winter and I think the fishmongers in Cherbourg would maybe identify some other species that are caught and landed. But that is only speculation on my behalf, nothing more, sir.

2505        When the UK withdraws from the London Fisheries Convention in July of this year, the waters around the Bailiwick will be exposed to additional fishing activity from others, potentially. However, with the extension, the waters will be under the Bailiwick's control, so to insure against the concerns that Deputy Paint has, support of this State's Report and the initiatives contained therein are absolutely essential.

2510        Now, with regard to our friends in Alderney – I think they may have gone – but I do not think there is any malevolence from them on this, but in any event there are certain byelaws around both Islands – the Island of Guernsey and the Island of Alderney, and Sark, for that matter – as regards horsepower limitation. So the doomsday scenario of large Spanish beamers prosecuting those waters would not currently be allowed under any licensing regime because these vessels  
2515 have too much *power*. So they would be excluded regardless – an extra layer of comfort.

But clearly there are differences throughout the Bailiwick when it comes to the nuances of fisheries management and those discussions are for another day. But the overarching point I wish to make is this: that an extension of territorial seas protects the Bailiwick fishermen's rights in a much stronger way than failure to do so would, which is why they have hoped for this for at least  
2520 two decades, if not more.

**The Bailiff:** Deputy Graham.

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

2525        Just to pick up on what Deputy Laurie Queripel said in relation to the breakwater, of course Guernsey reached an agreement with the government of the UK, so our contribution to the breakwater is in lieu of the defence contribution and international representation. So we did not volunteer an opt-in; it was an agreement that came later.

2530        Just to set out the framework on renewables, just quickly, the extension of territorial waters out to 12 nautical miles from three nautical miles allows for the development of offshore and renewable technologies such as floating, wind and wave. Currently, we are limited to development within three nautical miles as this is the extent obviously of our territorial seas at the moment. However, an issue which remains is the ownership of the seabed which will continue to rest with the Crown. This means that Guernsey will require permission from the Crown for any activity on

2535 the seabed including the deployment of renewables and any contract or arrangement with the developer would be subject to Crown agreement. There is, however, an agreement in principle with the Crown that renewable energy can be pursued in Guernsey's territorial waters; but, as yet, this has not been formalised. So that gives a bit more background on renewables.

2540 But I wanted to address something which I think is important. Deputy Paint said that 180 tonnes of bass can be taken from Guernsey, but there are boats somewhere else that can take that in one net load. Well, both might actually be wrong; both groups may be over fishing in doing that. And one of the problems – I say, politically it is a problem that I think can be resolved quite quickly – is currently, as we know Sea Fisheries sits with Economic Development and the turnover is about £5 million; in the big scheme of things, not a huge sum of money but significant enough in itself. However, when we start talking about sustainability of fish stocks it should sit with E&I and with the rejig of Government, sustainability of fisheries really was coming in this direction but, for whatever reason, it stayed with Economic Development.

2545 Now, if you remember from a States' meeting a few months ago, Deputy Kuttelwascher said that they met with the Guernsey Fishermen's Association ... Deputy Barry Paint, who is a politician and who said 'No', and these were the words: they did not 'trust Environment & Infrastructure to have the ownership of the sustainability of fish stocks'. That has to be resolved.

2550 When I attended a BIC conference locally in St Pierre Park, where they were around a table talking of sea fisheries and preservations of stock, I was in isolation because that political ownership did not sit with me, it sat with Economic Development. And I think on efficacy terms alone, we have to square that. The reality is it would be the same staff, it would be the same people, but the ownership politically should be under our mandate on sustainable grounds alone.  
(Interjection)

2555 I do agree with a great deal actually of what Deputy de Lisle says, that when we talk about marine spatial planning, when we talk about ownership of 12 nautical miles, it does broaden our responsibilities in (**A Member:** Conservation.) environmental terms and ecologically. We should not overlook that because it is an opportunity as well as a threat, isn't it?

2560 So I would ask for Members' support for the 12-mile limit.

**The Bailiff:** Deputy Dorey.

2565 **Deputy Dorey:** Thank you, Mr Bailiff.

I just really stand to react to a comment that Deputy de Lisle made about dumping sewage, which I think is unfortunate, because after extensive studies the States decided that filtered sewage should be released into fast-moving water to be naturally treated instead of using significant quantities of energy to accelerate that treatment process on land and have that resulting air pollution caused by generating that energy. It was an environmental solution which the States decided on because of the particular circumstances of our waters.

2570 It was not *dumping* sewage.

Thank you.

2575 **The Bailiff:** I see no one else. Deputy Brouard will reply.

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

2580 From the comments we have received this afternoon, I cannot see very much support against the proposals, sir, so thank you very much for that. But I think it is worth my while where I can, to add some meat – or some fish (*Laughter*) – to the bones. So yes, here goes. Thanks.

2585 So I suppose that the concept is this – and it runs through the seam of several people. Our backyard of the waters around us, are always the waters around us. We cannot step away from it, nor they us. And no one else can claim a territorial sea in that area except us. So it is *us* naming that sea as our sea, and then when we do that we have more power over it.

So the issues, which I will touch on in more detail around Hurd Deep, are there today. It will not change them because I say they are our territorial seas – any pollution that comes from them, will be pollution that comes from them. And at the moment the area that we have from three miles out is high seas. So who is looking after the high seas now? Who is taking responsibility for the high seas now?

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That is the theme that runs through. There is no one else that can do it, it is just us renaming, if you like, our backyard.

I think I started with Deputy Paint. Thank you very much for your support.

There are some issues with how we license fishing and it is one of the areas where we have managed to work together with Alderney and Sark to get to this position that we will ask for our territorial seas; but we are not asking for and we cannot ask for *Bailiwick* territorial seas – we are asking for individual territorial seas for each of the Islands. And it will be Alderney asking for their territorial seas.

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But again, like I mentioned earlier, by getting our territorial seas, we do not rewrite history in our favour, we do not remove the legacies of the past. So those people who have got rights to fish in our waters now will expect them tomorrow. We may well have aspirations to have something else but that is a conversation we will have to have, when we have to have it. It just gives us that extra power.

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And of course with licences, if Alderney wanted to do their own licensing system, they would have to unpick themselves from a Bailiwick system. They would have to get their own boats and adapt their own system. And of course then they will have to deal with our cousins in France to see what they are going to do about the boats they are just about to displace, and the French may not like that. And the British may not like it, because they will be holding British Sea Fisheries licences at the moment and they are going to tear them up. What happens to a reciprocal arrangement with regard to our licences being interchangeable with English licences which we have now? That has been one of the issues.

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So for anyone to pull away from this easily you come up with a whole load of other questions, some of which I can answer today, some of which I just cannot. But the idea of territorial seas will give us the power to legislate in that area as far as we can, but respecting the knowledge and the history of the people who have got rights to it.

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I thank Alderney Representative Snowdon for his support and also for Alderney Representative Roberts.

Now, Deputy de Lisle made many points and yet they all absolutely need to be looked at and in more detail, but his overriding thing is we need to get the territorial seas. But there is a lot of work under that that we need to pick up on; some of it – all of the departments who have been involved know about this – is in the P&R Plan. But all the Departments have said that they can manage it within their resources and if they need more resources they will ask for them. One bit I cannot do, and perhaps I will ask Deputy de Lisle to send me an email, is that I do not know the monitoring on the pollution aspect. Most of the pollution aspects will fall under Health & Social Care, where the pollution area falls and also with Deputy Brehaut on the environment with regard to what monitoring they want to do. But if Deputy de Lisle sends me an email I am happy to try and find out what their thoughts are and their aspirations in that regard.

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He mentioned that we should not sign anything before we have managed to ... I am not going to be able to get all the ducks in a row and get Belgium ready to say that they are going to take full responsibility for Hurd Deep. Whatever responsibility they had for the Hurd Deep yesterday, they still have today; and whatever responsibility they had for the Hurd Deep yesterday and today they will have tomorrow. Now, how we hold their feet to the fire will be another issue, but by having control over the Hurd Deep we can say things like, 'Actually, we do not want a cable put through it. Actually, we do not want fishermen to drag anchors through it and disturb what is there already'. So it gives us the opportunity to manage the area better; but the area is still where it is and what is there, is still there.

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2640 And again, it probably comes back to – I think Deputy Gollop came on to that theme – that we have not got the luxury to put all those items in place; but I do not think, even if we did, it would be any better than where we are today. We need to seize the moment to grab our territorial seas, or put that umbrella around now and then we can sort out all the intricacies of who does what, when and where.

2645 This was from a Deputy from Alderney: it is a political decision and that is why it is here in the States today. That is the judgement call you need to make. One minute we are saying we want to assert ourselves as independent and mature jurisdictions. Well, this is our chance to show it. And with taking over responsibility and control there are rights that come with that and there are also possibly some things that we do not like that come with it. But that is that political call that we have to make. But, Deputy de Lisle, very good points and thank you for that.

2650 Deputy Inder, again, about the value of the territorial seas and, yes, there is an issue and Alderney will have their right to do what they wish. But as I mentioned earlier, those rights are subjected to other matters which go with them.

And of course we have been very fortunate that one of the ex-senior seafish officers is also working with P&R at the moment which has helped – (*Interjection*) Thank you, Deputy Gollop; yes, absolutely.

2655 Deputy Graham had the issue of the eyes and ears over it. Well, of course we do patrol out to 12 miles already with our seafish hat on. So we do have the capability of going out for our 14,000 square miles *now* – that happens. So, yes, there will be some more thoughts. But it gives us more control. It may be a different arrest system for someone on the high seas compared to somebody on the territorial seas. And those are the details which we need to consider as we go forward. But that will happen as an automatic part.

2660 Deputy Queripel: I think he had two main points. Yes, one of them was similar to what happens with England if they change? Well, to have that letter from the Foreign Office, I think, is a tremendous piece of support from them. If they turn their back on us, or turn their back on that undertaking, well then we have to hold their feet to the fire. But we are in that same position today with high seas. So we are strengthening our position, I think, rather than weakening.

2665 The other point I think he mentioned was going forward, which is the next stage, and if we want to consider having the seabed – I personally would wish to – and who might hold it, and perhaps in D6 on the annex Jersey managed to do it by the public of Jersey holding it. I do not think it will be a particular person, *per se*, it will be a role. It may be that the States of Guernsey may have ownership of the seabed, it may be the people of Guernsey in trust through Her Majesty's Comptroller. But again, that is another step on the journey and of course you will have the opportunity in this Assembly here to decide whether you want to have the seabed or not; and who we think would be the best person to hold it for the Island.

I will just give way to Deputy Inder.

2675 **Deputy Inder:** Yes, thank you, Deputy Brouard.

Just on that, I accept you are effectively not quite there yet and we are basically voting for a principle. So is all this coming back to the States at some point in a fatter, more detailed document? (*Interjection*)

2680 **Deputy Brouard:** Thank you for that.

No, the territorial seas, if you agree this afternoon, that is done, we are going for that, and that hopefully will be received before the summer, before the London Convention changes.

2685 The seabed, a separate issue, will come back to the States but it is on that journey of us taking greater control over the area around our Islands; and how we hold it. I mean, Jersey has theirs, the Isle of Man has theirs. It is little bit semantics of who actually holds the position, but what it does do is it means that we can then grant licences to someone to put a cable or to put marine renewables on the seabed – all those sorts of things. We could decide, if you want, to make an

area a reserve – that all becomes part of our gift. That will all come back to the States so, yes, there is no question on that bit.

2690 But I think, taken today, there is a reasonable direction of travel that I think that is something we would wish to continue with.

Deputy Gollop: I think I have probably covered most of *(Interjection)* Deputy Gollop's points already. But, yes, this is the first step; this is the umbrella piece that we are putting in today.

2695 Deputy Trott, thank you for your support. And Deputy Brehaut, yes, bringing up a domestic issue, really, about who has fish stocks and stuff.

And actually for some reason it flashed through my mind, Deputy Tom Le Pelley who used to be here; one thing he said which I always remember was, 'Before a chicken dinner, you first need to get the chicken!' *(Interjection)* So, we first need to have that control over our waters before we can then start to think also about dividing it up.

2700 And Deputy Dorey, again ... So I thank everybody for their speeches and their contribution. Thanks also to your back office teams and your departments for all the work that has gone in to get us to where we are today and I very much look forward to unanimous support to get the first step on this journey in our territorial seas. **(A Member: Hear, hear.)**

Thank you very much.

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**The Bailiff:** There are nine Propositions and I propose to put all nine Propositions to you together. Those in favour; those against.

*Members voted Pour.*

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

## COMMITTEE FOR HOME AFFAIRS

### I. Committee for Home Affairs – Data Protection: Data Sharing with the United Kingdom – Propositions carried

*Article I.*

*The States are asked to decide:*

*Whether, after consideration of the policy letter entitled 'Data Protection: Data Sharing with the United Kingdom' dated 21st December 2018, they are of the opinion:*

- 1. To approve the UK as an authorised jurisdiction for the purposes of the Data Protection (Bailiwick of Guernsey) Law, 2017; and*
- 2. To approve the Ordinance entitled "The Data Protection (Authorised Jurisdiction) (Bailiwick of Guernsey) Ordinance, 2019".*

2710 **The Deputy Greffier:** Article I, Committee for Home Affairs – Data Protection: Data Sharing with the United Kingdom.

**The Bailiff:** Deputy Lowe.

2715 **Deputy Lowe:** Thank you, sir.

I am pleased to present to the States' Assembly the policy letter entitled 'Data Protection: Data Sharing with the United Kingdom' and the associated draft Ordinance, namely the Data Protection (Authorised Jurisdiction) (Bailiwick of Guernsey) Ordinance, 2019.

As outlined within the policy letter:

In the event of a no-deal Brexit, the UK would become a third country and EU rules governing the transfer of personal data to third countries would apply. The potential ramifications of *[this]* could include the prevention of the free flow of personal data to and from the UK by those jurisdictions operating *[with adequacy, or]* under the umbrella of the GDPR.

2720 In order to prepare appropriately for the potential implications of a 'no-deal', and in accordance with the provisions of the Data Protection Law, the proposed Ordinance has been drafted. If approved, the Ordinance would ensure that the UK is included as an authorised jurisdiction within the Data Protection Law and this would permit the continued free flow of data from the Bailiwick of Guernsey to the UK. This is crucial for ensuring that both public and private

2725 sector data flows can continue to take place without interruption. The Ordinance is not focused on any particular business sector but rather covers all personal data transfers.

In order to reduce the risk to our own data protection adequacy, the Ordinance contains a sunset clause which means that it will cease to have effect in December 2020, by which stage it is expected that the UK will have either secured its own adequacy or come to an alternative

2730 agreement with the EU. Whilst it had previously been agreed that the Ordinance would not be required if the UK exited the EU with a deal, the UK department of Digital, Culture, Media and Sport has very recently advised that the Ordinance should come into force in both a deal or no-deal situation as the proposed withdrawal agreement would not maintain the current position regarding data flows. Whilst this request goes slightly to alter the information within the policy

2735 letter, it does not alter the content of the Ordinance laid before the States today.

Sir, the Data Protection Ordinance is crucial to ensuring the continued free flow of personal data for the Bailiwick to the UK in this period of uncertainty. I therefore ask Members to please support this short report.

2740 **The Bailiff:** Any debate?  
Deputy Tindall.

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

I support these Propositions but I am disappointed that the legislation, on which I have had several queries, is presented to us in the policy letter and has not gone through the usual process of scrutiny at the Legislation Review Panel. I have raised queries through email but I do feel that they lack the actual ability to properly scrutinise.

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So I do acknowledge that there is no reason for this to have to go through this panel. I just wish to observe that having the opportunity to discuss legislation directly with Law Officers, together with policy officers is very worthwhile. (**A Member:** Hear, hear.)

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Whilst I thank the policy officer for assisting, I am actually still awaiting responses on the queries that I have raised, as Law Officers have not yet responded further. My concern, which has yet to be clarified, is in respect of the expiry of the Ordinance in clause 4 of page 11 of this electronic Billet, the sunset clause, and the use of the phrase: '... at the close of ...' I have asked why this phrase which appears to me is vague as, for me, when does a day close? Midnight? Or perhaps even sunset?

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This uncertainty has been addressed in section 16 of the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016 by the use of the wording which in effect would mean that the wording here would change to: 'This Ordinance continues in effect until 31st December 2020' – and for me that would give the clarity I was seeking. I had hoped for an explanation why the use of this particular phrase, 'expires at the close of', has been used instead of relying on the Interpretation Law.

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As I say, this confirmation reassurance I await. And I should add, these are things that I would have raised at the Legislation Review Panel. Clearly it has been drafted and it is acceptable to the Committee for Home Affairs and indeed obviously the Law Officers. I just use it as an illustration

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of the benefit of having a legislation review panel meeting and to be able to ask these questions; and also, for that reason, I have not put in an amendment.

As I say, I only raise it because I feel scrutiny of legislation is so often insufficient and I ask for the panel to have the chance to review legislation as a matter of course. (*Interjection*) Otherwise, as I have said, I support the Propositions.

Thank you, sir.

**The Bailiff:** Deputy Gollop.

**Deputy Gollop:** Deputy Tindall was going to speak. I agree, I think, with everything she has said. It is a fact of life that we do on legislation spend hours and hours sometimes on these kinds of things, chaired ably by Deputy Queripel or Advocate Deputy Green, and we often have the benefit of advocates and members of the public in the private sector giving learned opinions.

The thing is, though, that we might have an opportunity, I suppose, to look at this and say it will be here next week when we meet on other matters, if there is any feedback from this.

I must admit, despite having sat on, I don't know, nearly 15 years of summary legislation panels and gone to numerous data meetings, I am none the wiser for reading this policy letter. It is very confusing and it is complicated – all these questions of 'authorised jurisdictions', 'extraterritoriality', 'adequacy', 'third countries' and so on. Because I understand how ... Well, Deputy Lowe has even explained to us clearly today that recent information from Whitehall suggests that we would need this *anyway*, even if the withdrawal agreement that was recently hammered out at Chequers is to go through – different from the policy letter.

But what is not clear in my mind is: I can understand ... Well, we know it is *extremely* important that we have data adequacy and transferability to the United Kingdom for all of our industries; and I understand, and it is great that Guernsey has had adequacy status and authorised jurisdiction status, and we really need to give that to the United Kingdom to ensure that data flow continues.

But what is not clear from this material, I do not know if H.M. Comptroller would like to ... if whether post a no-deal or even a deal Brexit on 29th March or 30th March this year, whether we could still, without the issues of extra safeguards, process and transfer data from European Union citizens who are not currently living or based in the United Kingdom? In other words, any work that we do with the 27 other countries we need to ensure that whatever rights we have got at the moment, based upon our extremely well-managed data protection system, continues into April and beyond.

I cannot tell from this altogether what that consequence is because I think the safeguarding ... the United Kingdom's position and our positioning in the UK, but not necessarily to how does that change our situation with people or businesses that are not in the UK that are currently satisfied?

**The Bailiff:** Deputy St Pier.

**Deputy St Pier:** Sir, I rise briefly, actually prompted party by Deputy Gollop's question here and also to refer back to the statement I made at the beginning of the sitting.

In relation to Deputy Gollop's question, our adequacy status which we already have, as a third country, does enable us to continue – deal or no-deal – to make that transfer in the way that he was questioning, sir.

However, that adequacy status is the reason for the reference I made at the end of (*Interjection*) my section in the statement, which is that we will continue to engage with the EU to ensure that this mitigation strategy is understood – in other words, this mitigation strategy of enabling us to transfer data to the UK when the UK is no longer in the EU. And I think for completeness and transparency it is worth making the point that in a sense Guernsey is between a rock and a hard place on this issue. It is a difficult judgement and a balance of risks. We need to be able to continue to transfer data to the UK. We also need to preserve our adequacy status,

which is why we need to engage with the EU to ensure that we do understand and are content with the mitigation strategy.

2820 There are no easy choices here, but it is important that the States do understand that this is a balance of risks and I absolutely wholeheartedly endorse the approach of the Committee for Home Affairs, but doing so in the knowledge that it is a difficult balancing act that we are undertaking.

Thank you, sir.

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**The Bailiff:** Deputy Lowe can now reply.

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

2830 There is very little to add really, although Deputy Tindall ... and I understand the disappointment that this has not actually come through the Legislation Committee. This is a very brief report. It changed even Tuesday afternoon – that is how quick Brexit operates. If we want to keep ahead of the game we have to change things as it happens, and that is why the report was actually changed to ensure that the information that we had been getting from the UK was that it was not a case of once the Ordinance will come in if there is no Brexit, we have to have it in place  
2835 if we want the adequacy to continue. So, as I say, it changed on Tuesday afternoon when that came through from London.

That is the advice we have, and we have to go with that. We have a huge responsibility here.

2840 As I said, it is *crucial* – and I cannot play down that word, that is not an exaggerated word – it is *crucial* that Guernsey stays absolutely on top of this and the enormous amount of work which I have said time and time again – President Pinar said it and some of the other Statesmen have said it as well – the amount of work the legislation required for Brexit is phenomenal.

And so I therefore ask States' Ministers to support.

2845 **The Bailiff:** There are two Propositions and, as the second one involves the approval of legislation, I will take the two separately.

So, first of all:

To approve the UK as an authorised jurisdiction for the purposes of the Data Protection (Bailiwick of Guernsey) Law, 2017

Those in favour; those against.

*Members voted Pour*

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

And, secondly:

To approve the Ordinance entitled 'The Data Protection (Authorised Jurisdiction) (Bailiwick of Guernsey) Ordinance, 2019'.

2850 Those in favour; those against.

*Members voted Pour*

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



# Billet d'État I

## POLICY & RESOURCES COMMITTEE

### III. Schedule of future States' business – Proposition carried

*Article III.*

*The States are asked to decide:*

Whether, after consideration of the attached Schedule for future States' business, which sets out items for consideration at the Meeting of the 27<sup>th</sup> February 2019 and subsequent States' Meetings, they are of opinion to approve the Schedule.

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**The Deputy Greffier:** Article III, Schedule for future States' business.

**The Bailiff:** Deputy St Pier.

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**Deputy St Pier:** Sir, I have nothing to add.

**The Bailiff:** Then we can go straight to the vote. Those in favour; those against.

*Members voted Pour.*

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

That concludes the business of this meeting and we will see you at the end of the month.

*The Assembly adjourned at 3.59 p.m.*