



**OFFICIAL REPORT**

**OF THE**

**STATES OF DELIBERATION**

**OF THE**

**ISLAND OF GUERNSEY**

**HANSARD**

**Royal Court House, Guernsey, Wednesday, 17th July 2019**

*All published Official Reports can be found on the  
official States of Guernsey website [www.gov.gg](http://www.gov.gg)*

**Volume 8, No. 19**

**ISSN 2049-8284**

*Published by Her Majesty's Greffier, The Royal Court House,  
St Peter Port, GY1 2NZ. © States of Guernsey, 2019*

**Present:**

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

**Law Officers**

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

**People's Deputies**

**St Peter Port South**

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

**St Peter Port North**

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

**St Sampson**

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

**The Vale**

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

**The Castel**

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

**The West**

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

**The South-East**

Deputies H. J. R. Soulsby, H. L. de Sausmarez, 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. Ross, Esq. (Senior Deputy Greffier)

**Absent at the Evocation**

Miss M. M. E. Pullum, Q.C. (H.M. Procureur); L. C. Queripel, (*relevé à 10h 44*); P. J. Roffey, (*relevé à 14h 51*);

## Business transacted

Evocation .....	1456
Convocation .....	1456
Tribute to former Forest Douzaine Representative Brian Arthur Cripps.....	1456
Statements.....	1457
Resignation from Committee of Home Affairs – Personal Statement by Deputy Prow .....	1457
Resignation from Committee of Home Affairs – Personal statement by Deputy Graham....	1461
Welcome to the new President of the States of Alderney – Mr William Tate.....	1464
Update on the extension of the Bailiwick’s territorial seas – Statement on behalf of the Policy & Resources Committee.....	1464
General update – Statement by the President of the Committee for Health & Social Care	1471
General update – Statement by the President of the Committee for Home Affairs.....	1479
<i>The Assembly adjourned at 12.35 p.m. and resumed its sitting at 2.30 p.m.</i> .....	1487
<b>Questions for Oral Answer.....</b>	<b>1487</b>
Appointment of the Head of Curriculum and Standards for Education Services .....	1487
Simultaneous Electronic Voting, Broadcasting of States’ Meetings, Review of Good Governance and Training Budget for States’ Members .....	1492
Number 2 Cornet Street; and a Victor Hugo Centre .....	1495
<b>Billet d’État XIV.....</b>	<b>1509</b>
I. Committee <i>for</i> Home Affairs – Election of two Members – Election held.....	1509
<b>Billet d’État XIII.....</b>	<b>1510</b>
V. Independent Monitoring Panel Reappointments and Notification of Resignations – Mr Tony Talmage, Mrs Wendy Meade, Mr Peter Champion, Ms Glen Ford and Mrs Heather Mauger reappointed .....	1510
Motion to debate an Appendix Report.....	1512
Committee <i>for</i> Home Affairs – Guernsey Prison: Annual Report 2018 – Motion to debate Appendix Report – Proposition 1 carried.....	1512
<b>Billet d’État XIV.....</b>	<b>1513</b>
I. Committee for Home Affairs – Election of two Members – Announcement of results – Deputy Smithies and Deputy Le Pelley elected.....	1513
<b>Billet d’État XIII.....</b>	<b>1514</b>
Motion to debate an Appendix Report.....	1514
Committee <i>for</i> Home Affairs – Guernsey Prison – Independent Monitoring Panel – 2018 Panel Annual Report – Motion to debate Appendix Report – Proposition 1 carried...	1514
Legislation Laid before the States .....	1515
The Highway Code for Guernsey 2019; The Traffic Signs and Traffic Light Signals (Amendment) Order, 2019; The Control of Trade in Endangered Species etc. (Bailiwick of	

Guernsey) Ordinance, 2016 (Commencement) Order, 2019; The Misuse of Drugs (Modification) Order, 2019; The Data Protection (General Provisions) (Bailiwick of Guernsey) (Amendment) Regulations, 2019; The Mental Health (Treatment and Forms) Regulations, 2013.....	1515
Ordinances laid before the States .....	1516
Policy & Resources Committee – The Transfer of States Undertakings (Protection of Employment) (Information Systems and Services) Ordinance, 2019 – Approved.....	1516
II. Taxation of Motoring – Debate commenced.....	1517
<i>The Assembly adjourned at 5.25 p.m.</i> .....	1541

*PAGE LEFT DELIBERATELY BLANK*

# States of Deliberation

*The States met at 10.43 a.m. in the presence of  
His Excellency Vice-Admiral Sir Ian Corder, K.B.E., C.B.  
Lieutenant-Governor and Commander-in-Chief of the Bailiwick of Guernsey*

[THE BAILIFF *in the Chair*]

## PRAYERS

*The Greffier*

## EVOCAATION

## CONVOCAATION

**The Senior Deputy Greffier:** Billets d'État XIII, and XIV of 2019 to the Members of the States of the Island of Guernsey, I hereby give notice that a meeting of the States of Deliberation will be held at the Royal Court House on Wednesday 17th July 2019 immediately after the meeting of the States of Election convened for 9.30 a.m. to consider the items contained in this Billet which have  
5 been submitted for debate. Billet d'Etat XV is convened pursuant to Rule 2(4) of the Rules of Procedure.

**The Bailiff:** Deputy Lester Queripel, do you wish to be relevé?

10 **Deputy Lester Queripel:** Yes, sir, please.

**The Bailiff:** Thank you.

I apologise for the slightly delayed start, that was due to a technical problem with the recording equipment which I am told has now been fixed.

## IN MEMORIAM

### **Tribute to former Forest Douzaine Representative Brian Arthur Cripps**

15 **The Bailiff:** Members of the States, sadly we must start this meeting of the States of Deliberation by paying to tribute to former Forest Douzaine Representative Brian Arthur Cripps who passed away on 2nd in July, aged 85. His was born in Guernsey on 30th July 1933 and, like so many Guernsey people of his time, after leaving school he became a grower – tomatoes and  
20 flowers, and in particular he was an expert carnation grower. He was devoted to the Parish where he lived virtually all his life and was well-liked by his fellow parishioners. He began his formal service as many did with parochial service, two years as Constable in 1979 and 1980 and was elected to the Douzaine in 1982 on which he served until 1993. He also served several years on the Parochial Cemetery Committee.

25 Brian sat in the States as the Douzaine representative for the Forest a post he held for nearly  
nine years, from 1985 to 1993. From his first election to the States, as might have been expected  
of a Douzaine representative, he sat on the Forest Parochial Outdoor Assistance Board and held  
that position throughout his time in the States. In an age of numerous States' Committees, Brian  
sat on a number of the bigger committees over the years. As was the way in those days Members  
were appointed to committees where they had direct personal experience and his next committee  
30 appointment was therefore the Committee for Horticulture where he served continuously from  
September 1986, becoming its Vice-President. He was also a member of the Agricultural Milk  
Marketing Board from October 1987, of the IDC from May 1990 and the Recreation Committee  
from May 1991, and on all those committees he served until he left the States.

35 In addition, he served on the Public Thoroughfares Committee from October 1987 to April  
1988 and again from May 1989 to July 1990. He was a member of the Island Traffic Committee  
from June 1988 to February 1992.

In his private life, Brian adored dogs and frequently went to shows with his golden retrievers  
and West Highland Scotties. In his youth he was a keen sportsman playing football for St Martin's  
and joining the club as secretary in later life. He also played tennis and cricket.

40 He leaves a widow, Brenda, more usually known as Susie, and a brother, Tony. We extend our  
sincere condolences to them and the wider family.

Will you please now rise to honour the memory of former States' Member, Brian Cripps.

*Members stood in silence*

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

## STATEMENTS

### **Resignation from Committee of Home Affairs – Personal Statement by Deputy Prow**

45 **The Bailiff:** Before we move on, may I just say that those who wish to do so may remove their  
jackets.

The next items of business are statements and I have given ... Well, I have not given permission  
because permission is not required, but I have had requests from Deputies Prow and Graham to  
make statements under Rule 10(2), that is a Rule under which a member of a Committee or the  
President of a Committee who has tendered a resignation from that office may make a statement  
50 at the next meeting regarding the resignation. The statement shall not exceed 15 minutes in  
duration.

I call first Deputy Prow.

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

55 I hope to clearly explain why I have resigned from the Committee of Home Affairs. I have done  
so with deep regret. Sir, it was an honour to serve my Island on that Committee, playing my part  
in keeping it safe and secure. Sir, it is a well-led Committee and I have the utmost respect for all  
its members and all the public servants who fall under its remit, especially those who serve on the  
front line and those who support them. They are our most precious resource.

60 Sir, it is P&R who in their wisdom commissioned and published governance reports on  
individual Committees. It is their conduct that I challenge. The procurement of a competent,  
impartial and independent reviewer, the terms of reference, the governance of the process and  
the publication is down to that Committee.

65 In the Home Report, the first page states it was conducted under the auspices of 'Public Sector Reform'. This is about transforming the Civil Service and is led by the Chief Executive. Nowhere in the public information can I find any reference to conducting a governance scrutiny of political performance; neither would I expect to.

This process, sir, is so flawed I do not really know where to start. I do not do personal attacks and neither will I give currency to conspiracy theories. All I will say is: this House loves its Shakespearean quotes and 'there is something rotten in the State of Denmark'. Or perhaps in the words used by the President of P&R 'toxic and febrile'. I will leave it to Members and the public to decide what is going on here.

75 What has emerged is a public document using defamatory language which makes extraordinarily serious accusations pointed at the President and the Committee members, which are unsubstantiated by any modicum of an evidential process leaving the court of public opinion to be judge and jury, predominately based upon throwaway lines of a few of those interviewed. This offends natural justice, is completely unacceptable and has defeated any positive aims of the exercise.

80 The Code of Conduct, which is rubbished in the report, as are the panel, is the proper medium for any professional to make allegations of bullying or to accuse members of lacking integrity by acting for personal or political gain. Unlike this report, any evidence would need to have been collected in a fair and timely manner, dates, times what was alleged to have been said and in what context; and gives a right to respond and call witnesses. But the report states and I quote: 'The Code of Conduct panels are biased in favour of the Committee members and the existence of strong personal alliances, and even familial connections .... undermine the confidence of staff and Deputies in the ability of the Code of Conduct'. This is quite a shocking allegation made without a sliver of evidence.

I have not been the subject of a Code of Conduct and as far as I am aware neither have my Committee colleagues. Neither have I received any complaint whatsoever regarding my participation in any political meeting or my conduct in this House.

90 Sir, turning to the commissioning and process, I am the only politician who has gone through this twice, as a member of HSC last year and now as a member of Home Affairs. Whilst I was made aware of the reviews, neither of these Committees commissioned them but as a States' Deputy I never formally agreed to being subjected to a review, signed any disclosure agreement of any kind and have not agreed to its publication. This a matter upon which I have sought advice which is confidential, privileged and ongoing.

My experience of the two reviews is markedly different. The Health Review consists of 14 pages. Interviews were completed with all Committee members and two senior civil servants.

100 The Home Review is 21 pages. The interviews were again completed with all the Committee members, but *seven* members of Home staff were interviewed, including the former Head of Law Enforcement who retired from that position in December 2018.

105 The HSC interview I attended was in a private office at HSC headquarters. The Home Affairs interview was conducted over the phone. The connection was not of a good quality and the demeanour or the reviewer did not put me at ease. The reviewer led the questioning throughout. None of the serious allegations were put to me.

In neither review did I indulge in any critical analysis of civil servants, or service chiefs. I thought this was a confidential learning opportunity to develop *my* skills. At a recent meeting of the Home Affairs staff involved, collective disquiet was strongly expressed about the one-sided criticism of the Committee and the collective responsibility ignored. It is just not tenable to lay all the bad governance opinions solely at the Committee's door, unless of course that is the aim of the report. We are told governance is collaborative and I agree and I want to do it better.

115 In the HSC report the outcomes of the interviews are in simple bulleted overview notes. The Home Report is different, giving extended comment based upon the opinions apparently drawn, couched in defamatory language aimed at the Committee. These far-reaching opinions are neither proportionate nor fair and the background is woefully researched. The opinions do not



pass the evidential test required to make such public allegations. The minutes reviewed are very selective – eight weeks – and represent only around 6% of Home Committee meetings.

120 Sir, the report's introduction is revealing. It states that HSC was the first Committee 'chosen' because 'a previous [*Health Board*] had experienced serious problems with governance' and the 'States of Guernsey wished to understand how the new HSC had achieved significant improvements'.

It is not clear who the States of Guernsey are in this context and therefore actually whose opinion is quoted? Is it P&R or is it the Chief Executive? It is certainly not this Assembly.

125 The introduction then says Home 'was chosen' because of the 'serious concerns about its governance'. Who exactly had those concerns and why were they not articulated in advance as the reason for the review?

130 The review was therefore conducted upon these preconceptions causing a structured, negative and critical examination of Home rather than an impartial review and quoting what its aims are: 'supporting the development activities on good governance'. The civil servants are depicted as innocent witnesses as if they have no role in good governance. It is completely biased and lacks objectivity.

135 The methodology used is flawed and not fit for purpose. There is a reliance upon one-hour interviews or less, conducted with the Committees and Officers chosen by the Reviewer – only two in the case of HSC and seven in Home. These were broken down into 12 question sets with one subdivided into six. That is an average of about three minutes per question. This means that opinions have been drawn from subjective discussion led by the reviewer inviting certain scoring, one to five, but there is no clarity how these scorings were attributed or how the so-called 'triangulation' was achieved. It cannot be tenable for a review P&R made public, to describe this as evidence, which is articulated in the language it is.

140 Sir, this was not an employment confidential staff appraisal environment where it is common practice everywhere in the public and private sectors that these type of processes are deemed sensitive whatever the outcome, because they harm the frankness and candour of such discussions and would completely undermine any employee's ability to develop collaborative working with colleagues. What has emerged has now become a public spectacle fuelled by political Press comment. Where does this further the aims of the review, to 'build relationships of mutual trust' and 'collaborative approaches to managing issues'?

145 Sir, I now specifically refer to the defamatory allegations and I ask what evidence there is to substantiate them.

150 The report alleges: 'The Committee fails in the process of developing strategy and policy because they do not give sufficient attention to major strategy and policy'; and, sir, 'The Committee do not consistently use evidence to inform decision-making'.

155 Sir, again the research is woeful. These serious allegations are made after only looking at a very small number of Committee minutes and the very limited documents referred to in the appendix. Crucially it has ignored the fact that the Committee has in fact so far in the three years of this term agreed around 490 policy and strategic recommendations, after due consideration.

160 One of the key documents omitted from the reference list is the Home Affairs Delivery Plan. This, on an annual basis, ties into the overarching Policy Planning cycle and was debated in the States and was agreed without challenge. Sir, together with Officers the Committee has in fact prioritised six key areas all highlighted in the current P&R Plan. They have been highlighted by the President of Home Affairs in the statements to this House. It is online and open to scrutiny by all.

165 The report is dismissive of the major strategic achievements made by the Committee and staff in relation to Brexit preparations, Security and Cyber strategy, money laundering and terrorist financing, EU data equivalence, Extradition Law, a review of the Population Management Regime, estate optimisation and the commissioning of a complete review of the Island's Justice system, all of which are vital in the delivery of the P&R Plan.

In the Brexit piece alone, 14 policy legislative submissions were made to the States. In fact, sir, a total of 30 Committee Policy Letters have been approved by the States this term.

170 The Committee have consistently used evidence presented to them throughout this term and listened very carefully to all the professional advice given. Sir, in doing all this, the Committee has to occasionally probe and challenge in order to understand and justify policy and strategy, to be transparent and accountable. We are rightly challenged in this House, by the media and by the public. Sir, it is called democracy.

Could we do better? Well, of course, we could and the Committee is fully committed to doing just that

175 Sir, the report is very Law Enforcement-centric and regurgitates the HMIC report around operational boundaries. Its criticism, indeed the list references four documents which revisits the old ground of HMIC review appertaining to the period of May 2016 until the end of 2018 under the tenure of the retired Head of Law Enforcement.

180 I shall be brief on this as HMIC has been subjected a Scrutiny Management Committee hearing and a full debate in this Assembly. It is acknowledged by many that it is an expectation that Deputies will listen to their constituents, whether by receiving e-mails, social media or in the supermarket. I venture to suggest a candidate who was unwilling to pass on feedback or representations to civil servants would struggle to become elected. Indeed, the HMIC reviewer stated that the Committee's connection with the public was laudable. This is very different to operational interference and a protocol with the new Head of Law Enforcement has now been agreed. We have many excellent professionals particularly in Health and most current Home Services, who actually welcome feedback rather than becoming precious. Of course this is a very difficult area for Government and Officers and, as Deputies, we must strive to do this better.

185 The review glibly makes accusations of a lack of focus on strategy. It urges us toward the virtues of UK governance in the footnotes and reference documents. Hello! UK Parliament is in a shambles and some local government administrations are in 'special measures'. Sir, why do we get consultants who do not value or understand the preciousness of our independence and want us to follow and become the UK?

190 Sir, I refer to a letter in *The Times* on 5th July 2019 penned by six former Metropolitan Police Commissioners, a former HMIC Inspector and the President of the Association of Chief Police Officers. They are asking for a Royal Commission because Police resources in the UK are 'drained to a dangerously low level with the loss of 30,000 frontline Officers'. They report 'lawlessness generated by knife murders and county line drugs' and the 'perilously low public expectations of the Police'. Sir, they have Police Crime Commissioners and protocols referenced in this report but we have a well-resourced Law Enforcement capability to be proud of and a Committee that has fought to maintain front line services in times of financial constraint and are 'close to the Community and are held to account by them'. Sir, do not take my word for it. It appears in both the HMIC and the governance reports.

200 So what exactly is the 'strategy' craved and lacking and, sir, where was the evidenced paper from Law Enforcement informing the Committee?

205 The report also strays into making sketchy and narrow political comment around the Criminal Justice Policy. But, sir, the Committee has scoped, funded, resourced, commissioned and implemented a wide-ranging review, the first stage of which has been completed. It must be realised that the stakeholder consultation goes far wider than the Home Affairs and includes other Committees and the Courts. The Committee has indicated that a policy letter will be presented to the States at the end of this year which may well include further availability of alternative sentencing tools. It became clear during the process, until corrected, that the reviewer did not understand the importance of *not* interfering in judicial decision-making and that sentencing is entirely a matter for the courts.

210 Sir, I go onto the accusation that the Committee members are acting to gain political or personal advantage and lack integrity.

**The Bailiff:** Deputy Prow, I need to bring you just to a close. The Rules only permit 15 minutes and I have no discretion under the Rules to allow that to continue beyond the 15 minutes.

**Resignation from Committee of Home Affairs –  
Personal statement by Deputy Graham**

220

**The Bailiff:** I will call now Deputy Graham who will also be delivering a statement under Rule 10(2). *(Applause)*  
Deputy Graham.

225

**Deputy Graham:** Resignation from a Principal Committee in controversial circumstances is a serious matter for which an explanation is owed to the States as a body, and I am grateful to the Bailiff for this opportunity to explain mine.

230

At its simplest, my reason for resigning as a member of the Committee for Home Affairs is that I need to challenge the recent report of the Committee's governance and I do not consider that I can adequately do so whilst remaining a member of a Committee which has much urgent work to do, not least that of repairing the damage already done, ironically, by the report itself. The majority of my colleagues take a different view and I wish them well and offer my support for the remaining months of their term of office.

235

The next 14 minutes will not be about defending my reputation. Instead, I want to focus on a much more important matter of principle, namely that of the questionable conduct, and therefore dubious value, of the current round of reviews of the governance of our Principal Committees, and the use to which P&R is putting them. This is a matter of especial relevance just now in view of the current debate on how politicians and civil servants should best engage with each other in the government of our Island.

240

The reason that it is not about my reputation is that I am not remotely fussed about my reputation and I consider it irrelevant. Most certainly, the reviewer's opinion of me is of no importance to me at all. In a previous life I have done the operational leadership bit at a number of levels and now I have done the political oversight bit, so I have experienced the political/operational interface from both sides of it, whereas as far as I can see the reviewer has practical experience of neither. With that in mind, the fact that the reviewer has a low opinion of my ability and my integrity as a politician is not remotely concerning to me.

245

Of slightly more relevance is that the Policy & Resources Committee share the reviewer's very low opinion of me. Just as the reviewer has done herself, the P&R Committee have gone out of their way to assert that the reviewer is an expert and must *ipso facto* be correct in all her judgements. Deputy Le Tocq could not have been more clear in his public commentary: the reviewer is an expert whose judgements cannot even be questioned! This is raising the concept of Papal infallibility to new heights.

250

Frankly, sir, such has been the conduct of the members of P&R over this review that I am relieved that they do not consider my integrity to be on a par with theirs. Who can forget how, in the absence of the P&R President when we debated the P&R Plan last month, it was the States very own integrity champion himself who calculatedly thrust a notice to quit into the hands of the Home Affairs President so that she could read it just before she was due to speak in that role?

255

No, sir, if I am at all concerned about what P&R think of me it is that my colleagues on the Principal Committee, of which I remain Vice-President, should not find themselves vicariously having to share the consequences. That apart, I am happy to be judged on my record by my peers and by the Castel electorate who placed their confidence in me just over three years ago.

260

I now turn to the much more serious matter of the questionable quality and value of the current round of governance reviews as judged by the review of Home Affairs. In even attempting to do so I am of course open to the obvious charge of shooting the messenger, but if that is what some Members and no doubt some media commentators think this is all about, so be it.

265

In pointing out the flawed nature of the governance review and demonstrating the report's sheer unfairness to Home Affairs, it is difficult to know where to begin and end. So many are the flaws, so many are the instances of unfairness, that there is simply only time to touch on just a few examples.

270 The first question to ask is about the reliability and objectivity of the review's methodology, with its reliance on triangulation. The reviewer stakes the review's credibility on this. So, if person A says something and is then backed up by either two of the other six interviewees, or by two separate documents, or by just one other interviewee and one document, then it must be true.

275 There are obvious flaws in this approach as used by this reviewer. First, as far as triangulation with three persons is concerned, that would not have been an option when the same reviewer reviewed Heath & Social Care. Curiously, she chose to interview only two non-politicians on that Committee compared with seven on the much smaller Home Affairs Committee.

280 Second, if, for example, the necessary three Home Affairs' officers made a particular allegation against Home Affairs' members, but it was not supported by evidence from the remaining four officers interviewed, why should the allegation from three officers be accepted by the reviewer as unchallengeable fact when four other officers did not corroborate it and did not have their non-corroboration recorded? And what if numerous documents directly disprove the assertions made under interview but remain unread by the reviewer even though available to her?

285 A further point: to date, four separate States' Members who are not members of Home Affairs have come to me to assert that this whole affair has been a P&R stunt to bring down Deputy Lowe. Now, I have no idea if it was but whether I believe it or not, if I informed P&R that I have more than triangulated evidence – indeed, it would be quadrangulated evidence – that as a Committee they have pulled a squalid stunt, that I have no documentary evidence to support the allegation – and even if I did I could not divulge it for reasons of confidentiality – and that since 290 the four Deputies came to me in confidence their allegations cannot be checked with them, in those circumstances would P&R be willing to accept the allegation as true and agree to put it in the public domain with their unqualified support?

I now refer to the inconsistency with which the reviewer applied her methodology to me as a 295 political Member and to the Home Affairs' officers and heads of services. In her report the reviewer refers to having studied 'documentary evidence provided by interviewees'. I was interviewed just once, by telephone, on a poor line. To the best of my memory, at no time during that interview or afterwards was I invited to cite any documentary evidence to support my responses to the interviewer's questions or to counter any allegations made against me. Had I 300 been given the opportunity I would have referred the reviewer to such documentary evidence.

So much for the questionable methodology, although I could offer more flaws if time permitted.

Now, this flawed methodology and the sloppy way it was carried out, meant that the body of the report consisted of little more than a series of unsubstantiated, hearsay assertions made 305 against the political Members, accompanied by the reviewer's highly subjective and speculative narrative. I have only time to cite two typical, but far from the most egregious, examples.

The reviewer accused the Committee of indifference to the levels of imprisonment in Guernsey. The prison population in Guernsey varies widely from one period to another. A snapshot at one time would have shown our level to be higher than in Jersey and the UK, at other times below or 310 similar to the others. That said, our judiciary do tend to sentence more offenders to imprisonment than their UK and Jersey counterparts, but as former Deputy Gillson explained in his column last week, by nowhere near the levels to which the reviewer refers as 'extraordinarily high'. What is extraordinarily *low* is Guernsey's rate of reconviction of post-release prisoners, at around one third of the UK's, and it is significant that the reviewer chose not to mention that good news – for, as far 315 as the reviewer is concerned, the current Home Affairs Committee was guilty as charged.

In her lack of balance and objectivity she asserts that the Committee were simply not interested in understanding or addressing the high level of imprisonment. She offers no documentary evidence to support her assertion and she failed to seek, let alone find, the ample documentary evidence readily available to her that would have contradicted her assertion. Even a 320 cursory look at the documentary evidence of Committee minutes and papers would have shown the reviewer that the Committee, from its earliest days, sought conscientiously to understand the

issues and give strategic direction. The documents clearly show that the Committee first indicated to the appropriate officers and heads of service that their strategic aim was to extend the post-sentence engagement of the Probation Services to short-term prisoners. The Committee requested a paper for their guidance first in 2016, again in 2017, and chased it again in 2018 until finally a report was received in May this year.

In her eagerness to criticise the Committee the reviewer also revealed her own poor understanding of a complex issue. The reviewer ignores the fact that the Police and the Courts already have ample tools to keep offenders out of prison

The reviewer does not appear to have even considered that our courts, and not the Committee, have a relatively low threshold for sentencing offenders, particularly those dealing in illegal drugs. Nor has the reviewer reflected that our Law Enforcement Officers achieve a detection rate which those in the UK can only dream of and which therefore brings many more offenders before the courts.

Instead, the reviewer made further accusations against the Committee. First, she accused the Committee of failing to consult other relevant Committees in addressing possible causes of offending and reoffending. She offered no evidence for this false assertion and did not seek the available documentary evidence to the contrary. For example, at a very early stage the Committee engaged with the Committee for Employment and Social Security over the need to enable prisoners to have access to a bank account in order to better enable them to cope post-release by removing one barrier to finding employment and thereby lessening the temptation to revert to criminality. The minutes of joint Committee meetings were readily available to the reviewer had she genuinely sought independent evidence. She did not.

Sir, the reviewer's negative mindset does Guernsey and the Home Affairs Committee no justice by judging our approach to criminality and the offender through her narrow and obsessive focus on the number of prisoners in our prison rather than on the outcomes of our holistic approach to justice.

I now offer an example of how the Committee were damned by the reviewer if they did and were damned by her if they did not. In her first draft she criticised the Committee for referring operational matters raised by members of the public to the Head of Law Enforcement. In her words, to do so was to waste his valuable time. I now quote from committee minutes of a meeting in 2016 which were available to the reviewer. The minutes say: 'Deputy Leadbeater asked the Head of Law Enforcement whether there was any legislation in relation to flashing bicycle lights ... The Head of Law Enforcement confirmed he would take the query on board. He advised Members that he would welcome emails from them regarding issues like these'.

Now, in the final version of the report the reviewer repeated her criticism, but this time complaining that Members crossed the boundary by seeking information from officers or more junior staff about operational matters when the head of the service was not present. I now quote from the transcript of the Scrutiny Management Committee's 2018 public meeting with Home Affairs about the HMIC report. The reviewer had a copy of that transcript. In the quoted passage Advocate Peter Harwood questions the then Head of Law Enforcement on this issue:

'Advocate Harwood: "Politicians throughout the universe are going to be taking up issues that have been raised with them by concerned members of the public. Are you saying that it is wrong for a Deputy to do so ... ?"

Mr Rice: "No, I do not. I think it is wrong that the Deputies contact the Chief of Police about the issue."

Advocate Harwood: "Who else would they ... ?"

Mr Rice: "I think they should be contacting the Duty Inspector ... "

As I have said: damned if they did, damned if they did not.

Sir, in the time available to me I have been able to cover just two of the countless examples in the report where assertions have been made against the Committee, not only without providing evidence that could be assessed but also ignoring available evidence that clearly shows the assertions to be false. This would be of little consequence if it were about me, but there are really

375 serious issues here. There is the alarming naivety – or perhaps cynicism – of P&R in accepting as  
unchallengeable the assertions of a report that any clear-eyed, objective reader would identify as  
deeply flawed. There is the waste of public money and our time in having reviews that contribute  
nothing to the stated aim of improving the governance of our Principal Committees. I have the  
necessary triangulated evidence from three Members of Health & Social Care that their  
Committee learned little or nothing about their governance that they did not already know, and  
380 five members of Home Affairs think the same of theirs.

Of course, the Committee found it easy to agree to the report's recommendations but there  
was no need to have an expensive review to identify them, we could just Google the principles of  
good governance and there they are to pick from.

385 There is also something deeply sinister in all this, sir. The first draft of this report was vicious  
and spiteful in tone, depicting Deputy Lowe as a sort of *mafiosa* figure surrounded by four  
gutless, on-the-make rookies and ruling the roost of Home Affairs as Guernsey's very own 'Donna  
Corleone'. (*Laughter*) This absurd part of the report was subsequently toned down, presumably on  
legal advice, but the point had been made. Here is a dangerous political device by which the  
States' Senior Committee can knowingly deploy a sloppy, ill-researched and unevicenced report  
390 and thereby wilfully damage the reputations of fellow Members of the States, undermine the  
Committee's already improving governance and sow the seeds of mistrust at the very time when  
mutual trust needed encouragement.

395 Sir, in my view Members of the States should watch sceptically over this new approach to  
reviewing our Government. I am not denying that lessons from the past three years remain to be  
addressed by both politicians and officers at Home Affairs, nor that some relationships need  
mending. The tragedy is that this one-sided, poorly researched report was the worst possible  
intervention in a process of improvement and restoration of trust, a process already well under  
way in the wake of the HMIC report and the response to it in co-operation with the new Head of  
Law Enforcement.

400 In short, sir, this report and P&R's use of it provide an exquisite example of the very worst  
governance. I invite Members to taste the irony. (*Applause*)

**The Bailiff:** Members, that concludes the two statements under Rule 10(2) and I remind you  
there is no provision under that rule for there to be any debate or any questions arising from  
405 those statements. So we will move on with other statements.

**Welcome to the new President of the States of Alderney –  
Mr William Tate**

**The Bailiff:** But just before we do so, I would like to welcome to the public gallery the newly  
elected President of the States of Alderney, Mr William Tate and his wife Gabrielle who have just  
joined us. Welcome and we wish you well in the discharge of your presidential duties in your  
410 Island.

**Update on the extension of the Bailiwick's territorial seas –  
Statement on behalf of the Policy & Resources Committee**

**The Bailiff:** The next statement is to be a statement on the Extension of the Bailiwick of  
Guernsey's territorial seas to be delivered on behalf of the Policy & Resources Committee, I  
believe by Deputy Brouard. Deputy Brouard.

**Deputy Brouard:** Thank you, sir, and Members of the House.

415 Mr Bailiff, in January this year the States of Deliberation considered a policy letter from the  
Policy & Resources Committee regarding the Bailiwick's territorial seas. The States resolved that  
Guernsey's territorial seas should be extended from the current limit of three nautical miles to a  
limit of 12 nautical miles from what is known as the 'baselines', which is generally the low water  
420 line along the coast. The States of Alderney and the Chief Pleas of Sark made similar and  
complementary decisions regarding their own waters.

A 12-nautical mile limit means that the Bailiwick of Guernsey will have territorial seas limits in  
line with international norms.

425 Since the States' decision in January, officers have continued to progress the matter. The Policy  
& Resources Committee formally requested, on behalf of the whole Bailiwick, that the UK make  
the necessary Order in Council.

The Privy Council considered and advised that the requisite Order in Council should be made  
at its meeting last week and it was subsequently made. The Order in Council will now be  
registered in the Royal Court of Guernsey next Monday and will come into effect the following  
day. So, with effect from 23rd July this year the Bailiwick's territorial seas will be extended to the  
430 12-nautical mile limit, except in certain directions where it will be less due to the proximity of  
France or Jersey.

The extension is a unilateral act of the UK made on our behalf in accordance with international  
law. It did not need to be negotiated or agreed with France, which is the only country which we  
will share a territorial seas boundary with. Obviously, our Bailiwick's territorial seas will also border  
435 those of Jersey. We have ensured that our regional partners have been kept informed as we  
sought extension of the Bailiwick's territorial seas. We recognise our historic and continuing links  
and are keen to continue our good neighbour policy. As is appropriate and as was indicated in the  
policy letter, the UK is formally notifying France of the date of extension on our behalf.

I do not intend to go into all the advantages and disadvantages of extending the territorial  
440 seas now – that was covered in the Committee's policy letter and debate in January. I would just  
reiterate that the three jurisdictions of the Bailiwick will have significantly more rights and control  
in the three to 12-nautical mile area. In particular they will have greater control over activities in  
the three to 12 areas as they will have legislative competence and corresponding Law  
Enforcement powers in that area. Also, in general, there is an automatic extension of applicable  
445 Bailiwick legislation to the 12-nautical mile limit, with the exception of some fishing legislation  
which I will mention in a moment. The extension of the territorial seas will not increase the  
number and type of responsibilities but it will, self-evidently, mean that a larger area has to be  
managed by the Bailiwick authorities. Existing search and rescue regional operational  
arrangements and existing pollution incident plans are unaffected by the expansion of the  
450 territorial seas.

Fishing access in the waters around the Bailiwick from 0 to 12 nautical miles will remain  
unchanged on the date of extension. The UK's participation in the London Fisheries Convention  
(LFC) will continue until the UK ceases to be a Member State of the European Union. As Bailiwick  
455 waters in the six to 12-nautical mile area are covered by the London Fisheries Convention, fishing  
access for French fishermen to catch demersal – that is bottom-feeding fish, basically – and crab  
species in accordance with the London Fisheries Convention will continue for the time being.

I should say that the policy letter on territorial seas indicated that the UK would cease to be a  
party to the London Fisheries Convention in July this year – that date reflected information and  
advice from the UK government. However, it was clarified by the UK government in May this year  
460 that the UK's withdrawal from the London Fisheries Convention would actually take effect on  
either 3rd July 2019 or on the date when the UK leaves the EU, whichever is the later. We now  
know, of course, that it was not 3rd July but it will be the date of Brexit.

The three jurisdictions of the Bailiwick agreed to 'freeze' fishing arrangements for an initial  
period following the extension of the territorial seas. The Bailiwick's fisheries management regime

465 will remain the same as it was before extension until any new regime is subsequently agreed  
between the Bailiwick authorities.

As set out in the policy letter, the next steps are for the precise co-ordinates of the boundaries  
of the territorial seas to be discussed and agreed. The median lines, which in essence are halfway  
470 seas of Guernsey, Alderney and Sark, will exist from the moment of extension. The exact co-  
ordinates of those lines will be formally agreed between the Islands following extension. Similarly,  
the international boundaries between the Bailiwick's waters and those of France exist from the  
moment of extension but the individual co-ordinates of those lines will be negotiated and  
delimited with France.

475 In due course, and in accordance with the Resolution, there will be further work on the  
possibility of the transfer of rights over the foreshore and seabed from the Crown to the States of  
Guernsey, or the public, or the people of Guernsey. Again, similar decisions were made by  
Alderney and Sark regarding the seabed adjacent to them reflecting their existing circumstances.

The Order in Council to extend the territorial seas is being registered with Guernsey's Royal  
480 Court before it takes effect. Members will recall that the States approved a *Projet de Loi* making  
changes to the Reform Law last month, following its Resolution on the matter in March. Those  
changes require that UK Acts of Parliament and Orders in Council which seek to apply to Guernsey  
will generally be referred to the States of Deliberation for approval and consent before such an  
Act of Parliament or Order in Council is registered in Guernsey's Royal Court. Having said that,  
485 the changes to the Reform Law were already in effect, the Territorial Seas Order would not be  
referred to the States of Deliberation for the States to signify their views upon it because the  
Order in Council was only made by the UK government at the request of the Bailiwick and as the  
consequence of the decisions of the three parliaments of the Bailiwick.

Sir, I trust that States' Members, the Guernsey community and indeed the whole Bailiwick will  
490 join me in celebrating the extension of our territorial seas on 23rd July and the corresponding  
controls and opportunities in the larger area from which we can benefit.

Thank you, sir.

**The Bailiff:** Does anyone wish to ask a question on the context of the statement?

495 Yes, Deputy Inder.

**Deputy Inder:** Sir, I am grateful for the update from Policy & Resources, but when we look at  
this now it looks like a really rough calculation taking out median lines and bumping into France.  
We have got something like a thousand square miles of waters now and that is actually quite  
500 significant and I am wondering ... There is always a danger with Guernsey doing something or  
Alderney doing something, and Sark doing something – and I think we discussed this when this  
was in the first policy letter – is Policy & Resources doing any work with the three Islands so we  
can turn this into one set of waters with one potential management rather than us three all going  
off on our separate ways?

505 Thank you, sir.

**The Bailiff:** Deputy Brouard.

**Deputy Brouard:** Thank you very much.

510 You are absolutely right. The amount of water we now control will be massive between the  
Islands, and in fact from Alderney's point of view almost as large as Guernsey's for the size that  
Alderney will extend to. We obviously will be working together with the three Bailiwicks and in  
fact how we have managed to get to where we are today was because we have been working  
together between the three of us in the Bailiwick Council, that we have actually been able to agree  
515 common ground that in fact we do want to have ownership and possession of our territorial seas,  
and that will continue. But Alderney will also – and, to be fair to them, they are their own



jurisdiction and they will have their own ambitions and desires just as we have and it is a matter of working collaboratively and in partnership with them as they take forward their ambitions and we take forward ours. Obviously they do not want to harm us and we do not want to harm them.

520 But, thank you.

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

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

525 I just want to say thank you to Policy & Resources because there has been quite a lot of consultation with the States of Alderney. I think this is a very good move, moving forward, so I look forward to the outcome of this finally getting done on 23rd July.

I would just like to clarify the ownership of the seabed – that would be another application going from the Bailiwick for the transfer of the seabed. I just wondered if we had any dates for that – because obviously that is important to all of the Bailiwick including Sark, Alderney and Guernsey – and what the next stages were with that transfer of the seabed.

530

Thank you.

**The Bailiff:** Deputy Brouard.

535

**Deputy Brouard:** Thank you, Alderney Representative Snowdon.

Yes, absolutely, as I have the Bailiwick lead on behalf of Policy & Resources, in fact I was just even talking this morning to Her Majesty's Procureur about just those issues of taking the next stage forward. Yes, we will definitely move and of course Alderney since 1950 has access lodged with the States of Alderney, I believe, as ownership of the three-mile limit out to the seabed. Obviously we wish to have that in our possession and, from my point of view, sooner rather than later and I would probably even add to that I would like to see some sort of EEZ economic zone overlaid on the top so that we have the maximum rights that we have and the waters around us are as protected as they can be and they used for our benefit and not for other countries.

540

545

**The Bailiff:** Deputy Graham.

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

Deputy Inder has indicated the scale of all this and I wonder with that in mind that extra area, extra territory means extra responsibilities and one of the first responsibilities is to monitor any area for which one is responsible.

550

What are the P&R plans for extending our ability to keep eyes and ears on the new total sea that we will have?

555 **The Bailiff:** Deputy Brouard.

**Deputy Brouard:** Thank you for that, yes, it is a very real issue.

But we do have to remember that we already police the 0 to 12 anyway for sea fisheries and the *Leopardess* has also been used as a Police, Customs and, I believe, also as a Sea Fisheries vessel. So we are already looking at these areas from that point of view.

560

So, yes, there will be some additional resource, I am sure. We take responsibility for some of the hydrographic areas and also from the ship navigation. But I think the price of that versus the power and control we have now over our territorial seas is a price worth paying. But he makes a very fair point and each of our Committees were all asked at the very beginning when we were looking at this issue as to how they can contribute and what issues would add up for them. So this will be something that will be taken forward.

565

**The Bailiff:** Deputy Oliver.

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

570 Going back to Deputy Alex Snowdon, you did not actually give any time limit at all or any ... If you could just try.

**The Bailiff:** Deputy Brouard.

575 **Deputy Brouard:** Thank you.

I wish I could give a time limit. I started this morning but I mean this has been a continuing ... To just give you some idea of time, my first letter about extending our territorial seas was written in 2006, so I have taken 12 years to get to this position today. Maybe Her Majesty's Procureur could possibly give me a bit more indication as to how long it might be – (*Interjection*) or Her Majesty's Comptroller. I mean, they are interchangeable. (*Laughter*)

580 But perhaps he could give some comment as to how long it might take. It is really what the will is of the UK to let us have that control.

**The Bailiff:** Mr Comptroller, are you able to help us on that?

585

**The Comptroller:** Sir, I am not sure I am able to help. It would simply be a matter of negotiation involving the Crown, Her Majesty's government as well, and the authorities within the Bailiwick. And I cannot personally give any idea of time on that.

When will an agreement be made? I do not know.

590

**The Bailiff:** Deputy Merrett.

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

595 And congratulations, I am really pleased we have done this. But I am concerned about – picking up on Deputy Graham's question – we will be buffering right up to Europe, as in France, and it goes further than the sea fisheries now, so I think we do have to have the resource in place to police the waters adequately and with content. And to say it will cost more but we do not know, I would really like a little bit more clarity around that. I believe the risks do potentially outweigh the detriment but I think just saying, 'Yes, it will cost us more, but that's okay' – I would just like a little bit more firmness if Deputy Brouard could give that to us, please, sir.

600

**The Bailiff:** Deputy Brouard.

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

605 I do not have a firm figure in front of me. I can certainly look back at the Billet that we produced on extending the territorial seas where each of the Committees gave us an indication of what their costs would be. But, off the top of my head, I cannot advise. But we do patrol out to the 12 miles for Sea Fisheries already. There will be some extra costs, as I said, for hydrographical surveys but that is, I think, a price worth paying.

610

**The Bailiff:** Deputy Gollop.

**Deputy Gollop:** With reference to the earlier question from Deputy Inder and Mr Snowdon, amongst others, Brexit perhaps here has a silver lining in that these agreements are moving ahead. But would Deputy Brouard on behalf of the Committee be able to say that many of the anomalies of rights and access between different fishing vessels from outside the Bailiwick could be resolved satisfactorily, so that at the same time that the extension is developed there is a sense of a unified Bailiwick in terms of these longstanding issues?

615

620 **The Bailiff:** Deputy Brouard.

625 **Deputy Brouard:** I think the short answer is yes, but we have to also recognise historic rights  
of access for our cousins in France, for Jersey and for the UK who have fished our waters for many  
years. What we do have now is we have the power in *our* hands as opposed to being held in  
someone else's hands. But negotiating is one of those arts. We will be in a much stronger position  
on 23rd July than we are today because we will then have the position that we can decide what  
and how we wish to police our fishing area. But we cannot do it from a blank sheet of paper.  
Unfortunately, we have to work from where we are at the moment and we obviously will be  
looking to ensure the best possible outcome for our artisan fleet that they have access to our  
waters.

630

**The Bailiff:** Deputy de Lisle.

635 **Deputy de Lisle:** Sir, I have pushed for a number of years now for the extension of 12 miles, to  
the Bailiwick's territorial seas, and I am pleased that on 23rd July this year we will see that that has  
been delivered; particularly to protect our fishery, as far as we are able as a Crown Dependency,  
(**A Member:** What is the question?) and conservation of course of a precious resource and the  
local fishing industry and those employed in it, but also to prepare the way for exploitation of  
renewable resources in the future.

640 But I would like to ask whether the Bailiwick has sought some conversations with France,  
independent perhaps of the UK with respect to this, because one of the concerns has always been  
a French fishery in our actual waters.

Thank you.

645 **The Bailiff:** Deputy Brouard.

**Deputy Brouard:** Thank you, Deputy de Lisle; and yes, Deputy de Lisle has also been a very  
strong supporter of extending our territorial seas.

650 Discussions with France are ongoing both informally and obviously we take our lead as well  
through the Brexit negotiations which are happening with the UK and France. So we are very  
cognisant of this and that is why we have, between the three Bailiwicks – or the three jurisdictions  
in the Bailiwick – decided to freeze the existing arrangements for the time being until we decide  
on something else.

655 But both Economic Development and Policy & Resources are very much aware of those  
concerns and how we manage that particular issue with our French cousins as we go forward.

**The Bailiff:** Deputy Leadbeater.

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

660 Could Deputy Brouard advise me if he agrees with me that this would be an opportune time to  
look at placing or transferring responsibility for Sea Fisheries from the Committee for Economic  
Development across to the Committee for Home Affairs so we can look at a holistic view of  
policing our territorial waters? We share the same vessel, the *Leopardess*, with Sea Fisheries and  
Law Enforcement through the Border Agency. So do you not think it would make sense to  
examine the possibility of transferring the mandated responsibility from Economic Development  
665 for Sea Fisheries to that of the Committee for Home Affairs?

**The Bailiff:** Deputy Brouard.

**Deputy Brouard:** It probably goes beyond my brief on the territorial seas.

670 The difficulty we have in a small jurisdiction such as this is that we will always have overlaps  
because the *Leopardess* has even been used, I believe, for medical issues as well. So, we need to  
have one Chief of that particular Department and unfortunately it will always have to be – and

675 rightly so – collaboratively with the others. But yes, if Home Department wish to put a pitch in I  
am sure that it will be considered, but there will be other Departments which will also have ...  
Deputy de Lisle was talking about renewables, that then falls under the Environment and  
Infrastructure Committee and they will have a need for it for shipping and control.

So really in a small jurisdiction like this we cannot really afford to have three or four different  
boats or different resources. Perhaps sharing is probably the way to go, I think.

Thank you.

680 **The Bailiff:** Deputy Inder. Do you have a second question?

**Deputy Inder:** Yes, sir, I do have a second question.

685 So, good for renewables, good for tourism, good for conservation and possibly good for  
fishing and as an expansionist from my small, little Island I quite like the fact that we have got  
more seas. But the question is, what I do not understand is where will our wreck responsibility be?  
If something hideous sinks now within our 12 miles, I genuinely do not understand who is  
responsible for the pollution, the clear up, the oil, the spillage, all that kind of stuff?

690 So with all the positivity there are potentially substantial risks if something hideously happens  
in our waters.

**The Bailiff:** Deputy Brouard.

695 **Deputy Brouard:** Well, first of all, if it happens at the moment four miles offshore it is just as  
much our problem today as it was yesterday. But there are international conventions which the  
States has signed up to with regard to accidents at sea. We will have more power over our waters  
to direct ships as to which directions they can sail in. We still have to give free passage over our  
seas but we can also control which passages those are.

700 I think it might be useful if I can perhaps recall what the UK government mentioned to us,  
because we also have the issue of wrecks and some of the issues where items have been dumped  
in the sea by other jurisdictions. This was from Lord Ahmad of Wimbledon and he said to us: '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 and they are not  
705 to be considered to be extra responsibilities and liabilities and related costs for any of the Islands  
of the Bailiwick for such sites, indeed the UK government considers that the additional powers  
that the relevant authorities on the Islands would have to manage activities in the areas once the  
territorial seas have been extended could be beneficial. The UK government stands ready to work  
with the relevant authorities of the Bailiwick in this regard'.

So the responsibilities, certainly for the historic wrecks –

710 **The Bailiff:** Your minute and a half is up, thank you.

Yes, Deputy St Pier.

715 **Deputy St Pier:** Sir, with regard to the questions in relation to shipwrecks and resource  
questions perhaps Deputy Brouard could confirm that, to the best of his knowledge, the table  
which appeared in the Billet back in January which dealt with a number of these issues remains to  
his knowledge accurate? That does address a number of these points and in particular that  
actually the absence of this extension would have created far more problems in relation to the  
fishing rights, with the London Fishing Convention falling away, so that really has been the main  
720 driver.

**The Bailiff:** Deputy Brouard.

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

725 Yes, absolutely, managing wrecks in the three to 12 nautical miles there is reclaim of costs in the Nairobi Wreck Convention.

Thank you.

**The Bailiff:** Deputy Le Tocq.

730

**Deputy Le Tocq:** Deputy St Pier asked the question that I was originally going to ask, but I will ask another one.

735 Would Deputy Brouard agree with me that in terms of incidents within these waters the co-operation between our Island authorities, particularly Border and Law Enforcement, and both the UK, but particularly the French Protectif Maritime are the best that they have ever been in terms of sharing information and handling appropriately with the resources that those various jurisdictions have?

**The Bailiff:** Deputy Brouard.

740

**Deputy Brouard:** Yes.

**General update –  
Statement by the President of the Committee for Health & Social Care**

**The Bailiff:** I see no-one else wanting to ask a question so we will move on to two statements under Rule 10(4), first of all a general update statement from the President of the Committee for Health & Social Care, Deputy Soulsby.

745

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

750 The Committee has achieved major milestones in moving the Partnership of Purpose forward since my last statement, receiving the green light from the Assembly to proceed with the introduction of a proportionate regulatory framework for Health and Care and a commitment to invest in the infrastructure of the PEH. Together with the Reform of Health Care Funding, these projects are crucial enablers which help us to lay the foundation for further transformation and the new model of care.

Work is ongoing to deliver a new model of primary care focused on greater equity of access and enhanced partnership working across the Health & Care system.

755

The Review of Drugs and Treatments, which we aim to publish by the end of this month, provides the evidence base we were seeking to recommend changes in drug-funding policy and the Committee is working with ESS and P&R to ensure that we have a workable proposal to bring to the Assembly in the autumn.

760

In the recent debate on the Future Guernsey Plan Members supported our aim to address the identified gaps in Mental Health Services and to place a greater focus on early intervention and prevention. I am delighted that as part of this commitment, HSC's application to become a signatory to the Prevention Concordat Programme for Better Mental Health has been accepted. This is a significant achievement and reflects the huge amount of effort that has been carried out to map our services and to work with our community partners to promote good mental health.

765

In Children's Services, levels of early help through the MASH have increased, those on the child protection register for over two years have fallen significantly and the re-registration rate within two years also remains low. Generally, long-term trends also indicate a decline in looked-after children. In addition, joint working with our counterparts in Jersey has resulted in the appointment of the first Pan-Island Independent Chair of the Islands Safeguarding Children Partnership and we continue to work with Jersey in other areas.

770

775 There has also been some fantastic partnership working with the Guernsey Housing Association. New key worker accommodation at Beauville, right next to the PEH, was opened last week, which for the first time offers family accommodation. The Autism Hub is also due for completion at the end of the summer. Service users and their relatives have been visiting the site over recent weeks and transition planning has begun.

The first ever Joint Strategic Needs Assessment provides us with a wealth of information on the specific needs of the over-50s identifying a number of 'urgent' and 'needed' projects in Guernsey and Alderney to improve the wellbeing of the community. An excellent piece of work by our Public Health Team.

780 At a more operational level, in my last statement I set out the problems with respect to orthopaedic inpatient waiting times and plans to reduce the backlog. Since then, we have made good progress through a combination of on and off-Island initiatives: the introduction of periodic Saturday operating lists; off-Island operations through Peterborough NHS Trust, Spire Hospital Southampton, and Jersey has helped to reduce the waiting list even though we are seeing significantly increasing demand.

785 On-Island ops have increased 10%. We expect added momentum over the coming months with an extra anaesthetist now on Island and additional contracts with other off-Island providers. A 'short notice' list is also being trialled where the longest-waiting patients are being offered the opportunity to prepare for surgery should a last minute slot become available. We also have contractual service redesigns for orthopaedic surgery and theatre management planned for later this year.

790 However, living longer inevitably means more procedures and whilst the PEH Modernisation Programme will increase capacity in the longer term, we also need look at prevention and how we can do things differently. With regard to the latter, a review is currently active and we expect a report in the next few weeks.

795 The ageing demographic as shown by orthopaedics and a growing demand for increasingly specialist services, together with general developments in modern healthcare are having a very real impact on the bottom line. We know pressures arising from the ageing demographic result in an additional expenditure of £1 million per annum. None of the above is new.

800 However, ironically a major reason why our budget is under very real pressure this year is because of our own success. For the first time in many, many years we have been successful in stabilising the permanent staffing within Acute Services. At the end of June 2018 there were 83 Registered Nurse vacancies within Acute Services but we are expecting a reduction to just 29 by this September as a result of an excellent recruitment drive. A huge thank you goes to all those involved across the States who have made it happen

805 I am sure Members will agree this is fantastic news. However, it perversely presents us with new budgetary challenges. The reasons are two-fold. Firstly, some of those staff are supernumerary and effectively mean double running costs for the first few months; and secondly, a vacancy factor, basically a percentage cut in pay budget is in place on the basis that we have never been able to fully recruit before. Clearly, as we are now in position where this is no longer the case, we need to rethink the approach in the budget-setting process for 2020.

810 Of course, whilst we have made such a difference in recruitment, retention is still a considerable concern. That is why the Committee would like to see resolution to the nurses' pay dispute and an agreed plan of action in terms of the development of a future framework that takes account of equal pay for work of equal value, as soon as possible. **(Several Members:** Hear, hear.) On that front, I would like to thank the nurses, on behalf of the Committee, for the truly professional approach they have taken in their campaign. **(Two Members:** Hear, hear.)

815 Whichever way we look at it, the funding gap identified by KPMG is beginning to be felt, and even with all the transformation initiatives we propose, it is expected to reach £20 million in the next eight years. HSC has worked tirelessly to manage its budget well, with millions of pounds of real savings made to the bottom line without any service cuts. In fact, to the contrary, as we have re-invested savings into prevention and early intervention, and this has included the introduction

of free under-21's contraception, which has exceeded all expectations in reducing unintended teenage pregnancies; free cervical cancer screening; HPV vaccinations for boys; and FH genetic cholesterol testing which is due to be launched shortly. These have all happened through partnership working which we want to develop more over the next few months.

However, we are rapidly coming to a point where services may well need to be cut unless extra funding can be provided in line with KPMG's predictions.

So, sir, it has been a busy six months and the rest of the year promises to be equally so with the Capacity Law being finalised, engagement on proposed changes to the Children's Law and publication of our proposed future model of Primary Care, to name but three. However, the debate at Budget time will be crucial. Sticking to our usual approach when it comes to raising revenue and allocating it, will not work. We need to think differently about the whole financial picture of the States if we want to keep pace with the Health and Care needs of an ageing population, as well as working on prevention for future generations. All the amazing work to lay the foundations for a better model of care could be meaningless unless the whole of this States is prepared to confront the funding challenges that lie ahead.

**The Bailiff:** Does anyone wish to ask any questions, which may be on any matter within the mandate of the Committee?

Deputy de Lisle.

**Deputy de Lisle:** Sir, several members of the public have brought to my notice waiting times and cancellations of operations. One of the latest was drawn from off Island having only been notified of the cancellation when on Island, for the third time.

Now, the Deputy speaks of a report and cuts in services but can she give assurance that these delays and cancellations are not going to continue further down the line?

**The Bailiff:** Deputy Soulsby.

**Deputy Soulsby:** Sir, I think I have just given an update on what we are doing with orthopaedic waiting times. If Deputy De Lisle is being approached by concerned parishioners I would recommend them to contact Customer Care and we can look into their individual circumstances. Sometimes what you hear might not actually be what has happened – sometimes it is, but sometimes it is not. But we can also look into individual circumstances and point people in the right direction.

**The Bailiff:** Alderney Representative Roberts.

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

Can Deputy Soulsby please update Alderney on the current state of medevacs and what Committee takes responsibility for these Alderney medevacs so vital to our northern Isle?

**The Bailiff:** Deputy Soulsby.

**Deputy Soulsby:** Sir, we have put in place ... I mean, actually at the moment before everything completely changes the medevac, or patient transfer service, actually sits with ESS who fund it; but HSC have been taking huge involvement in the medevac where we ended up with putting in place a contract with Aurigny the best that we could do in ensuring that they included best endeavours which we required, and that took quite some time to negotiate.

But of course all that will be up in the air dependent on the PSO process and that is what we are waiting for. We have expressed our concerns to P&R about what the outcome of that might be because the costs are, I suspect, going to be higher than what is being paid at the moment.

875 But we have no input into that PSO process at the moment so we are waiting to find out what the conclusion is.

**The Bailiff:** Deputy Oliver.

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

One of the most frustrating things for a cancellation of appointment is when you actually receive the letter *after* the appointment date. Is there anything that HSC are going to do to address that like an email system for Calendar or something? It is just that they are sending out letters for appointment dates and you receive the letter after the appointment date has happened.

885

**The Bailiff:** Deputy Soulsby.

890 **Deputy Soulsby:** I do share Deputy Oliver's concerns in this area. This is something the Committee has been making a lot of noise about over the last three years, saying: 'What can we do? Surely we can automate these and have emails?' I mean, I can have it from my hairdresser so I would expect to be able to do it in the Health Service.

As Members might know, we are currently having a whole new network put in place and we have been advised that the problem with our current network which is ridiculously poor and needs a complete change, which is why it is happening now, will enable us to implement that technology which I understand is out there, available within the States, but we cannot use it because our network is so grindingly poor.

895

**The Bailiff:** Alderney Representative Roberts.

900 **Alderney Representative Roberts:** Thank you, sir.

I did not quite understand Deputy Soulsby's answer to my second part there. Can she let me know which Committee takes responsibility for Alderney's medevacs, please?

905 **The Bailiff:** Deputy Soulsby.

**Deputy Soulsby:** Sir, it is part of the transfer service, so clearly it is the States of Guernsey that takes responsibility for the medevac service. At the moment it sits with ESS but with strong joint working between Health & Social Care and Employment & Social Security. So what we need to do is make sure that patients can get here when they need to get here, but also it is a responsibility of other parts of the States in terms of ensuring that those planes – if we are going by planes – or other vehicles are available in the first place.

910

**The Bailiff:** Deputy Gollop.

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

Deputy Soulsby has professionally outlined the challenges for Finance and the need to look for a new model, but she also mentioned recruitment and retention. And my question is, given that there has been significant media briefing by union personnel members and representatives about the current pay issues and restructuring, would Health & Social Care wish to have more of a stronger negotiating role in those pay and conditions discussions, more comparable to a mini-National Health Service rather than effectively being a third party?

920

**The Bailiff:** Deputy Soulsby.



925 **Deputy Soulsby:** I think it is fair to say it is a sense of frustration, we feel rather impotent that we do not have a role in the negotiations. We would have been willing to be involved if P&R think that would have been of use, or if indeed the unions think it might be of use. But at the moment it does not sit with us and there is little we can do, other than we have been supporting P&R in terms of the findings of the Roles Review. But I understand there is more work that has gone on, other reviews, which we have not been party to that sit with P&R.

930 I think it is something that could be looked at and we are dependent on those staff but actually at the same time the support that we got from Central Communications who put in a really good recruitment campaign, shows that that cross-Committee work *can* work, but at the moment it is a sense of frustration.

935 **The Bailiff:** Deputy Merrett.

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

940 I am just referring to the Independent Monitoring Panel Guernsey Prison Report and one of the recommendations, sir, is that they recommend recruitment of a mental health professional to the Health Care team to be made a priority. I was just wondering if the President of the Health & Social Care Committee could advise me if they are aware of that recommendation and what they put in place to try to resolve the scenario, I am led to believe in 2019, at the Prison?

**The Bailiff:** Deputy Soulsby.

945

**Deputy Soulsby:** Yes, sir, we are aware of this, Deputy Merrett is aware of the gap analysis we have done in Mental Health Services. That is one of the gaps that we are looking at, but then it is about resourcing and where do we find that Mental Health nurse? And it is also in a hard-to-recruit area as well.

950

**The Bailiff:** Deputy Brehaut.

**Deputy Brehaut:** Thank you, sir, and I am sorry if I missed any reference to this before. The remodelling of the benefits system has meant, quite rightly, that another, I think it is in excess of 200 children, will now be able to use the Children's Dental Service.

955

Can the President advise whether that has put any undue pressure or strain, or presents a challenge to the service as it is set up at the moment?

**Deputy Soulsby:** Yes, I thank Deputy Brehaut for that question. I think it has put an additional 500 children into the scheme; and, yes, it has impacted the dental service which had led to a suspension in terms of the clinics that they can provide, but that is being sorted out at operational level at the moment to see if this is going to be long term or just like a backup of pent-up demand.

965 **The Bailiff:** Deputy Trott.

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

970 Does the President of the Health & Social Care Committee agree with me that advising patients post-operatively of the cost of their procedures would enable a greater understanding of an individual's benefits in their time of need, from their tax and social security contributions, and would help to create an environment of improved inclusivity?

**The Bailiff:** Deputy Soulsby.

975 **Deputy Soulsby:** There are two approaches and this, I do not think, is probably the best thing to do for somebody who is just recovering from, say, a major procedure to be given the cost; ((*Interjection*)) and some of our clients, customers, patients and the conditions that they are in, it is probably not the best thing to do.

980 But in some circumstances, yes, if we could get those costings for operations then I would ask Deputy Trott would it not be helpful if we could have the software from the Finance function to enable us to do it? ((*Laughter*))

**A Member:** Hear, hear.

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

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

Deputy Soulsby mentioned the Joint Strategic Needs Assessment Report of which my personal view is that it is a really, really valuable bit of work and I was delighted to read it. I think it is really useful. And certainly I think it is an approach that, personally, I would like to see more of.

990 I appreciate this one has probably taken an awful lot of work and my thanks to those involved, so this might be a little bit pre-emptive, but can Deputy Soulsby please give us a rough, approximate indication of when we might see the next instalments for the other age groups?

Thank you.

995 **The Bailiff:** Deputy Soulsby.

**Deputy Soulsby:** Yes, they are all being geared up as we speak.

1000 There has been one on rheumatology that is already in progress. The next one after that will be for those between 18 and 50; and then the next one after that will be for children and young people, which will fit in with us at the time when we need to update the Children and Young People's Plan.

**The Bailiff:** Deputy Laurie Queripel.

1005 **Deputy Laurie Queripel:** Thank you, sir.

I just wanted to ask Deputy Soulsby about the organ donation scheme, in particular the opt-out aspect of the scheme. I have been contacted by Islanders who want to opt out but they do not really know how to go about it. I have said to them that I think there is an NHS website that they can go to, but of course some of these people are not even online, sir, they have not got computers.

1010 So, will Deputy Soulsby commit to the setting-up of a locally based, (**A Member:** Hear, hear.) easily accessible, opt-out process and might I suggest that this perhaps could be done via local medical practices?

Thank you, sir.

1015 **The Bailiff:** Deputy Soulsby.

**Deputy Soulsby:** Sir, the new organ donation system has not come into force yet and the legislation is not actually there.

1020 Yes, we will look. And it is really, really important actually for people to understand this is not just about changing the scheme from an opt-in to an opt-out. The really important thing about this is the communication and making people aware of what they can do and what is available to them.

1025 Yes, we work with the NHS; and if it was not for the NHS people in this Island would not get organ donations themselves. And that really is so critical. We could not set up our own organ

donation transplant scheme here, nothing would happen. We actually do very well from this scheme and they do all the work in terms of maintaining the website, which is very simple, you can opt in or you can opt out. I do not think there have been any problems in Jersey since they brought that in.

1030 But what I can assure Deputy Laurie Queripel at this stage is that when we are close to bringing in the new scheme there will be a lot of information and support for people so they are aware of what is available, and we will make it simple and easy for people to opt out if they want to do so.

1035 **The Bailiff:** Deputy Dudley-Owen.

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

1040 Can Deputy Soulsby please give us some more details on the 500 children who have been invited to receive the dental services? I heard about it recently on the news but I was not clear of the details, such as the demographics; and are these children of families who are unable to afford dental services?

Thank you.

1045 **The Bailiff:** Deputy Soulsby.

**Deputy Soulsby:** Yes, because the Children's Dental Service is now – other than particular periods where all children are seen by the dental service, and one of them is at three and half years – for those children whose parents take income support, who are the ones that get free treatment through the Children's Dental Service. And by proving they have changed, so we included rent rebates within the Income Support Benefit, has meant that 500 more children now have access to that free care.

**The Bailiff:** Deputy St Pier.

1055 **Deputy St Pier:** Thank you, sir.

Does the President agree with me that we continue to have a number of staff working for us in inappropriate and unsatisfactory premises, and this is an area where the Committee of Health & Social Care, Policy & Resources and the States' Trading Supervisory board do need to bring the matter to a conclusion quite quickly to enable some of those staff to be rehoused in more suitable accommodation?

**The Bailiff:** Deputy Soulsby.

1065 **Deputy Soulsby:** I would say that Deputy St Pier knows this is something that the Committee again has been trying to push forward since it took office.

I am hoping we are close to a conclusion on that and part of it will be helped by the ERC's policy letter which is coming for debate in September, but also the requirement to really have the support of States' Property Services to be able to enable it to happen sooner rather than later. I think we know where people should go. We are not happy with conditions that some staff are working in; it is not acceptable to us. I think, though, there is now a plan of action and it is just making sure everybody is singing from the same hymn sheet and that this has the same sense of urgency.

**The Bailiff:** Deputy Merrett, do you have a second question?

1075

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

Deputy Soulsby mentioned the Capacity Legislation and I was wondering if there is an update on when it may come before us, sir?

1080 **Deputy Soulsby:** Yes, sir, thanks to the hiatus of Brexit and the calm before the storm, the Law Officer concerned has been beavering away on the Capacity Law and it has been drafted, and now there is a consultation taking place so I think, as I said, in the Autumn I am hoping that we will be able to get the Capacity Law finalised in here.

1085 **The Bailiff:** Deputy de Lisle, do you also have a second question?

**Deputy de Lisle:** Yes, thank you, sir.

1090 In relation to primary care and prevention, specifically with regard to the cost of prescriptions, am I correct in believing that doctors, or their surgery, or their practice are not remunerated through commissions for medications prescribed?

**The Bailiff:** Deputy Soulsby.

1095 **Deputy Soulsby:** Sir, I am not quite sure I understood the question actually, but this does sit with ESS who are responsible for prescriptions out of the Guernsey Health Service Fund. So I can claim that it is nothing to do with me *at the moment* although it will do in the future. But I believe that the pharmacists –

1100 **The Bailiff:** You are not required to answer questions that are not within your mandate. So I think if you do not know the answer and it is not within your mandate –

**Deputy Soulsby:** No, I am not confident I know the specific answer, I have got a good idea but I think it is better addressed to Deputy Le Clerc.

1105 **The Bailiff:** Deputy Gollop, your second.

1110 **Deputy Gollop:** My second question is that given the evolving relationship with Mental Health and the changing landscape of the voluntary sector, would Health & Social Care welcome working more closely with Home Affairs in terms of supporting addicts, especially addicts of gambling products and fruit machines and so on, as part of a holistic drugs, alcohol and rehabilitation strategy?

**The Bailiff:** Deputy Soulsby.

1115 **Deputy Soulsby:** Sir, yes, indeed we are actually doing that at the moment through the Substance Misuse Review that is currently being undertaken, which covers not just drugs and alcohol but also gambling. That is a review which we are seeking to work with Home Affairs, to help inform us what we should do in the future.

1120 **The Bailiff:** Deputy Laurie Queripel.

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

1125 I just wanted to ask Deputy Soulsby about the training of social workers and one particular element of it, because I have worked on a number of constituency cases where it became apparent to me that that person's social worker did not seem – and I stress did not seem – to know or understand what benefits or services that person might be entitled to.

Could Deputy Soulsby explain whether this kind of information forms part of the training of social workers? Because quite often I have been able to help people with various conditions to access services and benefits whereas their social worker did not seem to be able to do that.

1130 So could Deputy Soulsby just address that issue please, sir?

**The Bailiff:** Deputy Soulsby.

1135 **Deputy Soulsby:** Sir, I do not know the absolute details of a social worker's training but I would assume – as with anybody who joins the States in a role – that they would get induction training relevant to the job that they are undertaking. But I will be happy to take that back and find out exactly what is involved.

**The Bailiff:** Deputy Kuttelwascher.

1140

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

Is the President aware of any concerns that may have been expressed regarding the patient service provision on Crevichon Ward?

Thank you, sir.

1145

**The Bailiff:** Deputy Soulsby.

**Deputy Soulsby:** Sir, that is a very opaque question. I do not know what he is referencing and if he could contact me afterwards I will see what he is talking about.

1150

From time to time there will be patients and families who will have concerns over certain areas of the service. I always say to them, if they have concerns, to contact our Customer Care Team who will then be able to make the right investigations and, if necessary, that goes through to our governance team who will have thorough reviews.

But, really, I have no idea what Deputy Kuttelwascher is referencing to.

1155

**Deputy Kuttelwascher:** Sir, supplementary.

She did actually answer my question, sir. Thank you.

So is it true, therefore, that you are not aware at the present time of any concerns being raised?

1160

**The Bailiff:** Deputy Soulsby.

**Deputy Soulsby:** I would say to Deputy Kuttelwascher there might well be concerns that have been raised with our Customer Care Team that have not come to this Committee for consideration, but neither may they need to if they are purely at operational level.

1165

**General update –  
Statement by the President of the Committee for Home Affairs**

**The Bailiff:** Nobody else is seeking to ask questions so we will move on to the general update statement to be delivered by the President of the Committee for Home Affairs, Deputy Lowe.

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

1170

I am grateful for the opportunity to update the States and the wider community on the more significant matters which have been progressing within Home Affairs since my last update;

although I am mindful that I covered many aspects of Home Affairs last month during the P&R Plan debate.

1175 First I will talk of the Justice Review. The scale and potential impact of this work cannot be overstated. Justice touches every life in various ways. As a community we are all well-served but there is a lot of fragmentation within what might be described as 'justice'. It is, for example, more than the offender being apprehended by police; it is more than the sentence handed down by the court; it is more than the time in prison. Rather, it is about the whole society, our common values and expectations; protecting victims of crime and keeping the Island safe and secure. It is about  
1180 delivering justice and doing so in a way that reduces the number of offences committed; it is about helping dysfunctional families; it is about helping those who have been within the criminal justice system to reintegrate into society and not offend again.

If we can get this right we will not only see fewer people in the Prison but we will see children growing up in more stable environments; we will see a reduction in demand for Health & Social  
1185 Care services; the positive impact will be felt in our schools; and the employment prospects of those affected will improve. The outcomes we all seek are going to be dependent on true cross-Committee working which is something we can and will build upon to ensure that as a society we can be proud of what we deliver in terms of justice, fairness and equality.

At this time, the Justice Review is focusing on the 'core criminal justice institutions' but it is  
1190 impossible to separate justice and social policy. The review recognises the relationship and interdependencies and the need to ensure, in the fullness of time, that the justice roadmap delivers in partnership with social policy initiatives. In this period the Review Team is engaging with criminal justice-related agencies both within Government and the third sector, with the aim of understanding the effectiveness of existing criminal justice provision.

1195 The final stage is to seek wider public engagement and also input from States' Members as the concepts and opportunities start to firm up. This will then feed into the Committee's deliberations in the latter part of the autumn, which still means we remain on track to submit a policy letter outlining proposals for a future Justice Policy by the end of this year.

Next, we move to the topical matter of governance. The events of recent weeks and months  
1200 have proved to be an unwelcome distraction from the important work of Home Affairs. This speech is not the right place to dissect the process of Governance Review, suffice to say it has been neither pleasant nor productive.

Despite the questions that continue to arise over the whole process the Committee is *not*, as  
1205 some might suggest, in denial. Rather, we have knuckled down and started working through the recommendations. Neither I nor the other Members of the Committee profess to be the perfect politicians or the deliverers of textbook governance. Not at all. We accept there is room for improvement. I would also challenge any in this Assembly to identify a States Committee which is faultless. *(Interjection and laughter)*

The Committee fully understands the challenges and pressures of Home Affairs including Law  
1210 Enforcement, Justice, Prison, Probation, Population Management, Fire and Rescue, Brexit, etc. The inescapable truth is that there is an important and sometime unpopular job to be done and we take this responsibility very seriously. Throughout this period the Committee has kept its focus on those things that really make a difference to residents of the Bailiwick. Nonetheless, the Home Affairs Team is proud of what it has achieved.

1215 I now move on to Data Protection. It was just over a year ago the States agreed to the commencement of the new Data Protection Law. This has ensured the Bailiwick stands alongside the very best in providing a strong and proportionate and independent Data Protection regime.

Importantly the EU continues to regard us as effectively having 'adequacy' but this will be  
1220 subject to a formal assessment in due course. 'Adequacy' is the technical term for saying that the legislation and the way it is being implemented are of a sufficiently high standard such that businesses in the jurisdiction can have seamless interaction with counterparts in the EU and other countries which operate to equivalent high standards.

1225 Next, a Cyber Security update. Through the Policy & Resource Plan the Committee was tasked with developing and implementing a Cyber Security Strategy. This we have done and the next stage is to introduce, jointly with Jersey, a Computer Emergency Response Team, commonly referred to as a CERT – apologies for, yet again, another acronym.

1230 Cybercrime, targeted at both businesses and personal users, is a rapidly evolving threat which is now becoming the illegal activity which has the greatest cost on society. National and international examples abound of where a failure to recognise and respond to the threat has cost governments and businesses dearly. There are over 400 computer emergency response teams serving countries internationally and it is important for the Channel Islands with its finance sectors and other businesses to be able to demonstrate an appropriate line of defence. To deliver the CERT, business cases for the release of the necessary funds are currently being considered by the Treasuries of each Bailiwick, with the aim for it to be fully operational by June 2020.

1235 I move on to the HMIC Report. The Committee is well advanced in its implementation of the HMIC recommendations from last autumn. The report made eight recommendations and identified 26 areas for improvement. Nearly all but one of the areas for improvement were for Law Enforcement to progress and were largely operational in nature. The one where the Committee has a role is the modification of the Police Complaints Law and the possibility of Border Agency staff being made subject to it. That aside, I am assured by the Head of Law Enforcement that the majority of the areas have been completed or are nearing completion.

1240 Of the eight actual recommendations, four included actions for the Committee where good progress is being made. One was to evaluate whether Domestic Violence Protection Notices and Orders should be introduced. The Committee has since agreed this and a policy letter will be submitted to the States shortly.

1245 Another was to update the Home Affairs Delivery Plan to provide high-level strategic direction which Law Enforcement can utilise. The 2019-2022 Plan has been produced and shared with Law Enforcement. Further refinement will now take place to ensure the Law Enforcement Delivery Plan dovetails with the strategic direction of the Committee.

1250 Another was for the Committee and the Head of Law Enforcement to agree a document that clarifies each party's responsibilities. This has been achieved with the creation of a 'Protocol'. This is now with the Law Officers for comment.

1255 The only outstanding one is the assessment of whether putting Police and Border Agency under a single command structure has delivered as intended, and to decide what the future needs to look like. In this respect, 2019 has seen us have a new Head of Law Enforcement and we have been conscious that he needed to have time to experience the role and come forward with his own ideas and options for what the future of the organisation might look like.

1260 It has also been suggested to us by the Scrutiny Management Committee that the requirement to have inspections should be enshrined in law. Our Delivery Plan recognises the need to update the Police Law and it will make sense for this to be considered at the same time.

1265 Now the Prison. Members will note that the 2018 Prison Annual Report is an appendix to the Billet d'Etat. While the Prison Service encountered challenges in 2018 due to an increasing number of prisoners, the last six years' data reflects how prison population can peak and trough and what is important is that plans need to be in place for such eventualities in the future should the Prison reach capacity. We are pleased to report that the current prison population has reduced from 114 to what might be regarded as a more normal level – 80 convicted prisoners and 10 on remand. This is not, however, cause for complacency as the potential for further spikes in numbers has not gone away and as a Committee we continue to contemplate the various scenarios.

1270 I would like to take this opportunity, sir, to place on record the Committee's thanks to the retiring Prison Governor, Dave Matthews, who has chosen to leave after nearly seven years in the role. He has created a positive legacy and a prison which is the envy of many jurisdictions.

Finally, the Security Policy. This again is a priority which flows from the Policy & Resource Plan. We are at the early stage of consultation with key stakeholders including counterparts in Jersey. The Security Policy will be a high-level statement of our Bailiwick's commitment to provide

1275 assurance that Islanders, visitors and businesses will be kept safe and secure. It seeks to summarise the broader security environment and sets out our expectations. The Committee is on target to lay this policy before the States this autumn.

I could, of course, talk much further on many issues under the Committee's mandate, but time does not allow, sir.

1280 I am happy to take questions

**The Bailiff:** Thank you, Deputy Lowe.  
Deputy Lester Queripel.

1285 **Deputy Lester Queripel:** Sir, the Committee have been criticised recently for getting involved in operational matters which is ironic because when operational matters go wrong it is the Deputies who get it in the neck with people saying 'Why didn't the Committee step in and address that failing?' And, as Deputy Graham so rightly said in his statement, 'Damned if you do, damned if you don't'.

1290 So, can the President tell me whether or not her Committee will be steering well clear of operational matters in the future or not?

**The Bailiff:** Deputy Lowe.

1295 **Deputy Lowe:** Thank you, Deputy Lester Queripel, for your question.

I mean, it is inevitable the public will contact us, and that is our job as well. We are accountable to the public.

1300 We have drawn up a protocol with the agreement of Law Enforcement and it is currently with the Law Officers to check. That will be able to make sure the boundaries are not crossed, but equally to make sure that the people that we represent, we are able to send them in the right direction of where they need to go, and that is how we have actually taken it forward.

**The Bailiff:** Deputy Inder.

1305 **Deputy Inder:** Deputy Lowe, thank you for your update.

1310 I am just intrigued and I just want to pick up on something Deputy Queripel said. Are there two different types of operational matters? I have got a distinct memory of many Members of this House getting very excited about pavement surfing and if I remember correctly they even had a meeting with the Committee. So I just wondered: could she give us all a list of what operational matters we are allowed to get involved with and which ones we are not allowed to get involved with? (*Interjection*)

**The Bailiff:** Deputy Lowe.

1315 **Deputy Lowe:** I thank Deputy Inder.

1320 Of course we have been accused of that in the past and he is absolutely right, and the latest one is that we should get involved or get sorted having somebody picking up litter as well and we need to be addressing that. And of course all of these things are taken seriously and it is important that States' Members have that opportunity to feed things into the Committees for consideration. (**A Member:** Hear, hear.)

1325 There is no problem with that at all. And I think it has been described on more than one occasion by Deputy Graham and others – there is sort of a boundary like a wave, really, and it is important that we do not cross it, but equally that we do feed back to the relevant services that we are responsible for. But, yes, we have seen in here even Rule 11 and Rule 14 questions posed to us directing for action to be taken in certain areas of Home Affairs.



**The Bailiff:** Deputy Trott.

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

1330 Does the President of the Home Affairs Committee believe that it would have been a responsible act of Government to suppress the publication of the Committee for Home Affairs Independent Governance Review Report because of a reluctance to wash dirty linen in public? And that a predisposition to openness and transparency is, and remains, a laudable principle that *all* in this Assembly should embrace?

1335 **Deputy Lowe:** Thank you, Deputy Trott.

For somebody who has always endorsed and welcomes openness and transparency, I absolutely do. But I welcome it on factual information, not opinions, and I welcome it that we as a States are responsible for reports that we pay for that are accurate and well-researched. And when a Committee draws attention to items which have been expressed by the statements this morning, 1340 I think it is actually irresponsible to be going down the route of paying for a report that the Committee have actually not been able to address and not been able to get the facts out.

**The Bailiff:** Deputy Brehaut.

1345 **Deputy Brehaut:** May I ask, sir, thank you, the President of Home Affairs that, bearing in mind they have demonstrated in public pronouncements that they have little confidence, if any, in the reviewer, no faith in the process, no confidence in the commissioning body, no confidence in the method involved and candidly no real acceptance of the findings of the report, why are they looking to implement the findings of the said report that they have absolutely no confidence in?

1350

**The Bailiff:** Deputy Lowe.

**Deputy Lowe:** Thank you, Deputy Brehaut, and I think that was answered really by Deputy Graham's statement. It is bog-standard good governance that you can get off the internet and 1355 any Committee will be able to pick that up and we are more than happy to follow through good governance and implement it.

**The Bailiff:** Deputy Green.

1360 **Deputy Green:** Sir, thank you, and I thank Deputy Lowe for her updated statement.

The question that my Committee members and I have is whilst we note that the Committee for Home Affairs accepts the recommendations not only of the HMIC report but also of course the States' Governance Report, we are concerned about the timeframe and the timeline. So can Deputy Lowe commit this morning to, perhaps not saying this morning, but going away with her 1365 Committee and then coming back in short order with a clear undertaking in terms of when the recommendations will actually be implemented one by one?

**The Bailiff:** Deputy Lowe.

1370 **Deputy Lowe:** Thank you, Deputy Green.

Well, again in my speech just now, I covered the HMIC recommendations and you will have heard that they are just about all done. The timeline for the Good Governance ones that have come forward, a lot of those are replicated, they are duplication, to be honest.

1375 I cannot give you a timeline of when everything will be put in place, all I can say is that I am heartened that we have a service we can be proud of. We are not on the front of the paper because the Police have failed; we are not on the front of the paper because the Prison has failed; we are not on the front of paper because all our services have actually failed. And for me that is

paramount that we are looking after our community and making sure it is safe and secure. But of course we will follow through those recommendations as and when we are able to.

1380

**The Bailiff:** Deputy Gollop.

**Deputy Gollop:** Sir, at the risk of upsetting Deputy Lowe and her Committee, and also, hopefully, not you, sir, I would like to ask how far in the context of the Corporate Governance Review and the Justice Review that Deputy Lowe has identified, would the Committee be interested in doing a UK-style issuing, a Home Secretary-style or a Ministry of Justice-style, guidelines to local members of the judiciary as to what sentences are appropriate for different levels of offenders?

1385

1390

**The Bailiff:** Deputy Lowe.

**Deputy Lowe:** The States approve the boundaries for the law of what the judiciary are able to implement, who they have got before them for sentencing; and long may that last. There is that line that politicians should not be crossing.

1395

What we can do and should do is ensure that we give the judiciary many tools in the box to be able to do that. And, as part of that Justice Review that is taking place at the moment, working with the judiciary and all of those I mentioned previously – it is key that we actually take it forward if we are able to, to implement more choices for them to be putting in that box.

But that report will be coming to the States by the end of the year.

1400

**The Bailiff:** Deputy Merrett.

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

1405

My question does follow on from Deputy Green's question but maybe I will ask it in a slightly different way. Are there any recommendations that the President feels that cannot be adhered to within this political term?

**The Bailiff:** Deputy Lowe.

1410

**Deputy Lowe:** No.

**The Bailiff:** Deputy Le Tocq.

1415

**Deputy Le Tocq:** Sir, I welcome the President of Home Affairs' assurances that she has given in this Assembly, and publicly, that her Committee accepts all the recommendations of both the HMIC Report and the recent Governance Review. On that basis, and for the benefit of good governance, is her Committee considering the appointment of non-States' members to its Committee in order to ensure that the recommendations can be applied in an appropriate manner?

1420

**The Bailiff:** Deputy Lowe.

**Deputy Lowe:** I thank Deputy Le Tocq for his question.

1425

I do not think it takes two non-States' members to be able to make the difference between implementing the recommendations or not and indeed the staff are very key in that as well. So it does not take anything away from the staff's ability or indeed the Committee's decision to be able to take that forward.

However, as you know we later on, reluctantly, had resignations from Deputy Graham and Deputy Prow and it will be for the new Committee to make that decision if they wish to have non-

1430 States' members to be able to come and assist the Committee if they feel they need that extra help. Whether that will be a one-off to come in and just cover that area, or whether it will be permanently – as always happens at the beginning of a term, a Committee will decide whether they want non-States' members or not.

1435 **The Bailiff:** Deputy Leadbeater.

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

Can the President confirm whether or not the Committee has met with the senior staff and the service chiefs recently and, if they have, what was the kind of feeling around the table?

1440

**The Bailiff:** Deputy Lowe. *(Interjection and laughter)*

**Deputy Lowe:** I can confirm, Deputy Leadbeater, and of course you were there – *(Laughter)* because I would not like people to think that you were not actually present at one of the meetings that we were actually holding.

1445

It was a very good meeting and I was delighted that we were able to meet the staff at that meeting. It was welcomed by the staff. We had a very good reception by the staff and equally *vice versa*. There was a good feeling in the room that we are looking forward to actually getting rid of this and getting on with what we need to do as a team moving forward.

1450

**The Bailiff:** Deputy Gollop.

**Deputy Gollop:** Yes, on a different theme, although I was pleased to hear on the news that at least 10 new police officers were starting work in the service with experience in the UK, which will be valuable. Does that not reflect possibly that there is a lack of retention and recruitment of local officers and that now more than perhaps in the past the Police force needs injection from other forces?

1455

**The Bailiff:** Deputy Lowe.

1460

**Deputy Lowe:** I thank Deputy Gollop for his question because it is one that has actually been raised not that long ago.

Before the eight that were sworn in last week, all of the others, the eight that came before the Bailiff here – not the presiding officer, but in his role as the ... – they were all local and the ones before that were all local as well. And that is great because we are looking forward to actually having local policemen to be able to come and serve the Island. But equally through retirements we have lost quite a lot of expertise and so the eight that have come across are very specialised and will boost and assist the new ones that are local from the time before and the time before that. So it has been welcomed by all of us and it is obviously good for our Island to make sure we keep it safe and secure.

1465

1470

**The Bailiff:** Deputy St Pier.

**Deputy St Pier:** Sir, if I have understood Deputy Lowe's responses to Deputy Green and Deputy Merrett's questions correctly she appears to be saying today that she cannot provide a clear indication of when the recommendations will be implemented but they will be during this political term. I am just wondering whether she is able to confirm that it is her Committee's intention to provide greater clarity on that response to those answers and publish, and put into the public domain, an indicative and an intended timeline for the implementation of the directives that would help narrow people's understanding of the responses she has given to those two questions.

1475

1480

**The Bailiff:** Deputy Lowe.

**Deputy Lowe:** I thank Deputy St Pier for that.

1485 Of course it is quite simple to me. We have only got 11 months left and I have given a guarantee that it will be implemented in less than a year. I am not going to stand here and say one will be done by next month and one will be done the other. We have lots going on at Home Affairs of which you will be fully aware and we have not necessarily got the resources. For me it is to make sure that we keep everything running and ticking and making sure that we keep this  
1490 Island safe and secure with the staff that we have got operating within the services.

Of course we will do what we possibly can but to pin down to an actual date today, and from your letter which you sent to me yesterday, I am not able to do, sir. And we will raise that at our meetings at Home Affairs and we will discuss it with the staff and we will find out a timeline then. But I just ask that you have a bit of faith in the answers that I have given, it will be before the end  
1495 of this term.

**The Bailiff:** Deputy Brehaut.

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

1500 The President of Home Affairs has described the review as 'off the peg' and, if you like, it is a 'run of the mill' governance review, but the findings say, briefly:

- Governance of the Committee falls below acceptable standards.
  - There is a fundamental misunderstanding on the part of the Committee, of the respective roles and responsibilities of heads of services, civil servants and Committee members.
- 1505
- The Committee does not fulfil its obligations to provide leadership in the process of developing strategy ... *[and]*
  - The Committee does not consistently use evidence to inform decision-making.

Does she contest any of these findings?

**The Bailiff:** Deputy Lowe.

1510

**Deputy Lowe:** Yes, I do.

**The Bailiff:** Deputy Graham.

1515 **Deputy Graham:** Thank you, sir.

Does the President agree with me that when it comes to predicting timelines for these things it can sometimes be difficult? One of the recommendations, quite explicitly, instead of saying, 'In future the Committee will observe one of the principles of true governance which is that of integrity' – that would have been an easy thing to do. When you then group with that  
1520 recommendation the fact that you are to stop acting without integrity, which was the allegation – in other words we were we were acting for our own purposes rather than that of the community – it is difficult to determine how long it will take us to stop doing something we were not doing anyway. *(Laughter)*

1525 **The Bailiff:** is that a question?

**Deputy Lowe:** I totally agree with Deputy Graham and I welcome his input in stating that. Thank you very much.

1530 **The Bailiff:** I propose that we rise now and return at 2.30 p.m.

*The Assembly adjourned at 12.35 p.m.  
and resumed its sitting at 2.30 p.m.*

## Questions for Oral Answer

### COMMITTEE FOR EDUCATION, SPORT & CULTURE

#### Appointment of the Head of Curriculum and Standards for Education Services

**The Bailiff:** Well, Members, we concluded the Statements before lunch, so we move on to Question Time and the first questions are to be asked by Deputy Dudley-Owen of the President of the Committee for Education, Sport & Culture.

1535 These questions touch on matters of employment and recruitment and I know the Committee has taken legal advice on them. In the light of that advice I have directed that four of the questions – that is 1, 2, 5 and 6 – do not need to be answered. That does not stop Deputy Dudley-Owen putting the questions and Deputy Fallaize, the President can then say whether he wishes to answer them or not.

1540 So Deputy Dudley-Owen, your first question.

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

Out of the four applicants who made it to interview, how many were resident in Guernsey and how many were not?

1545 **The Bailiff:** Deputy Fallaize.

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

Following legal advice to the Committee, the Bailiff has ruled that this question need not be answered.

1550

**The Bailiff:** Second question.

1555 **Deputy Dudley-Owen:** Was the job role offered to any other candidate other than the current post holder prior to their acceptance? If so, what are the circumstances which led to the job being offered to the current post holder?

**The Bailiff:** Deputy Fallaize.

1560 **Deputy Fallaize:** Following legal advice to the Committee, the Bailiff has ruled that this question need not be answered.

**The Bailiff:** Your third question.

1565 **Deputy Dudley-Owen:** I have a supplementary, sir.

**The Bailiff:** Well, there cannot be a supplementary on that because the question has not been answered, so there cannot be a supplementary arising from the answer.

**Deputy Dudley-Owen:** I would argue, sir, that it has been answered.

1570 **The Bailiff:** No, it has not because I have said it need not be. No.  
Your third question.

**Deputy Dudley-Owen:** This role would be deemed a Civil Service appointment. Did any  
1575 politicians get actively involved in the recruitment process such as interviews, reviewing CVs or  
Committee discussions about the appointment?

**The Bailiff:** Deputy Fallaize.

**Deputy Fallaize:** Thank you, sir.  
1580 This role is one of the senior-most education advisers to the Committee. As such the post  
holder will inevitably play a key role in advising and supporting the Committee and implementing  
its policy agenda.

On behalf of the Committee I sat on a short-listing panel of three, alongside two officers, and I  
sat on the interview panel alongside three officers and an external adviser. The Committee  
1585 discussed the role and the expertise and experience it would ideally like to see in the post holder  
in order to inform my contribution to the process.

**The Bailiff:** Are there any supplementary questions?  
1590 Deputy Inder – or do you wish to go first, Deputy Dudley-Owen?

**Deputy Dudley-Owen:** I do not mind, sir.

**The Bailiff:** Deputy Inder.

**Deputy Inder:** Sir, just briefly.  
1595 A point of clarification. When Deputy Dudley-Owen opened, I do not think she actually clearly  
stated what role we are talking about. So I am wondering if – I do not think the role that the  
questions are wrapped round, it is not absolutely clear – well, it is clear to me – but I do not think  
it is clear to the public which role we are talking about.

1600 **The Bailiff:** Do you wish to ask Deputy Fallaize which role he is talking about?

**Deputy Inder:** So I would ask Deputy Fallaize which role we are actually discussing here.  
1605 *(Laughter)* That is the question.

**Deputy Fallaize:** The questions are put by Deputy Dudley-Owen in relation to the  
appointment by the States of the role of Head of Curriculum and Standards, whenever the  
appointment was made, and the role is being taken up full time next month.

1610 **The Bailiff:** That was clear on the question sheet that I have.

**Deputy Inder:** But not on the record.

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

1615 **Deputy Dudley-Owen:** Thank you, sir.  
Is it correct that the Committee decided it had no confidence in the local applicant who was  
ranked number one by the recruitment panel, who had already been offered the role and

1620 accepted; this candidate who was then asked by the then Director of Education to withdraw their acceptance?

**The Bailiff:** I do not believe that arises from the answer you gave.

1625 **Deputy Fallaize:** Well, no, the information contained in that question, which is being put for the first time, is inaccurate; but in any event it is really an attempt to ask a question which you have already said need not be answered. Following the legal advice that has been provided to the Committee, I think I ought not to answer that.

1630 **The Bailiff:** Deputy Dudley-Owen, do you have another supplementary?

**Deputy Dudley-Owen:** I have another supplementary.

Is it correct that the recruitment panel was not reconvened after the top-ranked candidate was asked to withdraw and that the job role was offered directly to the current Head of Curriculum Standards, who had ranked lower than other local candidates?

1635 **The Bailiff:** Is that the same position, Deputy Fallaize?

1640 **Deputy Fallaize:** Yes, similarly, the information set out by Deputy Dudley-Owen in that question is inaccurate, but I think it is an attempt to ask a question which you have already ruled need not be answered and therefore following the legal advice, I think I ought not to answer it.

I ought to say actually, in answering this supplementary, that it ought to be borne in mind that these roles are appointed by the States as an employer. They are not political appointments and the Committee with oversight of the role of the States as employer is the Policy & Resources Committee, not my Committee.

1645 **The Bailiff:** Your fourth question.

1650 **Deputy Dudley-Owen:** Did any States' employees involved in the recruitment process for this role raise issues about the recruitment process or the final appointment at any time; and if so, what issues were raised and how were they addressed?

**The Bailiff:** Deputy Fallaize.

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

1655 Senior officers are probably best placed to know any such information, but as far as the Committee is concerned, I can say that we know of no objections of the sort described in the Deputy's questions.

The Committee reminds Members that the Policy & Resources Committee acts as the employer of established staff.

1660 **The Bailiff:** Any supplementaries, Deputy Dudley-Owen?

**Deputy Dudley-Owen:** Yes.

1665 Is it correct that some officers left their positions over the bad practices revealed in this recruitment process, specifically where they were asked to make an out-of-policy Employment Permit application for the current Head of Curriculum Standards, where they would have been unable to make a truthful or accurate declaration in this regard?

**The Bailiff:** Deputy Fallaize.

1670 **Deputy Fallaize:** Well, if I had the information available to answer that question, I do not think I could answer it within the terms of the legal advice provided to the Committee. But in any event, I do not have the information available to answer that question. That question is best directed to the Chief Executive of the States.

1675 There is no information that has come to me to allow me to answer positively Deputy Dudley-Owen's question. I am not saying that nothing that she has speculated about happened. It is that she would have to put those questions to the Chief Executive of the States to get a true picture of the events which concern her.

1680 **The Bailiff:** Deputy Dudley-Owen, another supplementary?

**Deputy Dudley-Owen:** Are you aware – ?

**The Bailiff:** I am not.

1685 **Deputy Dudley-Owen:** Sorry. Is the President aware of any internal investigation being made currently by the Chief Executive into the circumstances surrounding the recruitment process?

**The Bailiff:** Deputy Fallaize.

1690 **Deputy Fallaize:** I am aware that the Policy & Resources Committee asked the Chief Executive to carry out a review of procedures, not just around the appointment but around the whole process from defining the role, advertising the role, inviting applicants and through the interview process, and the appointments process. But I have heard nothing further than that and I have no information in addition to the existence of a review which I understand the Chief Executive is carrying out at the behest of the Committee.

1695 **The Bailiff:** You are only allowed two supplementaries.  
Deputy Gollop.

1700 **Deputy Gollop:** Yes, apologies for missing the first one or two questions, but bearing in mind the legal advice that the Committee *for* Education, Sport & Culture have obviously received and acted upon, how easy is it for Members of the political Assembly to ask questions which might be best answered by senior officers or chief executives who are not in fact Members of this Assembly? What is the correct parliamentary procedure then to follow?

1705 **The Bailiff:** I am not sure that arises from the answer given, but Deputy Fallaize, do you wish to answer that?

1710 **Deputy Fallaize:** Well, in a way it takes us back to a debate that we had during the last States, doesn't it? *(Laughter)* I think we spent hours here debating, that the majority view of Members was, I think, that there needed to be greater political oversight in the structure and personnel of the Civil Service. However, I think we properly established that that is not the case at the present time.

1715 So the kind of disconnect that Deputy Gollop identifies, where the structure and personnel of the Civil Service is the responsibility of officers, who cannot be questioned or scrutinised in the Assembly, is just a fact of life in the way that the States of Guernsey has chosen to arrange their affairs.

**The Bailiff:** Your fifth question.



1720 **Deputy Dudley-Owen:** Was the current post holder a Guernsey resident at the time of their appointment?

**The Bailiff:** Deputy Fallaize.

1725 **Deputy Fallaize:** Following legal advice to the Committee, the Bailiff has ruled that this question need not be answered.

However, I must say personally – and this is not included in my answer to Deputy Dudley-Owen so she is getting a bonus here – I cannot really understand *why* I cannot answer this question because it is already in the public domain. The person who is taking up the post in August was not a Guernsey resident at the time of their appointment and is in receipt of an Employment Permit.

1730 **Deputy Dudley-Owen:** May I have a supplementary?

1735 **The Bailiff:** Supplementary to that, yes, Deputy Dudley-Owen.

**Deputy Dudley-Owen:** Is it correct that the President and/or the Committee threatened to resign if they did not get their choice of candidate?

1740 **A Member:** Oh!

**The Bailiff:** Deputy Fallaize.

1745 **Deputy Fallaize:** Well, sir, I do not think that is a question that arises out of the answer that I gave and that is just a supplementary question that Deputy Dudley-Owen was waiting to ask when I was unwise enough to provide an original answer. *(Laughter)*

What I will say is – and I do not resile from saying this – the Committee made it very clear to senior officers its views in relation to the appropriate expertise and experience needed in this role. However, the Committee accepted at all times that this was an appointment of the employer and an appointment to be made by senior officers.

1750 But if the question is did the Committee make its view very well known to the Chief Executive and others, the answer is yes.

**The Bailiff:** Any other supplementaries – arising from the answer given?

1755

**Deputy Dudley-Owen:** No.

**The Bailiff:** No. *(Laughter)* Your sixth question, then.

1760 **Deputy Dudley-Owen:** If the current post holder was ranked below other Guernsey resident applicants, was the fact that locally resident applicants were available to take up the position clearly stated in the application for the successful candidate's Employment Permit?

**The Bailiff:** Deputy Fallaize.

1765

**Deputy Fallaize:** Unfortunately, sir, the information that is contained or the implication that is made in this question is inaccurate, but nevertheless, this is another question where following legal advice to the Committee, you, sir, have ruled that this question need not be answered.

1770 **The Bailiff:** Yes. So we move on – Sorry, Deputy Le Pelley.

**Deputy Le Pelley:** Sir, is there any chance that you could share the reasons behind your advice, because it sounds as if – ?

1775 **The Bailiff:** The Committee has received legal advice, which by its nature is privileged, so I could not reveal what that legal advice is without the Committee waiving the privilege that attaches to the advice that it was given.

**Deputy Le Pelley:** Is there any chance that they may do that, sir?

1780 **The Bailiff:** I do not know.

**Deputy Le Pelley:** Because this, I do not know how many of us in here, we are in a fog.

1785 **Deputy Fallaize:** If that is a supplementary ... ?  
All I can say is that the legal advice made available to the Committee centres around the need to respect the confidentiality of recruitment processes.

1790 Actually on that basis, the initial legal advice to the Committee was that none of the questions should be admissible under Rule 11. I pushed back on that a bit and thought actually some of these questions can reasonably be answered, and I have answered, in the end, three of them. But the legal advice centres around the fact that applicants for roles within the States or outside the States have a right to expect that the recruitment process they are entering into will be confidential, and it cannot be confidential if the events surrounding the recruitment process are debated in public in the Assembly.

1795 **The Bailiff:** Can I just add to that: without knowing that Deputy Fallaize was willing to answer three questions, I did indicate that there were two questions that should be answered, although I did say that as far as the other four were concerned I felt that in the light of the legal advice they need not be answered, but I made it clear it was a matter for Deputy Fallaize if he wished to answer them or not.

### **Simultaneous Electronic Voting, Broadcasting of States' Meetings, Review of Good Governance and Training Budget for States' Members**

1800 **The Bailiff:** So we move on to the next series of questions to be asked by Deputy Gollop of the President of the States' Assembly & Constitution Committee.  
Deputy Gollop.

1805 **Deputy Gollop:** Thank you very much, sir.  
My first question to Deputy Inder and the Committee through you, sir, is: is SACC, the States' Assembly & Constitution Committee, able to advise the States when provision for electronic voting for Members within the Assembly can be brought back to the States for ratification and implementation and will it be likely to be before the next election?

1810 **The Bailiff:** Deputy Inder.

1815 **Deputy Inder:** Sir, as advised during my statement to the Assembly in February this year the Committee met with the Chief Information Officer in November 2018 to discuss progression of this work stream. Further to that meeting the Chief Information officer is investigating potential options for the introduction of simultaneous electronic voting in the States of Deliberation and

will be reporting to the Committee with options. An interim meeting took place at officer level last week.

1820 The Committee intends to report back to the States this term with proposals to enable a system to be implemented from not later than the start of the next States' term as agreed by this Assembly.

However, at present the Committee's next steps depend on receiving an options report back from officers. Until this is delivered the Committee cannot set out its expected timeframe for progress.

1825 **The Bailiff:** Any supplementary questions?  
Deputy Gollop.

**Deputy Gollop:** Well no. Just thanking Deputy Inder but enquiring will the matter be updated before Christmas of this year?

1830 **The Bailiff:** Deputy Inder.

**Deputy Inder:** Through you, sir, I cannot actually remember if I have got an update but if I do have an update speech before the end of the year then that is when you will be updated.

1835 **The Bailiff:** Your second question.

**Deputy Gollop:** My second question is: has SACC in consultation with the Policy & Resources committee made any progress of finding a cost-effective way of live streaming or broadcasting audiovisual television-style pictures of the States of Deliberation in session?

**The Bailiff:** Deputy Inder.

1845 **Deputy Inder:** Sir, the Committee answered questions on this subject from Deputy Gollop at the December 2017 meeting. I am sure Members are aware since I became President in November 2018 the Committee's focus has been on the General Election for 2020 and other work streams that we are under States' Resolution to deliver. It has not therefore discussed progressing audiovisual streaming in this Chamber and it will not be part of our workstream unless directed by this Assembly and resourced by Policy & Resources Committee.

1850 **The Bailiff:** Your next question, Deputy Gollop.

**Deputy Gollop:** Question 3: does the SACC Committee intend to conduct or commission a review into good committee management and corporate governance practice to assist present and future Members on their roles, opportunities and responsibilities?

**The Bailiff:** Deputy Inder.

1860 **Deputy Inder:** The Committee does not intend to conduct or commission a review into good committee management and corporate governance. Members will be aware of the ongoing governance reviews arranged by Policy & Resources Committee in 2018.

However, as part of its work preparing for the induction of States' Members in 2020 the Committee has discussed training on corporate governance which it believes should be a key part of Members' initial training as States' Members.

1865 All Members have been invited to a workshop in September to discuss Members' training needs and it is intended that all aspects of Members' roles parliamentary, committee, constituency will be discussed to ensure an induction programme is created that meets the needs of Members.

**The Bailiff:** Deputy Gollop.

1870 **Deputy Gollop:** I will come to one of those issues in the next question, but in relation to what we have heard would the President on behalf of SACC not agree that it might be beneficial for Members, especially those unused to the boardroom, to have extensive programmes of company-style direction in view of the problems that we have identified in recent months and years from the Wales' Audit Office onwards?

1875 **The Bailiff:** Deputy Inder.

**Deputy Inder:** Quite possibly, but we are meeting Members in September and if that is what comes out of it, that is what will come out of it.

1880 **The Bailiff:** Your fourth question, Deputy Gollop.

**Deputy Gollop:** In relation to corporate governance and the identified need for workshops, codes and training will the SACC request again at least £10,000 from the General Revenue budget controlled by Policy & Resources to conduct meaningful training courses and programmes?

**The Bailiff:** Deputy Inder.

1890 **Deputy Inder:** Yes, it probably gets worse than that. At its meeting last Thursday the Committee agreed it would submit a budget request of up to £100,000 to cover the costs of States' Members training and induction in 2020 including corporate governance for all States' Members.

1895 **The Bailiff:** Deputy Gollop.

**Deputy Gollop:** A member of the public asked me to make the point that rather than just have professional specialists in government and the Civil Service advise new candidates and Members would SACC be interested in utilising the experiences of entrepreneurs and successful people from the private sector to aid corporate governance for Members?

1900 **The Bailiff:** Deputy Inder.

**Deputy Inder:** We do not know what territory we are in, that is the truth of it, sir. We did say in my response to question 3 that we are having a discussion with States' Members. And if these ideas come out of that, then we will throw them into the wash.

But I will warn States' Members that everything sounds great on paper but everything comes with a cost and it is not an insubstantial one.

1910 **The Bailiff:** Yes, Deputy Tindall.

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

I wonder if the President can confirm whether or not he and his Committee has considered whether this should be extended to quasi-judicial training as well as referred to in the action plan by the Development & Planning Authority?

1915 **Two Members:** Hear, hear.

**The Bailiff:** Deputy Inder.

1920 **Deputy Inder:** We have had a letter from the Development & Planning Authority and if we have not responded we will be responding shortly; I believe we are actually meeting shortly. Sorry, I will take that back I could not actually remember we have had a meeting from the Development & Planning Authority and we will be responding shortly. It sounds like we have not responded as yet.

1925 **The Bailiff:** Just before we move on to the next question, Deputy Roffey do you wish to be relevé?  
Thank you.

### **Number 2 Cornet Street; and a Victor Hugo Centre**

1930 **The Bailiff:** So we come to questions to be asked of the President of the States' Trading Supervisory Board by Deputy Parkinson.

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

The first question is: is it the case that the STSB has agreed to sell the property known as 2 Cornet Street?

1935 **The Bailiff:** Deputy Ferbrache.

**Deputy Ferbrache:** Sir, the STSB has agreed to accept an offer for the former Income Tax building and the property is therefore currently under offer.

1940 **The Bailiff:** Deputy Parkinson.

**Deputy Parkinson:** Supplementary question, sir.

1945 So for the sake of clarity and for those unfamiliar with the terms the property is under offer. Would the President confirm that that means that the States has not entered into a binding legal contract to sell?

**The Bailiff:** Deputy Ferbrache.

1950 **Deputy Ferbrache:** Yes, sir, that is my understanding because I do not believe conditions of sale have been signed as yet. There are concerns which are normal in relation to certain easements.

**The Bailiff:** Is this your second question?

1955 **Deputy Parkinson:** Second question, sir.

Was the decision to offer the property for sale made by the Members of the Board of the STSB or by its officers?

**The Bailiff:** Deputy Ferbrache.

1960

**Deputy Ferbrache:** Sir, STSB agreed to accept the offer on the recommendation of the Guernsey Real Estate Board following advice from officers. As Deputy Parkinson will be aware, the Guernsey Real Estate Board is a Sub-Committee of the STSB but given the value of the transaction any decision had to be fully endorsed by STSB. It could not have been a decision made by officers.

1965 **The Bailiff:** Deputy Parkinson.

**Deputy Parkinson:** Supplementary question, sir.

Were the Board of the STSB made aware when taking this decision of the interest of the Committee for Economic Development in this property?

1970 **The Bailiff:** Deputy Ferbrache.

**Deputy Ferbrache:** I do not believe we were, sir, because I think the point is in relation to later answers to questions asked by Deputy Parkinson we had no approach at all I believe post when the building became vacant at the end of 2017. I will deal with that in a later answer.

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

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

1980 Can the President of the States' Trading Supervisory Board please clarify a newspaper report that appeared I think two days ago in *The Bailiwick Express* saying that from this same building, number 2 Cornet Street, certain units were going to be leased out to budding entrepreneurs and small-scale businesses please, which seems to contradict the message that he gave just before that it is under offer.

1985 **The Bailiff:** Deputy Ferbrache.

**Deputy Ferbrache:** Well, Deputy Dudley-Owen has been a States' Member now for three years plus, and she will know that you cannot believe much that you read in the media. *(Laughter)*

1990 In relation to this building it will be sold subject to the points already listed by Deputy Parkinson to an entrepreneur who will deal with it as he wishes.

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

1995 **Deputy Dudley-Owen:** Was the President aware that one of the officers from the States' Property Services gave a quote in relation to that particular offering of these units out? So whilst you can always take media reports with a pinch of salt the fact that one of the officers has actually given a quote in regard to this new initiative makes me think there is more than a grain of salt of believability about it.

2000 **Deputy Ferbrache:** I just repeat, and I can repeat if for the rest of the afternoon but I am only allowed a certain time. But if the building is sold, if the contract goes through then the entrepreneur, the person who buys it will deal with it as he is permitted by law and as he wishes.

2005 **The Bailiff:** Deputy Inder.

**Deputy Inder:** Sir, on that and it sort of arises that I remember –

**Deputy Ferbrache:** Could Deputy Inder turn my way, so I can –

2010 **Deputy Inder:** Sorry, I beg your pardon, sir.

2015 It sort of arises from Deputy Dudley-Owen. I remember, sadly, how Beaucette House was sold off and the promise then was that it would be turned into self-catering and in 18 months no such work has been done on it. Would he agree with me it would be better when we sell properties not to make some promise that they are going to come into some certain use because we have actually got no control over that?

**Deputy Ferbrache:** I agree.

**The Bailiff:** Deputy Parkinson.

2020

**Deputy Parkinson:** My third question, sir.

Is it the normal custom and practice of the STSB to consult with other States' Committees as to whether they have a requirement for any property owned by the States before a decision is taken to sell the property in question?

2025

**The Bailiff:** Deputy Ferbrache.

**Deputy Ferbrache:** Yes, where property is declared to be surplus to requirements by one Committee it is normal practice to consult with other States' Committees on whether they have any potential use.

2030

However, even if a States' Committee does express interest it does not prevent other opportunities being explored to determine which represent the best value to the States of Guernsey. Rationalisation of the States' extensive property portfolio is an established objective as endorsed by the Assembly in the P&R Plan, the Medium-Term Financial Plan and the States' Plan.

2035

**The Bailiff:** Deputy Hansmann Rouxel.

**Deputy Hansmann Rouxel:** A supplementary to that.

In the President's answer he speaks of value for money. Is the President suggesting that States' policy is trumped by value for money?

2040

**The Bailiff:** Deputy Ferbrache.

**Deputy Ferbrache:** I did not say that and I have not said it.

2045

**The Bailiff:** Any other supplementaries?

**Deputy Parkinson:** I will try and put the same question I think as Deputy Hansmann Rouxel in different terms. Does the STSB, in making these decisions, give priority to the requirement of States' Committees over those of commercial third-party entrepreneurs?

2050

**The Bailiff:** Deputy Ferbrache.

**Deputy Ferbrache:** What the STSB does is fulfil its mandate. It is responsible for the property portfolio. It deals with that property portfolio in accordance with each specific property as to what it genuinely believes is in the best interests of the States of Guernsey but of course, because we live in a world where money is important, it has regard to the financial value of each and every property that it is responsible for.

2055

**The Bailiff:** Deputy Merrett.

2060

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

Just for clarity, sir, and I apologise to Deputy Ferbrache if he has answered this, but he says it is usual practice to consult with other Committees, but did they on this occasion, sir?

2065

**The Bailiff:** Deputy Ferbrache.

**Deputy Ferbrache:** All I can do, and I am not going to read out the answer again, is to repeat the answer that I have already given.

2070 **The Bailiff:** Deputy Tindall.

**Deputy Tindall:** I would like to ask the President to answer if there is any published criteria on which the STSB or the Sub-Committee makes such decisions so that we can see how the difference between the financial and other States' policies are balanced?

2075 **The Bailiff:** Deputy Ferbrache.

**Deputy Ferbrache:** No, sir, because certainly in the year or so I have been President it does not operate in that way; I am not aware of any criteria; we do not want it to be prescriptive.

2080 What we are elected for and what our officers advise us on, and they advise us very well, is our judgement. We exercise our judgement. If our judgement is wrong then that can be criticised by the States.

**The Bailiff:** Deputy Gollop.

2085 **Deputy Gollop:** Was the President of STSB or, come to that, Deputy Parkinson aware of a rival bid for the site which would have converted part or all of it into a photography –

**Deputy Ferbrache:** Into what, sorry?

2090 **Deputy Gollop:** – centre, (*Interjection*) which would have been of benefit? A rival idea rather than a bid to be more precise.

**The Bailiff:** Deputy Ferbrache.

2095 **Deputy Ferbrache:** I think I have a vague recollection of what Deputy Gollop is saying, I cannot say it is uppermost in my mind, but I think that probably has been discussed. But there have been various matters that have been discussed over a period of time.

2100 **The Bailiff:** Yes, Deputy Tooley.

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

2105 I wonder if Deputy Ferbrache could conceive of a situation where a Committee for States' Trading Supervisory Board and its Sub-Committees could in fact frustrate policy decisions made by other Committees because of a perception from their Committee that it would be better for the community not to follow policy decision but instead to do something else.

**The Bailiff:** Deputy Ferbrache.

2110 **Deputy Ferbrache:** I am quite willing to answer the question.

We may, sir, be straying from the points of Deputy Parkinson's questions but the answer is no, we would not. We would not and we have not done so in this particular case.

**The Bailiff:** Your next question Deputy Parkinson.

2115 **Deputy Parkinson:** Yes, sir.

If the answers to questions 1 and 3 are 'yes', which they were: did the STSB consult with any other States' Committees before making the decision to sell 2 Cornet Street?



**The Bailiff:** Deputy Ferbrache.

2120

**Deputy Ferbrache:** I have touched upon this already. No. 2 Cornet Street was vacated by the Income Tax Service at the end of 2017. All States' Committees have known the property has been empty since then. Similarly it is well known that the property is dated and below the standard of more modern office accommodation and was therefore likely to be a prime opportunity for redevelopment.

2125

However, Property Services has been open to any approach from a Committee with a requirement to make use of the premises in their current form or potentially refurbish and improve the existing accommodation in the present building.

2130

I am now going to read the next sentence twice. No such approaches have been received. No such approaches have been received.

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

2135

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

Well, does Deputy Ferbrache recall a meeting with me at the Registry on 5th January of this year to discuss the use of 2 Cornet Street for the creation of a Victor Hugo Centre?

**The Bailiff:** Deputy Ferbrache.

2140

**Deputy Ferbrache:** Yes, I would not remember the date but certainly I do recall that, but it was not an approach made. We have never had any approach from Deputy Parkinson's Committee saying, 'We would like to use this as a Victor Hugo Centre; can we enter into negotiations and discussions concerning it? Our proposals are such and such'.

2145

I do not recollect that being discussed on 5th January and I do not recollect it being discussed either before or after.

**The Bailiff:** Deputy Parkinson.

2150

**Deputy Parkinson:** Well, our recollections of the content of that meeting clearly differ. But essentially the answers to the question which was 'Did the STSB consult with any other States' Committee before taking the decision to sell?' is 'No. It did not'.

Please would Deputy Ferbrache confirm that that is the case?

2155

**The Bailiff:** Deputy Ferbrache.

**Deputy Ferbrache:** Yes, sir.

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

2160

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

2165

Would the President of the States' Trading Supervisory Board agree with me that maybe the approach that he is suggesting should be turned on its head, and that the States' Trading Supervisory Board's Property Services should be approaching Committees with (**A Member:** Hear, hear.) a list of the assets that they have under their governance and say 'What do *you* need in order to achieve your policy aspirations?' Rather than the other way round.

**The Bailiff:** Deputy Ferbrache.

2170 **Deputy Ferbrache:** I absolutely disagree with that. It is for Committees to get off their  
proverbial backsides if they have got some (*Interjection*) particular purpose and need for a  
building and say 'We know that the Income Tax building is vacant, it is a really awful building, it  
should never been built, whoever were the 'Natural Beauties Committee' of that era and allowed it  
to be built should never call themselves a 'Natural Beauties Committee' again. It is a disgraceful  
2175 building. Anybody who went there to pay their income tax really felt empathetic and sympathetic  
to the poor staff that had to work there.

I hope that answers the question.

**The Bailiff:** Deputy Inder.

2180 **Deputy Inder:** Sir, it sort of arises. I am slightly concerned –

**Deputy Ferbrache:** Could Deputy Inder turn –

**Deputy Inder:** Sorry. Through you, sir, via Deputy Ferbrache.

2185 There seems to be different versions of a conversation that has been had between Deputy  
Ferbrache and Deputy Charles Parkinson and with some fairly substantial misgivings.

Would Deputy Ferbrache with, possibly, Deputy Parkinson's permission commit to providing  
States' Members with the minutes of that portion of that conversation so we are clear what  
happened in that meeting?

2190

**The Bailiff:** Deputy Ferbrache.

**Deputy Ferbrache:** The meeting was at – when I say Deputy Parkinson's officers ... I don't  
have a note on that.

2195

**The Bailiff:** Deputy Lowe.

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

2200 There seem to be mixed messages coming out of from the States *per se* and I say that because  
Home Affairs were told 'You are not to identify property; you have to tell us what it is you require  
and we will tell you what is available', which is completely different to what we are hearing here  
today. It is not for Economic Development, or Health are now saying they would like the Grammar  
School, we have been told completely opposite 'Do not identify a property; you tell us what you  
actually need for your service'.

2205 So I would just like the President of States' Trading – what are you called? (*Laughter*) STSB to  
confirm that is probably the right approach?

**The Bailiff:** Deputy Ferbrache.

2210 **Deputy Ferbrache:** It is for individual States' Committees to say what they need and then the  
STSB will see if they can accommodate them.

**The Bailiff:** Deputy Brouard.

2215 **Deputy Brouard:** Thank you, sir.

In the light of Deputy Parkinson's and Economic Development's interest which is now being  
shown, or whenever it was shown, or whether it was shown to the Seafront enhancement – would  
he be prepared now to hang fire to see if a Victor Hugo Centre is a good idea or not, in the  
Island's best interest?

2220 **The Bailiff:** Deputy Ferbrache.

**Deputy Ferbrache:** Well, no, because let's just look what would happen. Deputy Parkinson would have to bring something to the States; he would have to cost it out; he would have to get the money from P&R from the relevant fund; there would have to be done by the States some kind of cost and business analysis. How long would that take?

I would bet that in these times of financial strictures that the cost of fitting out that building, which would still be second rate, would be several million pounds. I doubt that that could be afforded.

2230 I do not know why – and this is a personal opinion – they do not go down to the Visitor Centre, which is within their control, and put a victor Hugo Centre there? That is my personal opinion. (*Interjection*)

**The Bailiff:** Deputy Fallaize.

2235 **Deputy Fallaize:** Thank you.

Can I just clarify with Deputy Ferbrache that essentially what he is saying is that in the absence of a States' Resolution directing the STSB not to proceed with the sale his Board is going to proceed with the sale?

2240 **The Bailiff:** Deputy Ferbrache:

**Deputy Ferbrache:** Yes, indeed.

**The Bailiff:** Deputy Dorey.

2245

**Deputy Dorey:** Does the President agree with me that as P&R have responsibility for policies on property that they should revise their property policies in light of this instance so something similar does not happen again?

2250 **Two Members:** Hear, hear.

**The Bailiff:** Deputy Ferbrache.

2255 **Deputy Ferbrache:** P&R have a responsibility. It is the Guernsey Real Restate Board which reports back to the STSB that deals with these matters. If P&R thought that they had any concerns I am sure they have got able politicians on that particular Committee and they would express their concerns to us.

**The Bailiff:** Deputy Lowe.

2260

**Deputy Lowe:** Would the President agree with me, following up really from what I was saying before, that there would be other opportunities i.e. the Information Centre which was being looked at for an art centre, a perfect opportunity for the Victor Hugo Centre?

So there are other opportunities where we could probably accommodate it in States' property?

2265

**The Bailiff:** Deputy Ferbrache.

**Deputy Ferbrache:** I agree.

2270 I am giving my own opinion now because clearly I have not discussed this with my colleagues on the Committee. I can think of that and that to me, without further ado, would be the best

option. The second best option would be you could approach the landlord of the vacant HMV building in the Market, because that has got ...

2275 And thirdly, because I know that Home Affairs are wishing to perhaps have a more revolutionary approach, you could see if Border Agency wants to move out of St Barnabas's because it could not be much closer. (*Interjection*)

**The Bailiff:** Your fifth question, Deputy Parkinson.

2280 **Deputy Parkinson:** I no longer need to pose my fifth question because it was if the answer to question 4 was 'yes' and in fact the answer to question 4 was 'no', the STSB did not consult with any other States' committee before making this decision.

So I will move on to question 6 if I may, sir.

2285 **The Bailiff:** Yes.

**Deputy Parkinson:** Was the President aware that the Committee *for* Economic Development is interested in developing a Victor Hugo Centre at 2 Cornet Street?

2290 **The Bailiff:** Deputy Ferbrache.

**Deputy Ferbrache:** I am aware that the President of the Committee *for* Economic Development expressed an interest in the potential redevelopment to include a Victor Hugo Centre. I am not aware that any funding has been secured for such a redevelopment or a viable operator identified.

2295 Property rationalisation is an agreed States' policy and we cannot retain vacant buildings indefinitely while every opportunity is explored. (**A Member:** Hear, hear.) Such a visitor centre might and I add the word 'well' be a worthwhile proposition, but that is far from certain and in the meantime we have received an offer from a prospective purchaser with his view to redeveloping the site. We consider that that represents the best option.

2300 **The Bailiff:** Deputy Parkinson is there a supplementary?

2305 **Deputy Parkinson:** In view of the intense interest in this Assembly and amongst the public at large in this concept of a Victor Hugo Centre adjacent to or in the vicinity of Hauteville House, will the President of the STSB give consideration to suspending or terminating this sale process for at least a period of nine months to give the Committee *for* Economic Development time to come forward with the States' policy letter that he requires?

2310 **A Member:** Hear, hear.

**The Bailiff:** Deputy Ferbrache.

2315 **Deputy Ferbrache:** I have already answered, I believe, a similar question and the answer is no. We are now – from December of 2017 to July of 2019 is what? Nineteen months. The Committee *for* Economic Development have not come forward with a proposal to the STSB, a rational proposal, fully funded, with the approval of P&R, we do not see the point in delaying for another nine months as requested by Deputy Parkinson.

2320 **A Member:** Hear, hear.

**The Bailiff:** Deputy Gollop.

2325 **Deputy Gollop:** Whilst acknowledging the clarity of the President's answers in relation to possible alternative sites at St Barnabas or the Visitor Information Site, would the President of the STSB be in a position to answer whether to his knowledge the Committee has been approached by let's say the learned Victor Hugo Society or the French Consul or any of the academics and personalities associated with encouraging Victor Hugo's memory on Guernsey?

**The Bailiff:** Deputy Ferbrache.

2330 **Deputy Ferbrache:** I may be corrected but my best recollection is I do not believe we have.

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

2335 **Deputy Dudley-Owen:** Thank you, sir.  
I am still very concerned about this reporting from *The Bailiwick Express* because we also have Peter Van de Velde quoted in this particular article saying (**Deputy Ferbrache:** Mr who?) that they are working with (**Deputy Ferbrache:** Mr who?) (*Interjection*) Peter Van de Velde from Rock Commercial Property Agents saying that they are working with States' Property Services managing and letting the space on its behalf.

2340 Will the President please state that he will undertake an investigation into how his responses today are telling us on one hand he is selling the building, yet the article clearly states that the building is being let for the purposes of demand for all-inclusive lease arrangements for office space and they will be available for £3,500 per unit?

2345 I find it hard to believe that this is a fictitious article. So please can we have that reassurance?

**The Bailiff:** Deputy Ferbrache.

2350 **Deputy Ferbrache:** I cannot help what is in Deputy Dudley-Owen's mind. I know – (*Interjection*) well, I do not care what the article says. I know, and the gentleman I think you said is an agent for the property, I thought you said he was an officer before – but in any event I know this building is on the cusp of being sold.

**The Bailiff:** Deputy Tindall, this time.

2355 **Deputy Tindall:** Thank you, sir!

Would the President advise the Assembly if there had been a States' approved tourism strategy identifying the need for such a tourism attraction that the STSB would have taken that into account?

2360 **The Bailiff:** Deputy Ferbrache.

2365 **Deputy Ferbrache:** What I would have expected to happen is that if there had been a tourism strategy, I do not think there is one, so therefore it is a theoretical question, but if there had been one I would have expected the Committee mandated with the responsibility for dealing with tourism to approach STSB and say what they had to say. But answering a theoretical question in a practical way ... I mean, it defies description. I scratch my head both figuratively and literally why is there not a strategy? Why has somebody not come up with a strategy? (*Interjections*)

Bu anyway that is the answer to the question.

2370 **The Bailiff:** Deputy Merrett.

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

I heard a Deputy this morning just saying that the States do not work in silo and I wonder if the President would consider that on this occasion potentially we have indeed worked in a silo?

2375

**The Bailiff:** Deputy Ferbrache.

**Deputy Ferbrache:** This again is a wider question.

2380

I think we should have executive Government. I think we should have ... because consensus Government is not working. (**A Member:** Hear, hear!) So I think we should have executive Government. We have not got executive Government, we have got our own mandates, we do talk to other people but we expect them to talk to us periodically, sensibly, rationally and with substance. (*Interjection*)

2385

**The Bailiff:** Your next question, Deputy Parkinson.  
Oh sorry, Deputy Fallaize has a supplementary.

2390

**Deputy Fallaize:** I have a supplementary and since Deputy Ferbrache has introduced this subject, I was wondering if he could tell us how the existence of executive Government would have helped resolve this situation to the satisfaction of both he and Deputy Parkinson?

**Deputy Ferbrache:** If what, sorry, I did not catch the question? (*Interjection*)

2395

**Deputy Fallaize:** How would executive Government have allowed this matter to be resolved to the satisfaction of both he and Deputy Parkinson?

**The Bailiff:** I think we have now strayed way beyond the subject of the questions.

**Deputy Ferbrache:** I am enjoying this, I do not mind. (*Laughter*)

2400

**The Bailiff:** *You may be!* (*Laughter*)

**Deputy Ferbrache:** I think, sir, this is the difference between the political philosopher, Deputy Fallaize and the political pragmatist, Peter Ferbrache.

2405

The answer is you have a senior minister who would say to Deputy Parkinson and Deputy Ferbrache 'This is what should be happening; this is what I want you two to resolve; this is how you should resolve it'.

We do not have that system – through no criticism of the good sense and able leadership of Deputy...] (*Interjection*)

2410

**The Bailiff:** Deputy Smithies.

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

2415

For clarity I wonder if the President of the STSB could confirm that his statement on the subject of executive Government was a personal statement and not – (*Laughter and interjections*)

**The Bailiff:** Deputy Ferbrache.

2420

**Deputy Ferbrache:** I think I might be the only person in this Assembly who has that sensible view, sir.

**The Bailiff:** Yes, Deputy Meerveld.

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

2425 I would just like, through you, sir, to ask Deputy Ferbrache to clarify whether he was describing executive Government or a dictatorship? (*Laughter*)

**The Bailiff:** Deputy Ferbrache and then we must move on.

2430 **Deputy Ferbrache:** Well done, Deputy Meerveld.

**The Bailiff:** Deputy Parkinson, your next question.

2435 **Deputy Parkinson:** My next question, sir, is: were any of the officers of the STSB aware that the Committee *for* Economic Development is interested in developing a Victor Hugo Centre at 2 Cornet Street?

**The Bailiff:** Deputy Ferbrache.

2440 **Deputy Ferbrache:** Sir, officers of Property Services were aware of the interest from the *President* of the Committee *for* Economic Development as were members of STSB.

**The Bailiff:** Deputy Parkinson.

2445 **Deputy Parkinson:** So would Deputy Ferbrache be able to confirm that an officer of the States' Property Services met with myself on, I think at least three occasions in the last 12 months, to discuss schemes for building a Victor Hugo Centre at 2 Cornet Street and that he was fully aware that we were engaged in negotiations with a possible financier to fund the project, negotiations which sadly so far have not borne fruit?

2450 **The Bailiff:** Deputy Ferbrache.

**Deputy Ferbrache:** I am aware, sir. I would not have known it was three. I am sure that the officers should have reported back to us on a periodic basis. There were regular meetings.

2455 And of course what Deputy Parkinson has just said is that, sadly, the financier is not progressing, or not progressing at this time. I think that tells the story.

**The Bailiff:** Deputy Inder.

2460 **Deputy Inder:** Sir, as a recent Member of –

**Deputy Ferbrache:** Could you turn to me – ?

2465 **Deputy Inder:** Sorry. As a recent Member of Economic Development, these meetings which happened, I am wondering, through you, sir, are any of these minuted? Is this something that you, as the President of STSB, get a copy of and therefore Economic Development?

2470 The only reason I am asking is that, having only had one meeting, I do not have any of the background story. If these meetings are happening between Presidents I am wondering if both of the Committees get copies of these minutes, or are these just sort of telephone nicey-nice bit of a twang chats between people?

**The Bailiff:** Deputy Ferbrache.

2475 **Deputy Ferbrache:** There is something called 'Words', it was a song that the Bee Gees sang, and words have been communicated to me by officers verbally.

**The Bailiff:** Deputy Leadbeater.

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

I would just like the President to confirm, would he agree with me that 2 Cornet Street is certainly not an ideal building to house a Victor Hugo Museum?

**The Bailiff:** Deputy Ferbrache.

**Deputy Ferbrache:** Yes, sir, I agree with Deputy Leadbeater.

**The Bailiff:** Your next question, Deputy Parkinson.

**Deputy Parkinson:** If the answers to questions 6 or 7 are 'yes', which they were, what weight was given to the interests of the Committee *for* Economic Development when considering the decision to sell?

**The Bailiff:** Deputy Ferbrache.

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

The Guernsey Real Estate Board considered the offer that has since been accepted, along with a previous offer from another prospective purchaser, and the interest presented by the President of the Committee *for* Economic Development. During the near two years that the property has been identified for disposal the Committee had not come forward with a viable proposition or operator for their proposed use of part of the site. As such it was still speculative and had to be considered alongside real interest in redeveloping the site backed by a firm, unconditional offer to purchase the property.

**The Bailiff:** Deputy Parkinson.

**Deputy Parkinson:** Supplementary question, sir.

Given that the building 2 Cornet Street is part of a larger development including the privately owned Albany site, all of which sits within a regeneration zone in terms of the IDP, is it not obvious to Deputy Ferbrache that the redevelopment of 2 Cornet Street, which is self-evidently necessary, will have to take place in the context of a much larger scheme to meet the conditions of the IDP?

**The Bailiff:** Deputy Ferbrache.

**Deputy Ferbrache:** Sir, an offer we had, which we rejected, was from the owner of the nearby site. That offer was completely unacceptable. This offer is from a standalone purchaser and what he does with the site once he has purchased it will be a matter for him. He will have to comply with the law. It is up to him to make commercial decisions. That is what people in the real world do.

**The Bailiff:** Deputy Yerby.

**Deputy Yerby:** Sir, on the various Committees that I sit it is often the case that Presidents will hold meetings effectively on behalf of the Committee and represent the views of the Committees at those meetings. What reason does Deputy Ferbrache have for making such a clear distinction between the views of the President and the views of the Committee in this instance?

**The Bailiff:** Deputy Ferbrache.



2530 **Deputy Ferbrache:** Because we have never been told by any other Committee Member, I may be wrong, that any of them were of the same mind as the President of the Committee. Indeed I see a former Member, a respected Member, shaking her head.

2535 So of course we all, as Presidents of our respective Committees, hold meetings without our other members on occasions. On this particular thing the impression we got, we may be wrong but if so there are Members of the Economic Development Committee that I am sure can ask a question and therefore get an answer in, that this was a scheme which was thought through by the President himself.

**The Bailiff:** Deputy Mooney.

2540 **Deputy Mooney:** Sir, I do not agree with that because there were quite a number of Members quite in favour.

The other question I would place to Deputy Ferbrache is: have you actually heard of 'sweating the assets'? (*Interjection*) Sweating the assets, which seems to be quite familiar within the States but does not seem to happen?

2545 **The Bailiff:** Deputy Ferbrache.

2550 **Deputy Ferbrache:** Well all I can say is what we were told. If we had had an approach from the Committee, if we had been told it was on behalf of the Committee of course we would have respected it. We may well have come – and indeed I think we probably would have come – because of the lack of action on behalf of the Committee *for* Economic Development, the lack of real action – because words take you nowhere, you have got to take action afterwards. We would probably have come to the same decision that we have come to.

2555 **The Bailiff:** Deputy Parkinson.

2560 **Deputy Parkinson:** Well, I preface my next question by remarking that for the first six months of the last two-year period Deputy Ferbrache was President of the Committee *for* Economic Development and, if he considers that there has been a lack of action, perhaps he needs to look closely at home. (*Interjections and laughter*)

My next question, sir, is if the answer to question 1 is 'yes', which it is, what consideration was given to the wider economic benefits to Guernsey of the development of a Victor Hugo Centre in the vicinity of Hauteville House, before a decision to sell 2 Cornet Street was taken?

2565 **The Bailiff:** Deputy Ferbrache.

2570 **Deputy Ferbrache:** Sir, a business case setting out the wider economic benefits of a Victor Hugo Centre in the vicinity of Hauteville House, would be for the Committee *for* Economic Development to present possibly in conjunction with the Committee *for* Education, Sport & Culture. We have *not* received such a business case.

If the Committee *for* Economic Development wish to pursue an interest and can make a case for a Victor Hugo Centre as a viable proposition there is nothing to prevent the Committee entering into a dialogue with the prospective new owner of the site.

2575 I can add to that, a senior civil servant spoke to me yesterday to say that the owner, the prospective owner, if he purchases it would welcome a discussion with the Committee *for* Economic Development.

**The Bailiff:** Deputy Parkinson.

**Deputy Parkinson:** Supplementary question, sir.

2580 The Committee may be free to have conversations with the prospective new owner of the site, what I am at a loss to understand is why the STSB will not have a conversation with the Committee *for* Economic Development *now*?

**The Bailiff:** Deputy Ferbrache.

2585 **Deputy Ferbrache:** I have not said we will not, but we are not going to talk about this because the decision has been made to sell the property. That is the decision that has made; the property will be sold subject to easements being sorted out, etc. etc. We must move on we cannot tarry any further.

2590 **The Bailiff:** Deputy Parkinson.

**Deputy Parkinson:** Second supplementary question, sir.

2595 The decision is plainly a gross error of judgement and I request that the President of the States' Trading Supervisor Board takes the matter back to his Committee for reconsideration before a binding contract of sale is entered into, so that an opportunity may be given to the Committee *for* Economic Development to make a case for developing this site as a Victor Hugo Centre.

2600 **The Bailiff:** Deputy Ferbrache.

**Deputy Ferbrache:** Well, I reject absolutely that it is any error of judgement, let alone the additional word 'gross'.

2605 I cannot ask a question of Deputy Parkinson because if I could I would answer the question this way: what action have you taken over the last 18 months since you have been President to speak with the States' Trading Supervisory Board with a business plan? What steps have you taken to do a business plan? How much would this building cost to convert? How long would it take? Would you get financial approval for it?

I cannot ask those questions because I am answering questions. If I could, I would.

2610 **The Bailiff:** Deputy Dudley-Owen.

**Deputy Dudley-Owen:** May I ask the President of the States' Trading Supervisory Board to leave the door open for the Committee *for* Economic Development to come to a Committee view on this matter, and to approach for a joint Committee meeting once we have a business case that has been set out and a majority view on the Committee about potential sites for any visitor centre in the future?

Thank you.

2620 **The Bailiff:** Deputy Ferbrache.

**Deputy Ferbrache:** Of course, sir, because I just offer my views on the hoof – and I have made it very clear nobody else's. I expressed that it could go here, it could go there. I do not think it can go anywhere. The point is that certainly, of course those discussions could take place.

2625 **The Bailiff:** Your next question Deputy Parkinson.

**Deputy Parkinson:** My final question, sir. Does the President of the STSB know of any other States-owned property in the vicinity of Hauteville House that would be suitable for the development of a Victor Hugo Centre?

2630

**The Bailiff:** Deputy Ferbrache.

2635 **Deputy Ferbrache:** Sir, once the Committee *for* Economic Development has defined their requirements, the officers at Property Services may be able to assist in identifying appropriate properties for consideration. These do not necessarily need to be restricted to those in the ownership of the States.

2640 **The Bailiff:** Thank you.  
I see no-one rising to ask any supplementary questions.  
So that concludes Question Time.  
Greffier, we move on.

## Billet d'État XIV

### COMMITTEE FOR HOME AFFAIRS

#### I. Committee *for* Home Affairs – Election of two Members – Election held

##### *Article 1*

*The States are asked:*

*To elect, in accordance with Rule 16 of The Rules of Procedure, two members of the Committee for Home Affairs to complete the unexpired terms of office (that is to the 30th June 2020) of Deputy R. G. Prow and of Deputy R. H. Graham L.V.O., M.B.E. who have resigned and whose letters of resignation are appended hereto.*

**The Senior Deputy Greffier:** Billet d'État XIV – Article I – Election of two Members for the Committee *for* Home Affairs.

2645 **The Bailiff:** Do we have any nominations?  
Deputy Lowe.

**Deputy Lowe:** Thank you, sir.  
2650 Before I put forward the names of the nominations I would just like to place on record my thanks and the Committee's thanks to Deputy Graham and Deputy Prow who have been a huge asset to the Committee and we respect their decision to resign, but their knowledge and experience has been invaluable.

I would now like to put forward the names of Deputy Smithies and Deputy Le Pelley.

2655 **The Bailiff:** Deputy Smithies and Deputy Le Pelley, proposed by Deputy Lowe. Is there a seconder for either or both of them?  
Deputy Inder.

2660 **Deputy Inder:** Deputy Smithies.

**The Bailiff:** Sorry, you are seconding Deputy Smithies?

**Deputy Inder:** Yes, I am happy to.

2665 **The Bailiff:** Are you also seconding Deputy Le Pelley or just – ? (*Interjection*) Oh, Deputy Leadbeater is seconding him. Fine.

Do we have any other nominations? No? In that case, Deputy Le Tocq.

**Deputy le Tocq:** Can we have a vote on this please, sir?

2670 **The Bailiff:** Right. Yes. What the Rules say is that where there the number of nominations do not exceed the number of candidates then I think we go straight to the vote, I think that is –

**Deputy Fallaize:** Sir, do you remember when – ?

2675 **The Bailiff:** Then, there is a precedent also of having a recorded vote.

**Deputy Tindall:** Sir, there is a precedent for a secret ballot as well.

2680 **The Bailiff:** Yes, that is what I was meaning. (*Interjection*) Yes, that is what I was thinking of. This is Rule 16(6).

... if no more candidates are proposed and seconded than there are vacancies the Presiding Officer shall put the election of the candidate(s) to the vote without speeches.

So we go straight to the vote without speeches and as you say there is a precedent for holding a secret ballot. So we will hold a secret ballot for the election of two Members of the Committee for Home Affairs, and I remind you Deputy Smithies has been proposed by Deputy Lowe and seconded by Deputy Inder, and Deputy Le Pelley has been proposed by Deputy Lowe and seconded by Deputy Leadbeater.

2685

*There was a secret vote*

**Deputy Lester Queripel:** Sir, can we put them both on one sheet, or do we need separate sheets?

2690 **The Bailiff:** One sheet.

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

**The Bailiff:** Well, while those votes are counted we can proceed, Greffier.

## Billet d'État XIII

### COMMITTEE FOR HOME AFFAIRS

#### **V. Independent Monitoring Panel Reappointments and Notification of Resignations – Mr Tony Talmage, Mrs Wendy Meade, Mr Peter Champion, Ms Glen Ford and Mrs Heather Mauger reappointed**

*Article V*

*The States are asked to decide:*

*Whether, after consideration of the Policy Letter dated 24th May, 2019, of the Committee for Home Affairs, they are of the opinion:*

1. to confirm the re-appointment of Mr Tony Talmage as a member, and his appointment as Chairman, of the Independent Monitoring Panel for a period of four years with effect from 28th January 2019.

2. to confirm the re-appointment of Mrs Wendy Meade as a member of the Independent Monitoring Panel for a period of four years with effect from 28th January 2019.

3. to confirm the re-appointment of Mr Peter Champion as a member of the Independent Monitoring Panel for a period of four years with effect from 28th January 2019.

4. to confirm the re-appointment of Ms Glen Ford as a member of the Independent Monitoring Panel for a period of four years with effect from 28th January 2019.

6. to confirm the re-appointment of Mrs Heather Mauger as a member of the Independent Monitoring Panel for a period of four years with effect from 28th January 2019.

7. to note the resignation of Mrs Celia Allen from the Independent Monitoring Panel with effect from 28th February 2019.

8. to note the resignation of Mr James Edward Duncan from the Independent Monitoring Panel with effect from 8th August 2019.

**The Senior Deputy Greffier:** Yes, sir.

2695 Billet d'État XIII – Article V – Committee for Home Affairs – Independent Monitoring Panel: Reappointments and Notification of Resignations.

**The Bailiff:** Deputy Lowe.

2700 **Deputy Lowe:** Sir, this, for the amendments, is going to be placed by Deputy Merrett.

**The Bailiff:** No. I was not aware of any amendment. We are dealing with elections still.

**Deputy Lowe:** Oh, I beg your pardon, sir.

2705

**The Bailiff:** So this is the Independent Monitoring Re-appointments and Notification of Resignations.

**Deputy Lowe:** I beg your pardon. I was a bit further down the list. I apologise.

2710

Yes, indeed. I have nothing further to add to the States' Report before you and I thank the members for their time who do an excellent job on the Independent Monitoring Panel and I ask States' Members to support the report.

**The Bailiff:** Is there any debate? No.

2715

We go straight to the vote then. There are a total of 8 Propositions to confirm various reappointments and note two resignations. I put them all to you together. Those in favour; those against.

*Members voted Pour.*

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

**MOTION TO DEBATE AN APPENDIX REPORT**

**Committee for Home Affairs –  
Guernsey Prison: Annual Report 2018 –  
Motion to debate Appendix Report –  
Proposition 1 carried**

*Motion*

1. To resolve, pursuant to Rule 20 of the Rules of Procedure of the States of Deliberation, to debate the Appendix to Billet d'État No. XIII of 2019 entitled 'Guernsey Prison – Annual Report 2018' at the meeting of the States to be held on the 4th September, 2019.

OR, only if Proposition 1 shall have been defeated,

2. To resolve, pursuant to Rule 20 of the Rules of Procedure of the States of Deliberation, to debate the Appendix to Billet d'État No. XIII of 2019 entitled 'Guernsey Prison – Annual Report 2018' at the current meeting of the States.

2720 **The Senior Deputy Greffier:** Billet d'État XIII – Appendix I – Committee for Home Affairs  
Guernsey Prison – Annual Report 2018.

2725 **The Bailiff:** What we have received is notice of a motion to debate the Appendix Report and under Rule 20, sub-Rule (4): the proposer of the motion may speak thereon; the seconder will formally second it but may not speak; and the President of the Committee concerned, in this case Home Affairs, may also speak on the matter, following which without further debate I shall put it to you to vote immediately.

So, Deputy Merrett.

2730 **Deputy Merrett:** Thank you, sir.

2735 Proposition 1 of this motion is to debate the report in September. This is primarily because we are conscious that the Committee for Home Affairs has recently had two Members resign and as such two Members – or they have not even been elected yet into those seats. So we think it is only fair and reasonable that we allow the Committee time to reconstitute itself, time for new Members to potentially take the opportunity to visit the Prison, if they have not already, and time for the Committee as newly constituted to meet to discuss the Prison reports before we debate them.

So I urge Members to vote for Proposition 1. However, if that falls and Proposition 2 if passed will still enable us to debate the later in this sitting of the States.

2740 So, sir, why do we think we should debate the Guernsey Prison Report? The Guernsey Prison Report 2018 is important because it contains a time when the Prison roll reached 121 inmates and averaged 100. The concerns and consequences of this are noted in the report; for example, the increase in adjudications and violence. We should also note and show due regard to the cost of detaining so many members of our community. The 2018 budget was £5½ million.

2745 That was the budget for the Prison and clearly does not include the cost that being detained brings to families. It also contains limited comments on postponements of Her Majesty's Inspectorate of Prisons which was being prepared for but has been postponed due to funding.

2750 We were concerned at the comment regarding the maintenance priorities in regard to the basic facilities some not fit for purpose specifically, sir, the disabled showers which appear to have not been fit for purpose for years. This is of concern, but also the backlog of maintenance. It appears the procurement procedure was followed that funding was allocated but then withdrawn as a result of a review. We are unsure as to which or what review this was or is. Consequently this means that a business case needs to be resubmitted. They have to do it all over again.

In a bid not to enter – can I give way, sir?

2755 **The Bailiff:** If you wish to, we are in a debate.

**Deputy Merrett:** I will give way, sir.

**Deputy Leadbeater:** I thank Deputy Merrett for giving way.

2760 I would just like to clarify the reason that the backlog maintenance was put back. The issue with the showers on J Wing and the disabled showers where the water was not draining away has been there for some time. Now, when the camera survey was done it uncovered further damage with collapsed drains in the car park and other areas of the grounds, which meant it would have been a two-stage operation.

2765 States' Property Services advised we wrap both of the works up into one phase and set it back an extra year, so that is why the backlog maintenance had a setback.

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

2770 The irony, the irony, sir, of Deputy Leadbeater's interjection! I was about to say in a bid *not* to enter debate on the report, but to explain why we believe it should be debated, I will end with the interesting and positive increase in the number of prisoners gaining accredited learning awards.

So we urge Members to support the motion to debate and by doing so give due consideration and credence to these reports.

Thank you, sir.

2775

**The Bailiff:** Deputy Tooley you formally second the motion?

**Deputy Tooley:** I do, sir.

2780 **The Bailiff:** Deputy Lowe, do you wish to reply?

**Deputy Lowe:** I did, sir.

2785 The Committee have no problem with this being debated, whether it be this session or in September's, we leave it up to States' Members to decide when they would like to debate the report.

**The Bailiff:** So I put to you first of all the Proposition that the Appendix Report Guernsey Prison – Annual Report 2018, be debated at the meeting of the States to be held on 4th September. Those in favour; those against.

*Members voted Pour.*

2790 **The Bailiff:** I declare that carried; in which case there is no need to put the second Proposition.

## Billet d'État XIV

### COMMITTEE FOR HOME AFFAIRS

#### I. Committee for Home Affairs – Election of two Members – Announcement of results – Deputy Smithies and Deputy Le Pelley elected

**The Bailiff:** Before we move on to the next motion to debate, I can announce the result of the election of two Members for the Committee for Home Affairs. The result has been handed to me: Deputy Smithies 24 votes, Deputy le Pelley 24 votes and there were 14 spoiled papers. I declare both of them elected. *(Applause)*

2795 Greffier.

## Billet d'État XIII

### MOTION TO DEBATE AN APPENDIX REPORT

**Committee for Home Affairs –  
Guernsey Prison – Independent Monitoring Panel –  
2018 Panel Annual Report –  
Motion to debate Appendix Report –  
Proposition 1 carried**

*Motion*

1. To resolve, pursuant to Rule 20 of the Rules of Procedure of the States of Deliberation, to debate the Appendix to Billet d'État No. XIII of 2019 entitled 'Guernsey Prison – Independent Monitoring Panel – 2018 Annual Report' at the meeting of the States to be held on the 4th September, 2019.

OR, only if Proposition 1 shall have been defeated,

2. To resolve, pursuant to Rule 20 of the Rules of Procedure of the States of Deliberation, to debate the Appendix to Billet d'État No. XIII of 2019 entitled 'Guernsey Prison – Independent Monitoring Panel -2018 Annual Report 2018' at the current meeting of the States.

**The Senior Deputy Greffier:** Article II – Committee for Home Affairs – Guernsey Prison – Independent Monitoring Panel – 2018 Annual Report.

**The Bailiff:** Same procedure again. Deputy Merrett.

2800

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

Notwithstanding the comments regarding the preference to debate the report in September – and so our preference is to support Proposition 1 – the important parts of this Report, which is the Guernsey Prison Independent Monitoring Panel Report, that we consider need debating are the various recommendations: for example, the need for recruitment of a mental health professional and, as mentioned also in the other Prison Report, the fact there are only paper trails regarding health care in general. It also alludes to the impact and lack of refurbishment, as Deputy Leadbeater has kindly updated us so far, particularly of J Wing.

2805  
2810 But particularly, sir, the issues in this Report also refer to prisoner behaviours and compliance. Non-compliance is noted as being the biggest reason for having to force. Non-compliance force was used 32 times out of the total of 61 times in 2018.

Further, sir, the Report does touch on the increasing Prison population and it urges all those who are part of the Criminal Justice System to examine alternatives to custodial sentences.

2815 Lastly, sir, it does mention equality: how the different facilities are available for the female inmates compared to the male inmates. I would be interested to know what the Committee believes could be reasonable adjustments to these concerns.



So we urge Members to support this motion to debate and by doing so again give due consideration and credence to these reports.

Thank you, sir.

2820

**The Bailiff:** Deputy Tooley you second the motion?

**Deputy Tooley:** I do, sir.

2825

**The Bailiff:** Deputy Lowe.

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

Exactly the same as the previous one really; we have no problem with having this debated either this session or indeed in September.

2830

**The Bailiff:** In that case I put to you the first Proposition that the Appendix Report – Guernsey Prison – Independent Monitoring Panel – 2018 Annual Report be debated at 4th September meeting. Those in favour; those against.

*Members voted Pour.*

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

2835

I think that brings us to legislation, Greffier.

#### LEGISLATION LAID BEFORE THE STATES

**[The Highway Code for Guernsey 2019;](#)  
**[The Traffic Signs and Traffic Light Signals \(Amendment\) Order, 2019;](#)  
**[The Control of Trade in Endangered Species etc. \(Bailiwick of Guernsey\)  
Ordinance, 2016 \(Commencement\) Order, 2019;](#)  
**[The Misuse of Drugs \(Modification\) Order, 2019;](#)  
**[The Data Protection \(General Provisions\) \(Bailiwick of Guernsey\)  
\(Amendment\) Regulations, 2019;](#)  
**The Mental Health (Treatment and Forms) Regulations, 2013************

**The Senior Deputy Greffier:** Yes.

The following legislation is laid before the States: 43/2019 [The Highway Code for Guernsey 2019](#); 44/2019 [The Traffic Signs and Traffic Light Signals \(Amendment\) Order, 2019](#); 60/2019 [The Control of Trade in Endangered Species etc. \(Bailiwick of Guernsey\) Ordinance, 2016 \(Commencement\) Order, 2019](#); 67/2019 [The Misuse of Drugs \(Modification\) Order, 2019](#); 69/2019 [The Data Protection \(General Provisions\) \(Bailiwick of Guernsey\) \(Amendment\) Regulations, 2019](#); 71/2019 The Mental Health (Treatment and Forms) Regulations, 2013

2840

2845

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

**ORDINANCES LAID BEFORE THE STATES**

**Policy & Resources Committee –  
The Transfer of States Undertakings (Protection of Employment)  
(Information Systems and Services) Ordinance, 2019 –  
Approved**

*The States are asked to decide:*

*Whether they are of the opinion to approve the draft Ordinance entitled 'The Transfer of States Undertakings (Protection of Employment) (Information Systems and Services) Ordinance, 2019', and to direct that the same shall have effect as an Ordinance of the States.*

**The Senior Deputy Greffier:** Policy & Resources Committee – The Transfer of States Undertakings (Protection of Employment) (Information Systems and Services) Ordinance, 2019.

**The Bailiff:** Is there any request for any debate or clarification?  
Deputy Gollop.

2850

**Deputy Gollop:** Well, it is a sort of point of clarification that I did bring up for the fun of it in the Legislation Scrutiny Committee and that is that, although it is certainly within the States' policy, it is an unusual piece of legislation in that instead of looking forward it looks backwards to the telecommunications entity of the States which no longer exists. Perhaps we do need to consider a new form of transfer of undertaking for public employees, but I am sure this does the trick in terms of achieving the job done.

2855

I just hope that it will satisfy the needs of the information of the Future Digital Strategy, the information technology in it and all the staff who might be affected by it.

2860

**The Bailiff:** Deputy St Pier, do you wish to reply?

**Deputy St Pier:** Sir, very briefly.

Deputy Gollop raises a very valid observation in relation to the legislation: it is of course entirely a pragmatic response and opportunistic use of that prior piece of legislation in order to achieve the objectives around the Future Digital Services contract which the States approved a month ago.

2865

I think the challenge which Deputy Gollop has laid as to whether there should be a broader transfer of undertakings legislation is a very valid one and, as ever, I suspect it is driven by priorities and resources which have not previously raised it as a priority. But his observations are indeed correct, sir.

2870

**The Bailiff:** We go straight to the vote on the Ordinance. Those in favour; those against.

*Members voted Pour.*

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

**POLICY & RESOURCES COMMITTEE**

**II. Taxation of Motoring –  
Debate commenced**

*Article II*

*The States are asked to decide:*

*Whether, after consideration of the policy letter entitled 'Taxation of Motoring' dated 23rd May, 2019 they are of the opinion:*

*1. To agree, in principle, that a distance charging mechanism should be introduced as soon as possible and direct the Policy & Resources Committee to report back to the States with detailed proposals to introduce a distance charging mechanism.*

*2. To note that the Policy & Resources Committee intends to use its existing delegated authority to approve funding from the Budget Reserve to carry out further detailed research and a pilot exercise/trial to collect comprehensive data which could be used to calculate and model an appropriate charging structure for a distance charging mechanism, together with an assessment of the effect of any potential changes in behaviour.*

*3. To agree that an annual charge based on ownership of vehicles is not introduced.*

*4. A. To agree that the rates of excise duty on motor fuel should not be varied in the 2020 and 2021 Budget Reports.*

*Or, only if Proposition 4A shall have been defeated,*

*B. To direct the Policy & Resources Committee to include proposals in the 2020 and 2021 Budget Reports to increase the rate of excise duty on motor fuel in line with inflation (RPIX).*

*Or, only if Proposition 4B shall have been defeated,*

*C. To direct the Policy & Resources Committee to include proposals in the 2020 and 2021 Budget Reports to increase the rate of excise duty on motor fuel to a level necessary to maintain the real-value of the income raised by taking account both of inflation (RPIX) and any change in sales volume.*

2875 **The Senior Deputy Greffier:** Article II – Policy & Resources Committee – Taxation of Motoring.

**The Bailiff:** Deputy St Pier.

2880 **Deputy St Pier:** Sir, the Policy & Resources Committee has on recent occasion been accused of not listening. On this issue we listened during the 2019 Budget debate last autumn, we promised to return to the States by this summer, indeed by September, and we have done so.

2885 The challenge though, sir, with this topic is there is a cacophony of different voices and views to listen to. The taxation of motoring is, I will use the phrase again, a 'toxic' topic. It is a topic which generates a great deal of public and media interest and there are of course many differing views not only in relation to the options but also on the objectives.

2890 From a fiscal point of view we want an income source that is sustainable and low cost to collect; from an environmental point of view there is a means to encourage certain behaviours and/or perhaps discourage other behaviours; from a taxpayers' perspective we want a system which is fair, a term itself on which there may be little consensus in this context; and also a system that is easy to understand.

In this speech I am going to cover why, what, how and when. Why there is an issue; what we propose to do about it; how we propose to do it; and when.

2895 The current income raised from the taxation of motoring through the Excise Duty on motor fuel is just over £20 million a year. At this point I need to shoot our first fox and dispel any myth and clearly state that it is not a hypothecated income stream. The total amount of motor fuel Excise Duty raised does not influence the amount of public expenditure associated with motoring,

2900 whether that be roads, policing, car parks, or the publicly incurred health costs from accidents or pollution. The revenues accrue to General Revenue in the same way as income tax, TRP, alcohol duty and so on, and expenditure is funded from the relevant Committee budgets.

2905 This £20 million of income is significant, approaching 5% of our total income or, more significantly, 17% of the funds not raised from Income Tax. Therefore it is important that we continue to raise this level of income or replace it with another income stream, otherwise we simply will not have enough revenues to fund the public services that we provide and that we all enjoy today.

2910 The issue we face with motor fuel duty is that the volumes consumed have been declining and that decrease will continue and will accelerate in the coming years. This is a combination of the result of increased engine efficiency from traditional internal combustion engines and changing vehicle types with hybrid or electric engines. Today, we simply need less fuel to drive the same distance. The average vehicle produced now is approximately 30% more efficient than it was 12 years ago. We are also using alternatives to the car with well-publicised increases in bus use.

2915 This decline in volume has meant that in order to maintain the real value of the income raised above-inflation increases in the duty have been required in recent years. This means that, whilst on average the amount of duty an individual pays will not have changed in real terms as they are buying less petrol or diesel, they will be filling up their vehicle with fuel less frequently but each fill-up will of course be more expensive.

2920 However, continuation of this policy of above-inflation increases in duty to compensate for reductions in volumes is simply unsustainable, as the decline in volumes is forecast to accelerate by approaching 50% within 20 years and virtually 100% by 2050. This decrease is driven by an inevitable rise in the number of electric and hybrid vehicles as economies race to decarbonise to meet global climate change carbon reduction targets.

2925 As well as being unsustainable it is clearly unfair by any, I would suggest, reasonable definition that those who are in a position to be able to purchase an electric vehicle will not pay any motor fuel duty at all, but those who cannot afford to buy such a vehicle will have to pay more motor fuel duty to compensate. This means that the current motor taxation system will become an increasingly regressive form of taxation for our community.

2930 During debate on the 2019 Budget Report I gave an undertaking that the Policy & Resources Committee would submit a policy letter for consideration no later than September this year responding to a previous States' Resolution which was:

to consider and review the best way of raising revenues from motoring in future, taking into account the ongoing reduction in fuel sales.

The States' direction was:

... that the focus of the review shall be on how to achieve the maximum sustainability of this source of States' revenue rather than on increasing the total amount of taxation levied on motoring in Guernsey.

2935 Incidentally, let's shoot our second fox: that in Guernsey we are milking the motorist. The average amount of taxation levied on motoring in Guernsey is lower than in both Jersey and the United Kingdom. If we average over a five-year period the annual taxation cost associated with buying and running a new car, they would be £468 in Guernsey compared with £686 in Jersey and £1,486 in the UK.

2940 Whilst fuel duty is higher in Guernsey this is more than offset by the absence of tax on other annual costs; and in addition of course, the one-off tax costs incurred on purchase here are a very small fraction of those incurred in Jersey with Goods and Services Tax or in the United Kingdom with a 20% rate of Value Added Tax.

2945 A working group was established with political representation from Policy & Resources Committee and the Committee *for the* Environment & Infrastructure, supported by staff from a number of service areas to carry out a detailed review and to assess options for raising revenue

from motoring. The working group's report on the research it undertook and its conclusions is appended in full to the policy letter.

As set out in the working group's report it is clear that in order to achieve sustainability of revenue all motorists should be taxed in an equitable and reasonable way irrespective of the manner in which they may use fuel. Clearly a sustainable revenue income stream could be achieved simply by replacing the current system where the amount you pay is dependent on usage with a fixed cost. The Policy & Resources Committee did not consider that this would be fair. Why should Deputy Trott's friend, Mrs Le Page from Torteval, (*Interjection*) who uses her car once a week to pop to the shops and once a month to go to Town pay the same amount as someone who uses their car on a daily basis for their business? (**A Member:** Hear, hear.)

Therefore the recommendation is that we maintain a user pays system of taxation but we agree in principle to move from a variable system of taxation on motor fuel to a variable system of taxation based on charging by distance travelled. We are seeking an 'in principle' decision since we cannot yet define how this will work in detail. There are many considerations including how distance is measured; what the charges should be; how they should be collected; whether there should be differential charging by vehicle size, type or by vehicle use.

Further detailed research is clearly required to design an appropriate distance-charging system. Distance charging has traditionally relied on a system of toll booths but advances in vehicle technology have created the opportunity to use in-car technology. Any system introduced clearly must, of course, be designed to protect an individual's privacy in accordance with our existing Data Protection Law and principles, and the data collected would need to be only that required for the purpose of determining the distance travelled charge rather than tracking individuals' movements. I guess much like the charges for entering London.

We would need to enable the disregard of any off-Island travel and consider how we want to treat visiting vehicles. The setting of charges would require an accurate estimate of the total amount of distance travelled in the Island, therefore in addition to detailed research it is proposed to carry out a pilot exercise or a trial to collect comprehensive data which could be used to calculate a model of a charging structure together with an assessment of the effect of any potential changes in behaviour, which I think would be inevitable because if you change the system of charging, individuals' behaviour in the use of their vehicles would change, and we would need to understand the consequences of that before implementing the system.

A distance-charging mechanism will offer the opportunity for differential charging to promote or discourage ownership and use of certain types of vehicles if that is what the States so choose to exercise those policy options; for example, based on weight, width, engine size, fuel type, CO<sub>2</sub> emissions or public service use.

The Committee for Environment & Infrastructure in its consultation response has recognised the opportunity for the charging structure to be balanced in line with environmental aspirations and targets. It is anticipated that that Committee would need to be closely involved in designing the initial charging structure and any future revisions to the structure or level of charges to ensure that the system does dovetail with agreed States' transport policies; and of course our commitments as well in relation to climate change, carbon reduction and so on.

There will also be the opportunity for different rates to be set for domestic and commercial vehicles with the potential to offer concessionary rates for certain uses; for example, a trade vehicle, taxis, or vehicles used solely for charitable purposes. A system will need to be designed and established that makes the calculation and collection of charges as efficient and user-friendly as possible, whilst also limiting the potential for evasion. Whilst in 2019 it is a reasonable assumption that a digital system is likely to be the default option there may be a need to have an alternative analogue system for those who are unable or unwilling to adopt a digital system.

Finally, when will the system be introduced? Again, sir, we cannot answer that question definitively now, it will be dependent on the findings of the research exercise. Investigation will also include the design of any necessary transitional arrangements for moving from Excise Duty on motor fuel to a distance-charging mechanism.

I must reiterate that this is not an exercise to raise more money – it is to find a way of maintaining a similar level of revenue in a fair and equitable manner.

3000 The results of the detailed research and pilot exercise of the distance-charging mechanism will inform the preparation of a policy letter from the Policy & Resources Committee which will include detailed proposals for the introduction of such a system. Until the States approves the introduction of any new system, income from the taxation of motoring will continue, or needs to continue, to be raised through the current system of Excise Duty on motor fuel.

3005 This policy letter provides an opportunity for the States to give direction for the approach to be taken by the Policy & Resources Committee in relation to duty rate changes in the next two Budgets. If the level of income is not maintained in real terms as a result of a decision of this Assembly this week then in order to protect the overall States' financial position we will need to consider how to manage that shortfall and whether it is countered by an increase in any other income source, or of course a reduction in expenditure elsewhere.

3010 It is for this reason that we are seeking direction on this topic now which is why we were keen to come back in July this year, so that it can inform the decision that we will need to make over the next few weeks before we submit our Budget for debate in October.

3015 Sir, consideration of the optimal means of raising revenues from taxation of motoring is, as I said at the outset, a tortuous and toxic topic. There are by definition no easy or attractive solutions. But doing nothing is not an option.

3020 However, this matter has now been fully researched and the introduction of a distance-charging mechanism is recommended as a solution that is considered to be most optimal when considering a wide range of factors: for sustainability of revenue; environmental impact; compliance with the user pays principles, that complies with the polluter pays principle: cost and ease of administration; user effort; and effect on user behaviour.

For that reason the Policy & Resources Committee does commend it to the States.

3025 **The Bailiff:** One amendment has been circulated to be proposed by Deputy Inder.  
Deputy Inder.

**Deputy Inder:** Yes, sir.  
I am just wondering if it could be read out.

3030 **The Bailiff:** Yes, Greffier.

*The Senior Deputy Greffier read out the amendment*

3035 **The Bailiff:** Deputy Inder.

[Amendment 1](#)

*To delete Proposition 3 and replace with:*

*3. To direct the Policy & Resources Committee to investigate the advantages and disadvantages of an annual charge based on ownership of vehicles and report back to the States with their findings.*

**Deputy Inder:** Sir.

3040 On 1st November 2016, I think it was, it was my first day in the States, and Deputies Roffey and Kuttelwascher laid an amendment to I believe, if I remember correctly, it was the Budget debate, asking Policy & Resources to come back to the States with some form of motor tax – the word used was 'motor tax' at the time.

Now, notoriously, I made my maiden speech to the Assembly asking the States to reject the notion of a motor tax and if I remember correctly I spoke about milking cows from both sides. So

before anyone jumps up and reminds me of that, I have reminded myself. I am sure some mirth will be made of that, but anyway, too late.

3045 So what has changed since 2016? I think quite a lot has to be honest with you. I will go through them bit by bit. The original amendment was an argument made within the vacuum of any actual data in front of us. We have now got a policy letter in front of us that gives us actually the real collapse effectively of what is likely to happen with fuel over a period of time. If I remember – well I do not remember correctly, I can read it. The difference is this, and I think there  
3050 was a lot about the polluter pays, it was not always about user pays, the sentiments and nuances were slightly different.

We had no real data on the extent of the rise of electrical vehicles. I believe recently we have heard that there is something like 300 electric vehicles that are now within the Island and we expect that to rise. I am not convinced about the growth of that given the expense of them and  
3055 the residual value of them, but we have to accept that the electric car is becoming a thing. I think the Post Office has got something like 80 vehicles as delivery vehicles now, and we are seeing more of the Nissan vehicles for the electricians. A lot has changed in the last, I would argue, three years.

More importantly, I think – and this is one that actually scares me to be perfectly honest with  
3060 you – and I know I am not supposed to speak to the actual policy letter itself and more importantly no-one had introduced this idea of distance charging as a policy letter. So if life is sometimes about a lesser of two evils, I would like a form of annual charge over distance charging any day of the week. I am sure there will be more on that in general debate.

This amendment, sir, is not really about designing any new system on the floor of this  
3065 Assembly – that is not what this is about. This amendment is about a Government which is effectively in its final 11 months not precluding a new Government from taking everything into consideration. That is all this asks.

If Policy & Resources were presenting a new form of duty today that might be different, we could vote on that, debate it, amend it, agree it, whatever, and we would take the responsibility  
3070 for that. But they are not actually doing that. They are asking a future Government to be bound by something they are not prepared to lay before this Assembly. I genuinely do not think it is right for a Government in its sunset months to be precluding a future Government from giving real consideration to something that might be of use to that future Government and that, sir, is simply why I have laid the amendment.

3075 What I will say is something about this idea of 'user pays'. I would be very careful with that because user pays is something that is picked and chosen depending on who is talking about what policy letter.

Let's talk about the roads for a moment. The argument seems to be – and this poor old Mrs Le  
3080 Page she seems to be in the smallest parish in the largest house with the gammiest leg with the biggest car which she does not use; I mean, she really gets nailed for everything. But Mrs Le Page does actually have access to the road and think how roads were actually built. Actually they were originally built to move commerce and military. They were not about just the tin and the leisure activities that some of us use today. Roads are absolutely integral to our infrastructure. If there  
3085 were no roads, and it is not about the people who are actually driving on them, people would not be able to get to their rented accommodation; Waitrose would not exist; the electricians would not be able to get around the Island. This whole strange concept that they are just tin on the road and they in some way are responsible for everything, because that is what they do all day, has really go to be dispensed.

I will remind Members that Telco, water, gas, electricity, they are all under the road and without  
3090 those roads they would not have an infrastructure themselves. It is quite clear actually because the user does not pay when it comes to the utilities. What the Utilities do is they dig up the road, we do not charge them, they actually charge us and then we cover the roads up again at our expense. So in that case the user does not pay.

**Deputy de Sausmarez:** Point of correction, sir.

3095

**The Bailiff:** Deputy de Sausmarez.

**Deputy de Sausmarez:** We do charge Utilities for digging up the roads.

3100 **Deputy Inder:** Correct, but it is such a minimal amount for the wrecking of a road, the point I made it is an absolutely minimal amount.

So this is not about us introducing motor tax, this amendment is simply to allow a future Government, which will not be in this shape, to actually give some consideration to some form of annual charge.

3105 I will leave it at that, and I thank Deputy Queripel for seconding that.

**The Bailiff:** I have not spoken to you and Deputy St Pier, about this but are you intending that this be taken as a separate debate, or in general debate? From the way you opened I think you are intending it to be a separate debate just on this amendment. Is that your wish? (**Deputy Inder:** Yes.) Then obviously if the Proposition is –

3110

**Deputy Inder:** It is very difficult, sir, but because Proposition 3 might be a bit odd, I tried to stay away from general debate as much as I could.

3115 **The Bailiff:** But obviously if this were to pass then it would be added to the Propositions and would be part of the general debate.

**Deputy Inder:** That is correct, sir.

3120 **The Bailiff:** Is that your wish then that we take this separately? I think Deputy St Pier is indicating that would be his wish as well. Is that right? (**Deputy St Pier:** Yes, sir.)

Yes. Right, in that case we will have a debate just on this amendment.

But before we proceed, Deputy Laurie Queripel I think you are 'L. B.', aren't you? Deputy Laurie Queripel do you formally second the amendment?

3125

**Deputy Laurie Queripel:** I do and I would like to speak now if I may.

**The Bailiff:** No, because Deputy St Pier can speak if he wishes to do so. (*Laughter*)

3130

**Deputy St Pier:** Sir, before I do that can I move a motion under Rule 24(4)?

**The Bailiff:** Is that the one for people to stand in their places if they wish to debate it? (**Deputy St Pier:** Yes, sir.)

3135 So I invite those Members who support debate on the amendment to stand in their places. I have 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 persons standing in their places. So therefore debate will proceed.

Were you wanting to speak at this point Deputy St Pier?

3140 **Deputy St Pier:** Sir, I will speak later.

**The Bailiff:** You will speak later; so Deputy Laurie Queripel you may speak next.

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



3145 Sir, this amendment seeks to introduce an option into the Propositions that really should have been there in the first place. Now, I appreciate there is a reference to an annual charge in Proposition 3 but it is a negative one, what it is saying is: let's rule it out right now. Let's not even consider it. Let's not even think that an annual charge has a place in the future.

3150 So what the amendment is doing, sir, is to turning that reference into a positive one. It is saying let's keep it on the table, let's examine all the ways that an annual charge could be brought in to being and could in some greater or lesser measure reflect all the issues that have been raised in the policy letter, whether that is about securing a sustainable revenue stream or whether that is about trying to cover environmental issues, or trying to have an effect upon behaviour – let's see if an annual charge can be designed to reflect all those things and to cover all those things.

3155 Now having said that, sir, the Report says in at least three places that the prime consideration is the need to secure a sustainable revenue stream from taxation on motoring, and there is a very good reason for that and Deputy St Pier has touched on it. That is not an apportioned tax or a hypothecated tax, the money raised from that tax goes into General Revenue and the money that goes into General Revenue is used to fund all sorts, or at least part fund, all sorts of services that are enjoyed and accessed by members of the public. So it is really important revenue stream for the States and for our community for members of the public. And as I say, sir, you can reference it throughout.

3160 In the Appendix in Appendix 1 at 1.4 it talks about that revenue stream, the securing of that revenue stream being a 'prime consideration' and it talks about that in similar terms in the actual report in 5.3 on page 10, and also on page 3 in 2.1b).

3165 So the idea that the most important thing is the revenue stream is quite clear, sir – and, as Deputy Inder says, we cannot design it on the floor of this Assembly – but I believe that an annual charge can be put together and can be designed to encompass all the issues and all the concerns and considerations that have been laid out in the policy letter.

3170 Now, sir, I always find it perplexing when Propositions are presented in an 'it is this or nothing' way with that sort of attitude or approach. I am actually a bit suspicious of that, particularly when viable, workable and indeed proven alternatives are available. Why would we limit ourselves now at this juncture? As Deputy Inder said, why would we seek to bind or force the hand of a future Assembly?

3175 There is, sir, a sort of Jekyll and Hyde quality to these Propositions because what might be termed a second part of them, so Proposition 4, which relates to how fuel duty should be levied for the shortest term future there is a veritable *smorgasbord* of options. That might be exaggerating a bit, sir, but there are three distinct choices, seeking in a sense to empower the Assembly in regard to what is quite a significant policy decision.

3180 Yet the same flexibility the same courtesy is not extended to the Assembly, or indeed a future Assembly, when it comes to an even more important policy decision, namely the longer-term taxation of motoring. So P&R in regard to that particular aspect are being quite Scrooge like – and I do apologise at this point for mixing up my characters from the history of literature when I talk about Jekyll and Hyde and Scrooge as well, but that is the point I am trying to make.

3185 Now, sir, this amendment is saying let's keep an open mind, let's keep options on the table, let's properly examine whether an annual charge can be a fit-for-the-future way of taxing motoring. In my opinion, sir, it is always wise to keep options and alternatives alive.

3190 So it could be, for example, that when a mileage or a distance-charging system is more thoroughly investigated it turns out to be more costly than thought; it turns out to be more complex than thought; it turns out to be not as fair as first imagined; it turns out to be more intrusive or invasive than first thought or at least potentially taking us into that territory, which I do not think would be especially politically or publicly acceptable. I do not think being faced with a *fait accompli* is ever a healthy situation or indeed a democratic one.

3195 Now, sir, in Appendix 1 on pages 16-20 there is a table laying out the different comparisons between the ways that you could tax motoring. It starts on page 16 and it runs through to page 20. Now, for me, when I just compare distance charging to an annual charge, actually the annual

charge comes out quite well when you look at all the elements and the variables that could be introduced into an annual charge to not only secure the revenue stream but have taken into consideration environmental issues and the attempt to have an effect upon behaviour. In fact when I marked those two I put five ticks and five crosses against the annual charge, but three ticks and five crosses against the distance charge.

So I think the distance charge for me there are a lot of unknowns about it, it raises far more questions, far more queries, far more concerns, far more doubts than an annual charge would. I think the table provides very good reasons why the option of an annual charge should at least remain a possibility.

Sir, when I was a lad and football was played in black and white, (*Laughter*) my football coach told me that keeping it simple was often the most effective, practical, workable and economic way of playing the game of football. (*Interjections*) I think that adage translates very nicely and very easily to life generally and certainly to politics. (**Several Members:** Hear, hear.) I think we need to keep a potentially simple option alive and active, sir – bearing in mind that it could include variables and various elements to do various things.

So I ask Members to exercise some wisdom in regard to this matter, to give themselves that option and to support this amendment.

Thank you, sir.

**The Bailiff:** Deputy Leadbeater.

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

I would just like to start with totally agreeing with Deputy St Pier that the current system of our obtaining duty on fuel is completely inequitable, completely unfair, and I thank Policy & Resources for examining this.

But I have to totally agree with the amendment. I think narrowing our options at this point is just ridiculous. (**A Member:** Hear, hear.) Why on earth would we say 'Okay, we are not going to go down this road; we have not looked at it properly yet, but we are definitely not going to go down this road?'

It may be that we have a hybrid of an annual charge and a distance charge similar to our waste charges at the moment maybe, to keep the ongoing running weekly costs of motoring down. I have no idea but ruling this out at this stage is just foolish.

So I would like Members to support the amendment.

Thank you.

**The Bailiff:** Deputy Ferbrache.

**Deputy Ferbrache:** Sir, when I first looked at this amendment I thought, 'Oh no, we dealt with motor tax years ago and we got rid of it'. But I am convinced, particularly by the speech of Deputy Laurie Queripel, that all we are doing is trying to keep the options open.

I think I would take considerable persuasion, in due course, to say that the motor tax option was a good one but, as Deputy Leadbeater said, all we are doing is keeping the options open. That is all we are doing at this time.

We are not ruling anything out, we are just seeing if there is any mileage – no pun intended – in relation to it, and at 70.1p a litre duty mileage is expensive nowadays. But that is all we are trying to do so I think that we should draw this debate to a speedy conclusion, you have had a very good speech, and vote for the amendment.

**The Bailiff:** Deputy de Sausmarez.

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

I was intending to support this amendment and now I am not sure because I have almost been talked out of it by the first couple of speeches.

3250 I will say that I thoroughly agree with what has been said by Deputy Leadbeater and Deputy Ferbrache and actually everyone who has spoken, that we should not be ruling out options and I will put on record that I think that an annual charge based on ownership of vehicles absolutely should not be ruled out.

3255 But I should remind Members that there is a very straightforward way of achieving that without supporting this amendment and that is to vote against Proposition 3, which I think actually might be the better way to go. Actually looking at the construction of this amendment it asks:

... the Policy & Resources Committee to investigate the advantages and disadvantages of an annual charge based on ownership of vehicles and report back to the States with their findings.

Well, actually, I am not sure that is what we do want. I think we just do not want to rule out an annual charge based on ownership.

3260 So I am really torn on this because, as I said, I was going to support it. I am concerned, what has raised red flags for me is the sentiment expressed by Deputy Inder and Deputy Laurie Queripel to say that they would – well, certainly Deputy Inder said that he would rather have a flat charge over a variable charge any day of the week and that really gives rise to concern for me. I am worried that this – I give way to Deputy Leadbeater, if he would like.

3265 **Deputy Leadbeater:** Thank you, sir, and I thank Deputy de Sausmarez for giving way.

I have the same concerns as her about the amendment and just not vote for Proposition 3, but the thing is, if we just vote against Proposition 3 P&R are still not obliged to examine an annual charge, so we are still cutting out that option, potentially.

3270 **Deputy de Sausmarez:** I thank Deputy Leadbeater, that is a valuable contribution, but I think P&R would be very unwise if Proposition 3 were voted down, not to consider it because it does give a very clear indication. I give way to Deputy Inder.

3275 **Deputy Inder:** I will try and persuade Deputy de Sausmarez but when she asked that question she looked at P&R, Policy & Resources, as if they are still going to be there. Please do not take this personally, but the reality is we have got an Election coming on 17th June and we are not talking about Policy & Resources as it currently exists, we are not talking about this Assembly. We are just talking about a future Assembly with a different colour and a different set up, so we need to pretend that we are – well we are going to have an Election on 17th June 2020 – but this is just about not precluding a future Government from giving consideration to all options.

3280 But I probably have not persuaded her.

3285 **Deputy de Sausmarez:** But no future Government can be bound by the current one, we all know that (*Interjection*) so I just think it is a moot point, and I think work will have to start early and I just think my personal view is I would like this element not to be discounted and I would like it to be viewed as a consideration as we go along. To my mind the greater the flexibility, the better.

3290 No-one has really talked about why an annual charge on ownership might be a valuable thing. I completely concur with Deputy Ferbrache it would take an awful ... In fact I cannot really envisage a situation where I would support a return to anything similar to the previous system, but I think some of the things that we lost when we moved away from that system are quite relevant.

3295 We certainly lost up-to-date data on vehicle numbers in circulation, and it is a data gap that I personally find really frustrating. We also lost the levers, or indeed from an Islanders' point of view any incentives to deal responsibly with vehicles at their end of life. So that probably has

contributed to more derelict vehicles being left around the Island and not being dealt with or disposed of responsibly.

3300 Ownership charges are another opportunity for all kinds of things. It is an incredibly flexible tool. I just wanted to outline quickly: I am not sure if anyone is in the same league of nerdiness as me and read one of the documents – Deputy Tindall is looking as though she might be, oh no she is denying all knowledge! I am sorry, I do not have a page number or anything to hand, but one of the references in the footnote that the Working Party included in that paper, was a paper from the OECD which has got some really useful information comparing and contrasting the types of taxes that are used in other jurisdictions; and if you check out the charts it does it in columns and there are basically five different categories of taxes.

3305 One of them is ownership and there is not a single jurisdiction that does not have recourse to ownership and/or circulation tax, or similar. That is because it is an incredibly flexible thing. It can be levied on all kinds of different factors or any combination of different factors. So, again, there is another chart in that document which sets out the kinds of factors that those ownership taxes can be based on and they include things that we would expect like carbon emissions, it can include weight, it can include vehicle type, fuel type, size, axle configuration, age. These are the kinds of factors that a tax of that kind could be based on.

3310 It is an incredibly flexible tool and from a policy perspective I think it gives us parameters within which to really achieve a wide variety of aims. I have to say that this is not for now it is for general debate but when we do come on to talk about distance charging that too has got enormous flexibility embedded within it. But my personal view is that the more flexibility we have at our disposal and I say our, any future States, has at their disposal the better. They are not required to use it but I think ruling out an option is certainly not wise. I completely concur with the views of those who have spoken before me on that particular point.

3320 Deputy Inder: I just wanted to clarify a slightly semantic point. There is quite an important difference between 'user pays' and 'polluter pays' and they are two different things. The 'polluter pays principle', when the polluter pays it is what it sounds like; the user pays, I think Deputy Inder conflates the benefits of transport – and I agree with him that those benefits of transport are significant, but actually the benefit is derived not from a vehicle it is derived from the ability to get goods and people from one point to another point to another point quickly, efficiently, affordably and all the rest of it. So I think it is important not to conflate transportation with the vehicle and when we are talking about user pays and polluter pays we are talking about vehicles. That is actually quite an important distinction.

3330 I am not sure if it really is for this, and I think I might save it for general debate – and my Committee colleagues will probably breathe a sigh of relief that I choose to do that – to go into why those distinctions are important and what some of those social costs involved might look like. So, yes, I think I will take the hint from the look that Deputy Langlois is throwing across the Chamber and will probably sit down now.

3335 But yes, basically, in response to this amendment I am torn as to whether support it, I am concerned about the fact that it might be used a vehicle – if you will pardon the pun – to replace a distance charge, which again I think we would be very foolish to rule out. So that is my concern and I look to the mover of the amendment to see if he can perhaps reassure me on that point.

3340 But ultimately I think if this amendment does not carry we still have the ability to vote against Proposition 3 and achieve a similar effect, and I think any Committee that is working with the extant Resolutions would give consideration to the fact that that was voted down.

Thank you.

**The Bailiff:** Deputy Trott.

3345 **Deputy Trott:** Thank you, sir.

Sir, I have learnt over the last few years that there are two types of people who do not like paying taxes, men and women. (*Laughter*) But there is one particular type of tax that people really do not like paying and it is one that is being reintroduced.

3350 Now, back in 2006 I think it was, the Treasury & Resources Committee of the day received overwhelming support when it brought a proposal to this Assembly to abolish motor tax, and I think I am right in saying that there are three surviving Members of that Treasury & Resources Committee. I would argue that two of those three, sir, are some of the most respected Members of this Assembly. (**A Member:** Hear, hear.) But nonetheless, sir, I was persuaded by their arguments then, as I am today. And there are a number of reasons why.

3355 The first thing is that the issues of taxing usage, not ownership, result in an overly complex system to administer. Let's not forget there were a significant number of civil servants who did nothing else but sit down at Bulwer Avenue, I think it was, and deal with motor tax issues.

3360 I was reminded yesterday by my friend Deputy le Tocq that we ended up having to introduce a six-monthly option because some people were finding the burden of the annual charge which ran to hundreds of pounds far too much to deal with (*Interjection*) – yes. But, even more bizarrely than that, we used to send out a single reminder – and busy people often forgot to adhere to that single reminder and then found themselves in Court a few weeks later because they had been summonsed for failing to pay their motor tax. I will give way in a moment. We had a system where we created a cohort of people who felt that were criminals simply because they were leading busy

3365 lives.

Some of the arguments that were given at the time were: the over-complexity, which I have talked about; the cumbersome manner that this tax was collected on behalf of customers; but, probably most importantly, was that it did not support the environmental or social policies of the States back in 2006. The reintroduction of a tax on ownership rather than usage is even further

3370 away – I will give way in a moment – from the principles of the user pays.

Now, those are the fundamental points there will be more – Deputy Inder, sir, rose first, I am happy to give way to him initially.

**Deputy Inder:** Thank you, Deputy Trott, for giving way but I have almost forgotten what I was trying to interrupt you for! (*Laughter*) But I will try ...

3375

Does he accept that times might have changed since 2006?

I am going to mention Deputy Brehaut here, but not unkindly. There was a time where everyone used to go to the weighbridge, and I think it was Deputy Brehaut that reminded me, that you take the jack out of the back of your car, take the spare wheel, get it as light as hell and hopefully you would dodge as much tax as possible!. Well, things have really quite substantially

3380 changed. I think we have moved to a digital age.

Actually here is a question for all of this Assembly: why do we even go to Government? I do not go to Government for my insurance. We have got the much-vaunted FDS project. I mean, right now I drive – I do not drive, because the clutch is broken – but I did drive up until a week

3385 ago a Skoda Octavia. Online I can tell you its weight, its height, its output, everything. I mean, this is just a database. I could self-certify in a more modern, digital future. I should not even have to go to Government for something like that.

I think we need to think a little bit more digitally and a little bit differently rather than down the 2006 – and I do not mean it unkindly – analogue world. The world has just completely

3390 changed.

**Deputy Trott:** Sir, of course Deputy Inder is right insofar as environmental trends have certainly developed and a model tax in ownership is more redundant today than it was back in 2006. The trend has moved even further away from that. I am very happy to give way to Deputy Laurie Queripel, sir.

3395

**Deputy Laurie Queripel:** Thank you, sir; I am grateful to Deputy Trott for giving way.

But just to add to Deputy Inder's point, I wonder if Deputy Trott realises or not he is actually talking against his own report, or at least the Appendix 1.

3400 Appendix 1 on pages 16 and 17 is talking about how it would be burdensome to administer and how it would be a burdensome thing for the person who would be paying the tax, and how you could not bring environmental issues into being. But actually in this table on page 17 in regard to the administration, it says:

Annual Charge on Ownership for all Motor Vehicles  
Relatively easy to administer through technological innovation such as digital self-administration.

3405 And, just above that in regard to environmental issues, it just says one of the suite of things you could bring into play with an annual charge:

Potential for charges to be differentiated by CO<sub>2</sub> emissions banding.

There are many other examples in that table as well to show how it would be an easy system to administer and to use, and how these all these environmental issues could be brought into play.

3410 So he is actually talking against his own report, sir.  
Thank you.

**Deputy Trott:** No, sir, I am not. Because, had I simply said it was overly complex to administer, I may have conceded the point but I also made the point that it was cumbersome to customers. *(Interjection)*

3415 Now, I think it was Deputy Laurie Queripel himself who explained earlier that some members of our community have no access to the digital world. There are many that do not have any computer access. It is likely that the people who are the most digitally disconnected are often those who are the most vulnerable and indeed the poorest members of our community, who may well have experienced the greatest burden of an annual or semi-annual charge on the ownership of their vehicle. It is an opportune moment to give way to Deputy Fallaize, sir. *(Interjections)*

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

3425 I do not disagree with anything he is saying about the picture he is painting of the situation pre-2006. But he goes on to say therefore that an annual charge on ownership is unable to deliver the social and environmental policy objectives of the States based on the pre-2006 experience.

3430 Now, is he not in a sense conflating two things? Because what was unable to deliver the social and environmental policy objectives of the States then and still would be now, was not the annual charge but an annual charge based on weight; and that it would be possible to levy an annual charge based on other characteristics such as emissions, for example, or width – we might come on to that later in the debate – which would be more capable of delivering the social and environmental policy objectives of the States, than just simply reworking the old motor tax system based on weight from 15 years ago.

**Deputy Trott:** I think the answer to that question has to be 'Possibly', sir.

3435 But surely the point remains that the fundamental principle of taxing usage must be wrong – surely us taxing ownership must be wrong. Surely taxing usage, and in that case a lighter car would be more environmentally friendly, and therefore by definition would be consuming less and therefore polluting less. Is that not the key principle?

3440 I think the other lesson that I have learnt over the years, sir, is that only vote for these sorts of investigations if you think there is a genuine chance that you may wish to see the reintroduction of this type of taxation. If you do not believe you will, do not waste everyone's time kicking the can down the road. Make a decision today based on the fact that a mileage option ... It is innovative, I understand why some –

3445 In giving way for the second time, I do make the point to Deputy Inder that, as a former taxi-driver, he was at that time part of a group that have the most to gain from a system that taxes ownership over usage. With that in mind I give way. *(Laughter)*

**Deputy Inder:** Through you, sir, I am not entirely sure taxi-owners are going to benefit from distance charging, quite the reverse.

3450 With the greatest respect, Deputy Trott, I genuinely think you are ... I genuinely think through you, sir, that he is over-egging the problem. I will just do a very basic ... I am not designing this on the spot.

3455 Actually, what Policy & Resources could have done – and do not forget they have missed a year out of this process; the promise was to come back, I believe, in 2017 and actually what they have come back with is something for someone else to do. They actually asked another Government to do something that they have not done!

3460 Had they been braver, what I quite simply would have done was this very basic maths: 50,000 wagons in this Island; every single wagon in this Island has the most basic of £100 charge; that is a revenue of £5 million; you want to earn £20 million so you take your £5 million out and you could drop the fuel by 18p. Absolutely, Policy & Resources could have done it. But what they have done is they have kicked this down the road and told, effectively, a future Government what they can do because we could not.

3465 **Deputy Trott:** I have just been reminded, sir, by my friend the President of Environment & Infrastructure Committee, with whom P&R has worked extremely closely on this report, that your maths is not correct. The annual charge per car would need to be £400 to raise –

**Deputy Inder:** Point of correction.

3470 **Deputy Trott:** I am certainly not giving way again, sir.

**Deputy Inder:** No, this is a point of correction.

3475 **The Bailiff:** You are saying it is a point of correction.

**Deputy Inder:** It is a point of correction.

**Deputy Trott:** Well, okay, well let's hope it is, sir.

3480 **Deputy Inder:** It is, because I will try again: 50,000 wagons at £100 is £5 million a year.

I will try it exactly: you want to earn £20 million a year, you take off the £5 million from your £20 million revenue-earning, you have currently got about 73p for fuel, and you drop your fuel by 18p. That is what I said.

3485 I did not mention £400. Deputy Brehaut did that again on Twitter. He really should listen to the debate sometimes. *(Interjections)*

**Deputy Brehaut:** Sir, I need to clarify, because –

**Deputy Trott:** I give way, sir.

3490

**Deputy Brehaut:** Thank you.

Because all I said to Deputy Trott was actually to get the £20 million it is £400 a year. I never said that Deputy Inder's figures were wrong. I said it needed £400 to get £20 million a year.

3495 **The Bailiff:** Deputy Trott.

**Deputy Trott:** Well, which is a very significant charge indeed. Not maybe for Deputy Inder, but for many in this community that is a significant sum of money.

Does anyone else wish me to give way? (*Laughter and interjections*)

Right, Deputy Merrett.

3500

**Deputy Merrett:** Thank you.

I am just wondering how much we are splitting hairs here, because to a certain degree you would have to own a vehicle to be able to use it to be able to have distance charging, so if you do not own it you might be using someone else's vehicle, but are we not just getting to the point of kind of splitting hairs, because in theory – in theory, sir – you would have to own a vehicle in the first place to be able to use it, or loan somebody else's vehicle.

3505

I am just wondering how much Deputy Trott may consider we are actually splitting hairs on these two points.

3510

**Deputy Trott:** I think what is often forgotten is that people own vehicles for different purposes; for instance, in my own particular family we own a Smart car which we try to use as often as possible, but the Smart car only seats two and there are very often three of us which means that we use our Mini. But we also own a towing vehicle, and the reason we own a towing vehicle (*Interjection*) is because I have a number of things that need to be towed (*Laughter*) and it is somewhat difficult to do it.

3515

Now, for large periods of the time two of those three cars are redundant and yet under a method of taxation that taxes ownership they would sit redundant, be having no impact on either the environment or for that matter the road network, (*Interjection*) and yet paying the same amount as an equivalent vehicle in the absence of tax on motor fuel, irrespective of the number of miles. It makes no sense to reintroduce this tax. (**A Member:** Yes, it does.)

3520

Like I say, if you want the investigation done please do so in the expectation, or in the knowledge that you might want to see its reintroduction. Do not do it simply because you want to kick the can down the road.

With that, sir, I do not give way.

3525

**A Member:** Point of correction.

**The Bailiff:** Deputy Dorey.

3530

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

I would just like to firstly respond to a couple of points. There was a point about the cost of digging up roads. The charge for the utilities for digging up the roads depends on the age of the surface. There is an embargo period where they cannot do it without a resolution of the Environment & Infrastructure Committee. There is a time when it is very new, when it is very expensive because of the damage it does. There is a time when it is actually zero-priced when the road is just about to be resurfaced, just before it is resurfaced, which is the ideal time to do it. So to say that it does not cost them anything is wrong, it depends on the age.

3535

Deputy Inder, sir, also spoke about this £100 per vehicle, but it does not solve the problem (*Interjections*) because the whole problem is that we are going to have electrified vehicles. Therefore to say that you can take some of it by a motor tax of £100 a vehicle and the rest by dropping the price of fuel ...

3540

The reason why we are here today is because fuel sales have dropped and are predicted to continue to drop; so if you try and levy it on fuel then your income will drop and that has to be replaced. So that is not a solution to the problem we are facing today.

3545

I will give way.

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



I thank Deputy Dorey for giving way.

3550 But could you not face a similar scenario with distance charging? (**Deputy Inder:** Yes, exactly.)  
Because distance charging is meant to try and discourage people – or to encourage them to drive less. So you will have a fixed charge with distance charging and a distance charge, but if people then start to drive less you will have to increase the fixed charge to cover the revenues you need to raise. So it is the same thing, in a sense.

3555 **Deputy Dorey:** Thank you for your point, but it is not the same thing because we have now a system which is designed to discourage use, or discourage fuel usage, and you could say that it has had some success because we are using less fuel than we had.

3560 But the whole point is that the people who use the roads most pay the most (**A Member:** Hear, hear.) and that is the whole principle which was behind ... Yes, we are trying to discourage use but, okay, we are going to tax people who are using the roads. Do you tax people who use the roads or do you tax ownership of vehicles?

3565 Surely the fairest way is saying that those who use the road most pay the most, (**A Member:** Hear, hear.) and those who use the road least pay the least. And ownership means that those who use the road least, say some people who are elderly who might do very little but want a car to go to do their shopping, they use the car very little but they would be paying an unfair price; where somebody who uses the roads a lot will be paying less than they should be.

I will give way.

**Deputy Inder:** Through you, sir.

3570 Does Deputy Dorey accept that there is a certain amount of designing it on the floor of the Assembly? All this amendment is simply asking people to do is not design it here; it is just not to preclude a future Government from taking advantage.

3575 No-one in this Assembly knows they are going to be here post-17th June 2020 with the – I was going to say the Bailiff, but even that is not strictly true, because he is retiring shortly. (*Laughter*)

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

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

3580 **Deputy Fallaize:** They do, because the term ends on 30th June.

**Deputy Dorey:** I am not going take any more give-ways, sorry. People who have not spoken have got an opportunity to speak in the debate and Deputy Inder is going to have an opportunity to reply to the debate.

3585 This point about being undemocratic ... any States can make any decision but it does not stop another States making a decision. In 2006 we made the decision to get rid of motor tax and it could have been brought back at any point in 2008-2012, 2012-2016 or this term.

What we are saying is, 'What are the views of this Assembly today?' That is what you should be voting on, not 'What might be the views of some future Assembly?' (*Interjection*)

3590 We are not here to predict the views of a future Assembly. We are here to make a decision today on our views. We have been elected to this Assembly and we should be making a decision based on our views, otherwise we just go round in circles.

3595 The point made by Deputy Trott is very ... I have seen it done too many times, that people in this Assembly who are frightened of making a difficult decision (**Two Members:** Hear, hear.) say, 'Oh let's have a report on it!' And when the report comes back they all vote against it. All they have done is just kick the can down the road instead of making a decision. So I am prepared to make a decision today on motor tax and I urge Members to make a decision.

I think this is all about two points: policy and efficiency. I spoke a little bit about policy, it is about whether we tax ownership or we tax usage of our roads. In 2006, as it said in the report, we

3600 made a decision to support the environmental policies of the day, and I believe our environmental policies are more advanced today. We want to discourage usage of vehicles and the best way to do that is to tax usage of vehicles and not tax ownership of vehicles.

But the other key point which led to the decision was the efficiency of tax collection. We all know that we have to collect taxes, but the best way to collect it is as efficiently as possible. If you have two taxes to collect £20 million, that is less efficient than one tax to collect £20 million because there is a cost of collecting that tax. What we are trying to do is say we are going to collect £20 million from the motorist but we want it to be as efficient as possible, and the way to do it as efficiently as possible is to do it in one tax. That is why I believe that the point of saying we have two different taxes does not make any sense.

3610 Deputy Fallaize said 'Oh, we do not need to do it as we did it in the past; we could do it by, say, taxing emissions'. But the whole point is that we are going to electric vehicles and electric vehicles do not have emissions. So if we put motor tax on emissions, we will have a falling income source. He also mentioned about width. Well, we have tried that and that has been rejected by the Assembly.

3615 We can keep going round in circles and revisiting things, but I think sometimes we have to actually make the difficult decision and move on. I believe that we should make the difficult decision.

We want to collect £20 million and I believe that distance charging is the best way to do it rather than taxing ownership. It is fairer and if we go to distance charging it will mean that we cut the cost of fuel, so we have to then have something to balance it. Otherwise, potentially, the 70p that we put on fuel means we halve the price of fuel. We do not want to do that because if we put it all on motor tax we will encourage usage of vehicles (**A Member:** Hear, hear.) and surely that is not the States' policy.

3620 So for people to say, 'Oh let's go to motor tax', all that we do is we cut fuel prices and we will encourage more usage of vehicles. Surely that is not our environmental policy.

3625 So I believe the best way to balance fuel charges is with distance charging. They are in the same area; they are not the same, but that is what we think is the fairest way of collecting that money in a similar way from usage, than what we do now.

3630 Fortunately for fuel it is a very cheap tax to collect, but we will never find that cheap way of collecting that money. Distance charging is going to cost more, there is no doubt about that, it is more expensive. So, therefore, if it is going to cost more to collect it, (**A Member:** Charge more!) we should collect all of the money by distance charging, otherwise –

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

3635 **The Bailiff:** Deputy Laurie Queripel.

**Deputy Laurie Queripel:** The Report clearly states that there will be a distance charge and a fixed charge as well, so it will not be just one. It says it in the Report if you read through it, there will not be just one distance charge – it will be distance charging and a fixed charge as well.

3640

**The Bailiff:** Your microphone is off.

**Deputy Dorey:** Thank you.

3645 The whole point of the Proposition which this is trying to delete, is to remove that fixed charge. I believe the right way is distance charging and collect the full £20 million from that. I believe that is the most efficient way of fulfilling our policies which is to discourage car usage, and therefore I urge you to support it and not just go around in circles. (*Interjection*)

3650 It is not undemocratic; it is the decision of this Assembly. It is the right way forward. That is why in 2006 a previous Assembly rejected collecting road tax because of the cost of collecting it and not being able to deliver our environmental policies. (*Interjection*)

So please reject this amendment.

Thank you.

**Deputy Lester Queripel:** Sir, I rise to invoke Rule 26(1), please.

3655

**The Bailiff:** Will those who have not spoken and wish to do so please stand in their places. I see four people standing. Do you wish to proceed?

**Deputy Lester Queripel:** Yes, sir.

3660

**The Bailiff:** In that case I put to Members the Proposition that debate be terminated. Those in favour; those against.

*Members voted Contre.*

**The Bailiff:** That is defeated.  
I call Deputy Brehaut.

3665

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

I just wanted to read this is a *Press* comment column from a few years ago. It says: 'Aiming for the joke vote. Just when Islanders might have expected States' Members to be on their best behaviour with next year's crucially important General Election of Deputies starting to loom large the House last week went into meltdown, a meltdown of collective lunacy. As a result the damage done to the reputation of Guernsey's decision making process is hard to underestimate.'

3670

Then it goes on to say: 'Secondly, having accepted the need for an integrated transport strategy and budgeted for providing it the House rejects the mechanism of 40p parking charge that will underpin it.'

3675

Now, that is from 2003, not from the previous integrated transport strategy debate. So that is 2003. Deputy Dorey has referenced 2006; and, again, in 2014-2015 the States decided to do the same thing. This Assembly historically has had a problem with the taxation of motor vehicles and we collectively really have to get beyond that. What this amendment does, in my view, from Deputy Inder, is takes us back to that more secure place that we are all familiar with – the past – in the hope that the past will deliver the solution for you.

3680

I was misquoted by my colleague, Deputy Trott, I did not – (*Interjection*) Unintentionally, yes. But of course logically if you are saying that a householder will pay £100 annual motor tax and you will get the balance on the fuel for the £20 million, to introduce two charges just is not the way to do this.

3685

If we just think how many of us in this Assembly could not support the £80 waste charge. I did actually, but if you think how many people could not support the imposition of £85 for families under whatever circumstances, and yet we are saying 'Actually, you can pay £100; and you can pay at the pump as well'. I just do not see how we can get that through.

3690

Of course, the point I was making to Deputy Trott in looking to get £20 million in you are up to £400 annual charge if you –

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

**The Bailiff:** Deputy Leadbeater, point of correction.

3695

**Deputy Brehaut:** I beg your pardon. I will give way.

**Deputy Leadbeater:** Thank you, sir. I have just been online and had a look at the statistics from 2014 and the Environment Department tells us there were 86,000 vehicles on our roads at

3700 that point. So if you are taking the statistics from 2014 the annual charge would come out at £232 on average and not £400.

**Deputy Brehaut:** And those figures – you see, what road charging would help us do is to resolve the problem that you have identified. There are 86,000 vehicles out there somewhere still registered but clearly not in use. There are 55,000 live driving licences which is where we get the figures from. But there are cars and vehicles all over the Island that will never see the light of day and will never be on the roads. *(Interjections)*

3705 Now, this idea that electric vehicles are faddy in some way, remember ICE vehicles, internal combustion engines in some countries have stopped being manufactured – in all countries, actually – but whether it is 2030 or whether it is 2040, they simply will not exist any more. The price of electric vehicles is coming down, it seems to me, almost month-by-month, certainly year-by-year. When all the main manufactures start to produce them, then people's options will fall away and actually they will be cheaper.

3710 But just to illustrate that on Guernsey, because the elections have been referred to already. When we all stood on the eve of the last election, 2015-2016, there were 28 electric vehicles on Guernsey – 28. There are now 337, or there were at the end of the last quarter – 337, and 444 hybrids. So that collective figure of 781 by the end of this year we will have, I suppose, our first 1,000 vehicles to replace some of those 55,000 that are out there. So that is the impact that it will have on duty.

3720 The annual charge, if this option is definitively in I think there is such a draw to an annual charge because the road charging some people will view as just too complex and people will be drawn to it. There is nothing more attractive superficially than you buy something at the beginning of the year, you put it in your window sticker or in your window holder on your windscreen and you forget about it. For some people that is very easy; for other people it would be less so.

3725 So what better way is there other than to charge people like the legendary Mrs Le Page who happens to live – actually, I hear I think she has moved, she is in St Peter Port these days *(Interjection)* to be closer to her family, because the bus service is quite brilliant to the outer parishes. *(Laughter)* But she may use her car less and it is only right that she pays proportionately less for doing that.

3730 But one of the reasons I think we should go with road pricing is just to prove that Guernsey is ahead of the curve in some way. *(Interjection)* That if we look we have a digital strategy, that I believe Deputy Dudley-Owen is leading on, but if you have a digital strategy and we are talking about digital Guernsey we should not find a mechanism that records the distance a car travels too much of a problem, and there are clearly mechanisms emerging and existing technologies out there.

3735 So, as they say as superficially attractive as this amendment is, I think if you vote for it now whoever is elected after the next election it would be front and centre, and the draw to it I think for some people would be strong. So I would suggest we reject this amendment.

3740 Thank you.

**The Bailiff:** Deputy Tooley.

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

3745 I have only a very short speech in fact so short it is more of speechlet. *(Laughter)*

It would actually have been a point if correction if Deputy Trott had heard us call before he sat down, but he clearly did not and I appreciate he genuinely did not hear us.

3750 I just wanted to challenge the idea that the two cars sat at home are not causing any environmental issue whatsoever, because the vast majority, around about 50% of all carbon emissions are created in the *manufacture* of those vehicles. And, actually there is potentially an argument that if we were charging a basic level of taxation per annum, per vehicle which is owned

by people that there would be fewer vehicles in ownership and therefore fewer vehicles needing to be in production, and therefore a lower rate of carbon emissions being caused by the manufacture of these vehicles in the first place. I did not want that to go unchallenged.

3755 I am not going to support the amendment but I may well vote against Proposition 3, because actually we have a community which increasingly is needing things which are expensive and which have got to be paid for somehow and I do not think, while there are taxes that I can never see myself voting for, I do not think necessarily we are in a position to be directly ruling out taxes that could be a way of us funding things like health care for our ageing demographic, and like the  
3760 NICE-funded drugs that people want. So I do not want to rule out any options ahead of knowing what is going to be the best way for our community to fund the things that it needs. But I do not think I will be voting for the Proposition.

I just could not let that idea that if a car is sitting on a driveway it is not causing any problem at all go unchallenged.

3765 Thank you.

**The Bailiff:** Deputy Paint.

**Deputy Paint:** Sir, although I am really against hitting the car for all the force of this  
3770 Government, or that they have created, there are many ways that revenue can be raised if it is necessary. The motor car is a symbol of Guernsey people's freedom to move from one place to another without having to ask anybody and I do not want that to be lost. Okay?

One way that the State can raise revenues is to actually stop wasting money. (*Interjections*)  
3775 Everywhere you look money is wasted and if we could stop that then we might not find ourselves having to do any more towards the car. There are many examples of this which I will not go through, but ...

A mileage charge: well, to be quite honest, I consider it as pie in the sky. (*Laughter*) It is grabbing at straws for funds where somebody is drowning, and we are not drowning. All right?

I do not like any of this continual hitting cars on the roads. They are very necessary for most of  
3780 the public (**Several Members:** Hear, hear.) and I have to say that I will not ... If there is any way forward I will vote for the Inder issue for the next Government, because I will not be here.

Thank you, sir.

**The Bailiff:** Deputy Gollop.

3785 **Deputy Gollop:** Sir, listening to many of the speeches today I am quite attracted to the option Deputy Trott pointed out of kicking the can down the road, (*Laughter*) because the merit of that is that it will postpone the debate maybe beyond the next election, maybe as Deputy Paint has pointed out to an Assembly full of different personalities who have got different manifestos, or  
3790 whatever, and indeed should the Inder amendment fail, although I think it has had a good hearing so far, I would contemplate actually bringing a sursis to the debate because I think where we are at today is a degree of confusion.

I mean, sometimes you do have to balance the irreconcilable a little bit, and as a 'green' who is also to a degree socially aware of, if you like, the populace dilemmas, the kind of issues Deputy  
3795 Paint has spoken about of the freedom of the Guernsey person on diverse income, one has a problem with a lot of this material.

Deputy Trott gave us a history lesson reminding us of 2006. The context at the time of course was less environmentally aware perhaps, but definitely more aware of the Zero-10 implications. We were going to a period of deficit probably at the time, whereas we are now thankfully coming  
3800 out of one. But he mentioned there were three other highly respected politicians who sat on T&R and I think we have six still here actually from T&R in different mutations – Deputy Parkinson, Deputy Trott, Deputy Dorey of course, Deputy Kuttelwascher and Deputy Le Tocq, etc.

3805 Now, I recall speeches from that era, one from the late Deputy Bell and another from Deputy Roffey, and they for different reasons were all concerned about the then abolition of motor tax because the soundest argument for it really was the saving of civil servants and administration; but the disadvantages, as Deputy Laurie Queripel has really said today, were that you narrow your range of options and you also create amplification really and an over-emphasis on one part of the equation.

3810 I think the argument Deputy de Sausmarez was raising are pertinent here, that most governments around the world do balance consumption taxes or sales taxes with income taxes on one level, and on another level balance motoring charges through cost at the petrol pump garage-level to costs on the vehicle.

3815 I can understand why Deputy Trott has an instinctive dislike of going back to motor tax and not just in the saving of staff, but because – I am not suggesting he or his family or people are particularly well off or wealthy, but inevitably if you have got three vehicles including a vehicle towing nice boats, or whatever around, or they could be tractors or could be anything – in a way a car tax is a wealth tax. Over the years we have certainly had lobbying when we had one, that it was unfair on people who were buying state-of-the-art electric vehicles at the time and it was very unfair with people who had large vehicles or indeed classic cars, or the old heavy veteran vintage cars and all that kind of thing. The arguments of course were for usage.

3820 But there is a balancing factor here, because we have heard a lot about Mrs Le Page who lives in Torteval, but actually why should she be penalised just because she lives in Torteval? If we are focussed on reducing traffic use, traffic noise, traffic pollution in areas like Fountain Street and traffic congestion in the more urban parts of our Island, why have a distance tax which is disproportionately hard on people who happen to live in the country, or who work in the country? Yet again, your classic van, white van man or woman, taxi drivers are penalised a bit by distance whereas a motor tax is actually quite fair, because your proverbial high-net-worth individual who happens to have one or two or maybe a whole fleet of large cars would pay a little bit to balance the costs of consumption in use.

3830 If Policy & Resources are really serious about the kind of thing they are talking about, they will actually not be talking about a distance tax because that is almost a countryside tax or a tax on people doing meals on wheels. People have lobbied me saying they do a lot of voluntary work driving people around or food around or social issues around and they would end up paying disproportionately.

3835 A fairer tax, if you are going down the route of usage, would be on congestion, having effectively an iron lung around St Peter Port, or The Bridge or maybe Admiral Park or whatever area we want to target. It needs more thought, that is the point. It needs a lot more consideration because I think, from an environmentalist point of view, you have to balance the environmental arguments that we have heard a lot of today, including even the amount of carbon that is in the business of making vehicles, with socio economic arguments about social equity and economic gains.

3840 I do not think this proposal, apart from potentially tying the hands of successor States, really looks at the social arguments or the environmental arguments, or the economic arguments fully. That is why the Inder alternative is actually more useful, because the Inder/Queripel amendment effectively directs Policy & Resources to investigate the advantages and disadvantages of an annual charge based on ownership of vehicles. Now, that is not a direction that is opposing any other solution medium to long term, nor does it any way prevent the continued use of the fuel tax in the Budget, but as Deputy de Sausmarez and Deputy Leadbeater and other people have identified, it allows a greater multi-choice of the options when we have all had time to consider and accept it.

3850 I actually think Deputy Tooley said a lot of sense today as well too, because her points were that we actually, as we heard today from the President of Health & Social Care, need money – I will give way to Deputy Merrett.

**Deputy Merrett:** Thank you.

3855 I just wonder if Deputy Gollop actually thinks this should be an environmental tax because that is not what it is at the moment. Is that the route Deputy Gollop wishes to go down?

3860 **Deputy Gollop:** No, I am suggesting that actually however desirable environmental taxes are, and we will be moving more and more in that direction, you sometimes have to balance that tax with the certainty of income needed to pay for public services. Actually the real issue here is what charges should we be making that are fair intrinsically within themselves that allow additional income to pay for public services in a way that is perhaps more acceptable than how we currently charge things.

3865 I think if you look at it from that point of view then the Inder/Queripel argument, which is a kind of environmental tax in a different way, makes more sense. An annual charge is easy to administrate, it tends to target those who are better off rather than worse off, and it targets ownership of assets rather than use, because sometimes use is essential to that person from a sociological point of view. What I would not want to see in response to Deputy Merrett are uncaring environmental taxes that in reality create further social problems and social unfairness.

3870

**Deputy Laurie Queripel:** Hear, hear.

**The Bailiff:** Deputy Yerby.

3875 **Deputy Gollop:** Oh, I would have given way to Deputy de Sausmarez.

**The Bailiff:** I thought perhaps you had finished. (*Laughter*) Wishful thinking, perhaps.

**Deputy Gollop:** I give way.

3880

**Deputy de Sausmarez:** I thank Deputy Gollop for giving way.

Again, I revert to the point where we have to be careful not to conflate the benefits of transportation with vehicles. We should not conflate those two concepts; they are very, very different.

3885 I am sure Deputy Gollop will recognise that different vehicles and different modes of transportation have different environmental impacts, and the act of getting from house to house with meals on wheels, or whatever, is from where the benefit is derived but that is not necessarily pinned to a particular form of transportation. So I think it is important that we do not conflate those two things. (*Interjections*)

3890 Also quickly just to clarify another point that Deputy Gollop made, I am sure he would also accept that a sunk cost incentivises use, and so from an environmental point of view that is an important consideration and that is why when any of this is being considered whether it is by this amendment or whether it is by defeating Proposition 3, that nuance is absolutely all important and it is that balance and that flexibility that it provides.

3895 I just wanted to unconfate or deconfate, whatever the right word is, the benefits of transportation with specific vehicles, and remind Deputy Gollop that there is a sunk cost phenomenon. So once you have paid, particularly if it is a large lump sum, it has been shown that you actually incentivise the use of that thing; whereas the user-pays principle is different – if you can see the cost accruing it is more likely to be user effective.

3900 The other point is that obviously, as with the waste charges, you are always going to have winners and losers. People with high use are going to benefit from a flat charge and people with low use are going to benefit from a user pays. So those are important dynamics to bear in mind.

3905 **Deputy Gollop:** Earlier today actually, during the long hours of the debate I was looking back on the details of an old three-and-a-half-hour comedy film – I think they cut half an hour out of

it – called *It's a Mad, Mad, Mad, Mad World* and they used to show it at the Gaumont and so on. The gist of it was old Jimmy Durante died in a car crash, unfortunately, in California and there were half a dozen people who gathered around the scene and were trying to get shares of the treasure that he had allegedly hid somewhere. The problem was whatever system they decided on to distribute the spoils was always unfair on one group or another – the family of three or a lorry driver in a cab, or whatever. Those are the sort of issues actually that Deputy de Sausmarez is putting across because there are winners and losers in every conceivable kind of taxation you have.

3910

I, particularly in my own life, entirely agree with Deputy de Sausmarez that I can get from *a* to *b* maybe by a lift in Deputy Inder's car if he has not broken his clutch, or maybe on an electric tricycle, or somebody else giving me a lift, or on a bus, or walking along. The thing is, though, it might be impractical unless we all go for electric vehicles for your classic meals on wheels gentleman or lady to go around with 50 sausages and mash on a bicycle rather than in a car, but who knows?

3915

But the point I am making is we can have different systems, but the very complexities of the arguments that Deputy de Sausmarez and others are raising about sunk costs and about choices and about alternatives are not really covered in this report, and they are certainly not covered in the elimination of a car tax within itself.

3920

So, like Deputy Laurie Queripel, I want the option still on the table, which is why I will support the Inder proposal before us.

3925

**The Bailiff:** Deputy Yerby.

**Deputy Yerby:** Sir, rather than do a point of correction on Deputy Gollop when I knew I was about to speak, I will just say that there is a lovely chart in the policy letter which deals precisely with the issue of sunk costs and some of the matters that Deputy de Sausmarez set out.

3930

But, sir, I think a particular element has been missing from the dynamic of this debate particularly because Deputy Inder tried so hard in his opening speech to stay out of general debate. I will also try and stay out of general debate, but I am just going to try and bring this extra element in which is that I think there is some anxiety around distance charging from a sort of civil liberties perspective. I believe those anxieties can be dispelled and I will try and do that when we come on to the main debate, but I am conscious that is out there and other people might be less persuaded than I am that they can be dispelled. So I think there is a real risk to the distance charging Propositions as a result of that anxiety.

3935

I think it would be the worst of all possible worlds if we walked away from this debate having failed to introduce distance charging and having left no other door open. So I am inclined towards this amendment on the basis that it is stronger than just voting down Proposition 3 in terms of leaving something on the table for further work and a further debate to follow this one.

3940

I do not see it as an alternative to distance charging I think when you look in the policy letter at the cost of motoring in Guernsey and how low it is relative to Jersey and the UK, actually there is a lot more we need to be doing in this space than we are currently doing and this is just the start of it. But I do think it has to be there as a 'just in case', bearing in mind some of the risks that I am conscious exist with the distance-charging proposals.

3945

**The Bailiff:** Does anyone else wish to speak before I invite Deputy St Pier to speak and then Deputy Inder to reply? No?

3950

Deputy St Pier.

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

3955

There was a lot of can-kicking in this particular debate. Deputy Inder accused P&R of kicking the can down the road with this policy letter. That was the accusation of course that was made during the Budget debate last year.



3960 I think we painfully acknowledged that during the debate and gave the undertaking to return, as we have done with this policy letter today, with a clear policy recommendation which was the criticism that we had failed to provide that guidance and advice to the States before. So I think that it is an unfair criticism for Deputy Inder.

3965 Of course the irony is that this very amendment is effectively seeking to tell P&R to go away and do the same work again. I think the Working Party's report appended to the letter from page 16 on, which Deputy Laurie Queripel quite helpfully referred to when he spoke, quite clearly does go through some of the advantages and disadvantages of the different methods of charging for taxation including an annual charge. If this amendment is passed there will be very little further work to do other than to represent that. I see very little advantage of doing so and I will perhaps address some of the alternatives later.

3970 Deputy Gollop *wants* to kick the can *further* down the road, and I could hear Deputy Ferbrache's teeth grinding from his seat here, that called for yet more decisions to be postponed. But he also cited the distance-charging proposals as being a method for penalising Mrs Le Page and indeed the meals-on-wheels workers, whilst of course he failed to address the fact that his can-kicking proposal of sursising the whole matter absolutely embeds the current inequity in the current system – which is a charge based on distance travel, mainly through fuel consumption – in  
3975 a way that penalises Mrs Le Page and the voluntary workers that are delivering meals on wheels, in a way that the distance-charging proposals could address, as I spoke of in my opening speech, with lower rates, for example, in doing so. So the irony of Deputy Gollop's can kicking was to embed the position that he very much dislikes. (**A Member:** Hear, hear.)

3980 Deputy Paint, I think, quite rightly made the point that he does not want to keep hitting cars. I think it is worth making the point yet again that this proposal is not seeking to raise any additional revenue, it is simply saying that we have got £20 million revenue coming from this source right now and we need to sustain that in the future.

3985 I think Deputy Trott's point about actually reintroducing a second tax – and, again, Deputy Dorey spoke to this – namely an annual charge. I think that would be quite difficult to explain to many in the public that that is not hitting cars, when you are taxing them twice, even if it is raising exactly the same revenue. I would suggest it is a much harder message to sell. (**A Member:** Hear, hear.)

3990 I think it is also important to draw a distinction between the Working Party's report appended to the policy letter and the policy letter itself. Deputy Laurie Queripel, in intervening in Deputy Dorey's speech, made the point that there was a proposal that sought to have a usage charge and an annual charge. That of course was the Working Party's proposal; that is not in the policy letter and that is not Policy & Resources Committee's considered position, having received the Working Party's report. I did not make that clear in my opening speech and I think it is important that I draw that distinction out, given what Deputy Laurie Queripel said.

3995 Sir, Deputy Inder said that his maiden speech was to oppose an annual charge and indeed, during that debate, I supported it. So we there have a neat role reversal. But I think the key point in relation to this amendment is that it is simply directing Policy & Resources to yet again go away and do what I would argue has already been done at page 16 and on, of the policy letter.

4000 What I was perhaps expecting from Deputy Laurie Queripel and Deputy Inder was to draw out the distinctions between the Working Party's recommendations on page 22 of the report and the Policy & Resources Committee's recommendations in the covering policy letter. If I may say, I think in presenting their argument they perhaps missed a trick because of course the Working Party did conclude that actually there was a role for an annual charge.

4005 But really in opposing this amendment now I am simply saying please, please, please do not ask us to go and do the work yet again. I think if people do want to keep an annual charge on the table then I think there are ways of doing so. I think there is the proposal that Deputy de Sausmarez has addressed, which is simply to vote against Proposition 3.

I was perhaps surprised that one of the amendments that have not come forward was in relation to actually the adoption of the Working Party's recommendations on page 22. I think

4010 Policy & Resources' position would be that if the States reject Proposition 3 in its current form, if they reject this amendment and then go on to reject Proposition 3, then we would regard ourselves as being effectively working to the direction of the Working Party's report I think in exactly the way that Deputy de Sausmarez said when she spoke.

4015 Now, there is of course the option for the States to be more definitive in its direction to the Policy & Resources Committee, or indeed the successor to us, through that process if they so wish, but they have not chosen to do so in the amendments that have been presented to date. I would suggest that those alternatives are a far better way of keeping an annual charge on the table, if that is the will of the States, than the direction under this particular amendment to do further work.

4020 I would urge the States to give serious consideration to those as alternatives rather than this amendment. I understand why it has been presented I do not think it is right solution it does not solve the problem, as Deputy Dorey said, and I would therefore for that reason, sir, urge Members to reject it and consider the alternatives.

4025 **The Bailiff:** Deputy Inder.

**Deputy Inder:** Well, thanks to Deputy St Pier for delivering me two extra votes from the Working Party, so that is Deputy de Sausmarez and Deputy Brehaut. So that is two for the amendment.

4030 I am not going to speak too long because I know Deputy Leadbeater has to go in a couple of minutes. *(Laughter)*

Deputy Dorey wants to make a decision today, I think he repeated it about three times and those were his words. He is not making a decision today; the decision he will be making will be precluding someone else from making a decision tomorrow. That is not a decision today. The decision today would have been coming back with a solution. This is not a decision for today.

4035 He also thinks that as fuel drops people will just go out and drive. I mean, who does that? Well, with the exception of Deputy Barry Paint, who has been known to drive down the West Coast a few times. But who just drives around the Island? We use our cars because we need our cars. I genuinely cannot understand the thinking on that.

4040 He is also absolutely convinced distance-charging will work. Well how? What technology? How is this going to work? Do we get a bill at the end of the year? I mean, what is the technology? There is nothing in the policy letter that actually tells you how it is going to work – and I will give way to Deputy Dorey.

4045 **Deputy Dorey:** We are going to discuss distance charging as part of the main debate, but it does talk about the Oregon system, it mentions it. I urge you to look online at the Oregon system which is a very good system and it is distance charging.

4050 **Deputy Inder:** And probably costs everyone a fortune when you can do thinks a lot easier. I know people do not like easy – but Guernsey likes easy, trust me.

So thank you for those who supported and, to be honest with you, a plague on your houses who are not going to support this.

4055 The amendment simply asks options to be left on the table. It is as simple as that. We have got examples of this, and if you look at the WDA we charge people for just being part of the system. That is effectively an annual charge. We do it on TRP, you do not have to live in your house, you can leave the Island and you will still get charged. There is nothing new under this model at all; we have covered over the FDS. I can see how the system could work tomorrow and if the FDS cannot do it, give it to me. I will make a 5% turn, I will police it and I will make a fortune. *(Laughter)*

4060 I think Deputy Yerby, and she is right. I tried to play the game and talk just to the amendment and the reality is there is a real danger here. Under no circumstances will I be voting for distance charging. It is not a threat, by any stretch of the imagination, I cannot see it working. I cannot talk

4065 now – because I will end up in general debate – why I cannot see distance charging working, but if we do not include this amendment in this I simply will not vote for distance charging because. I simply cannot see it working. I think it is intrusive, I do not like big brother, and I cannot right now think of a technology that is cheap for every user and the types of cars that we have got that can make it work.

4070 So the only way I can allow this policy letter to get some of my vote is to ensure that a sensible option that includes an annual charge is left on the table, because without that this policy letter will not get my vote.

**Deputy Lester Queripel:** Sir, can we have a recorded vote please.

4075 **The Bailiff:** Yes. We will vote on the amendment proposed by Deputy Inder seconded by Deputy Laurie Queripel with a recorded vote.

**The Senior Deputy Greffier:** The voting begins this session with the Vale.

*There was a recorded vote.*

*Not carried – Pour 17, Contre 18, Ne vote pas 1, Absent 4*

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Inder	Deputy Hansmann Rouxel	Alderney Rep. Snowdon	Deputy Fallaize
Deputy Lowe	Deputy Graham		Deputy Roffey
Deputy Laurie Queripel	Deputy Dorey		Deputy Oliver
Deputy Smithies	Deputy Le Tocq		Deputy Parkinson
Deputy Green	Deputy Brouard		
Deputy Paint	Deputy De Lisle		
Deputy Dudley-Owen	Deputy Langlois		
Deputy Yerby	Deputy Soulsby		
Deputy Prow	Deputy de Sausmarez		
Deputy Ferbrache	Alderney Rep. Roberts		
Deputy Kuttelwascher	Deputy Brehaut		
Deputy Tindall	Deputy Tooley		
Deputy Gollop	Deputy Le Clerc		
Deputy Lester Queripel	Deputy Mooney		
Deputy Leadbeater	Deputy Trott		
Deputy Le Pelley	Deputy Merrett		
Deputy Meerveld	Deputy St Pier		
	Deputy Stephens		

**The Bailiff:** Well, the voting on the amendment proposed by Deputy Inder, seconded by Deputy Laurie Queripel was 17 in favour, with 18 against, and 1 abstention. I declare it lost.

4080 Given the time, I suggest that we start with general debate in the morning. We rise now and resume at 9.30 a.m.

*The Assembly adjourned at 5.25 p.m.*