



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Wednesday, 24th March 2021

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Present:

R. J. McMahon, Esq., Bailiff and Presiding Officer

Law Officers

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

People's Deputies

S. E. Aldwell	C. J. Le Tissier
C. P. A Blin	J. P. Le Tocq
A. H. Brouard	M. P. Leadbeater
Y. Burford	D. J. Mahoney
T. L. Bury	A. D. S. Matthews
A. Cameron	L. J. McKenna
D. de G. de Lisle	C. P. Meerveld
H. L. de Sausmarez	N. G. Moakes
A. C. Dudley-Owen	R. C. Murray
J. F. Dyke	V. S. Oliver
S. P. Fairclough	C. N. K. Parkinson
S. J. Falla	R. G. Prow
P. T. R. Ferbrache	L. C. Queripel
A. Gabriel	P. J. Roffey
J. A. B. Gollop	H. J. R. Soulsby
S. P. Haskins	G. A. St Pier
M. A. J. Helyar	A. W. Taylor
N. R. Inder	L. S. Trott
A. Kazantseva-Miller	S. P. J. Vermeulen

Representatives of the Island of Alderney

Alderney Representatives S. Roberts and E. A. J. Snowdon

The Clerk to the States of Deliberation

Ms C. Foster (H.M. Deputy Greffier)

Absent at the Evocation

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

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States of Deliberation

*The States met at 11.15 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 Deputy Greffier

EVOCATION

CONVOCATION

The Deputy Greffier: Billet d'État VIII. 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 on Wednesday, 24th March 2021 at 9.30 to consider the items listed in the Billet d'État, which have been submitted for debate.

Tribute to former Deputy Graham Guille

The Bailiff: Good morning, Members of the States of Deliberation.

Sadly, we must start this Meeting by paying tribute to a former Member, in this case former Vale Deputy Graham Guille who died on 17th March, aged 80.

Graham was born in London on 14th August 1940, his parents having managed to escape from occupied Guernsey in an open fishing boat with 24 others, at a time when his mother was heavily pregnant with him. The crossing was sufficiently rough that he later learned that some feared he would actually be born during it.

As always planned, the family returned to Guernsey at the end of the War and he attended the Vale School and the Grammar School for Boys. In 1960 he joined our Fire Service and worked there until 1990. During that long career on the frontline he progressed through the ranks and was awarded the Long Service Medal on completion of 20 years' exemplary service. As we all appreciate, responding to emergencies is not straightforward and can be difficult, especially if told that people's lives are at risk if a quick outcome is not achieved. Graham performed his duties conscientiously and professionally, as one would expect of a trained firefighter, but facing distressing situations inevitably take their toll.

Having retired from his principal career, he returned to the Grammar School in a part-time teaching support role for Craft, Design, and Technology and completed a further 12 years before finally retiring from employment.

25 He had been interested in politics for a while and had joined the Vale Douzaine in 1998. He was very interested in promoting electoral reform and was a founder member and then chairman of the Status Quo Group, which campaigned for seven years for Island-wide voting. Although the group disbanded well before last year's General Election, Graham was delighted to participate in that first Island-wide election under our new system, a real case of 'Whatever you want finally coming true.'

30 Graham was first elected to the States in July 2003, winning the by-election caused by the resignation of former Deputy Rodney Collenette, and he served until the General Election in 2012. During that time, he was a member of a number of States' committees.

The first committees on which he served were the Horticultural Committee and the Gambling Control Committee, both of which he joined within months of his election.^f After the 2004 General Election, he took seats on the new Home Department, an appropriate fit for a former firefighter, and the House Committee. In 2005, he joined the Parochial Ecclesiastical Rates Review Committee, and then in 2007 he was elected a Member of the Treasury and Resources Department, then led by its Minister, Deputy Trott, replacing Deputy Parkinson. He also represented this Assembly on the British-Irish Interparliamentary Group.

40 Throughout his final term—in arguably, his most important committee position—Graham was Deputy Minister of the Housing Department, an able lieutenant to his good friend, the late Dave Jones, and this is where I had first-hand experience of him, as one of the Department's advisers, and came to understand the many qualities for which he was generally known: being able to grasp concepts quickly; apply the policies to facts presented; and most importantly, to bring common sense and humanity to the decisions needing to be taken. Throughout all his committee work, he was diligent, and when he spoke in this Assembly, his approach—often underpinned by a favourite term of his, 'It is never about what it is about'—meant he was invariably listened to attentively.

The issue of rights for local people was one about which he felt particularly strongly, and he continued to campaign on that topic in the years after he left the States, usually alongside former Deputy Gloria Dudley-Owen. Those initiatives, resulting in numerous letters to the newspaper and hosting public meetings to get their voices heard, constitute the areas for which he came to be best remembered.

55 Graham was a member of the Channel Islands Mensa group for many years. As well as being fascinated by aviation and enjoying swimming and being with his family, he took a keen interest in Guernsey history and all matters related to his beloved Island. He was a member of La Société Guernesiale and a friend of the Priaux Library, a particular interest of his being researching the Guille family history. In short, Graham really was a Guernsey gentleman through and through. So whenever you make your way up Smith Street to get here, do remember fondly that it is named after one of Graham's forebears, Colin, who operated the blacksmith's premises in that location in the 14th century.

60 Graham leaves a wife, Jeanette, and four children—Simon, Gregory, Philip, and Isabel—their spouses, and grandchildren, as well as wider family, to all of whom we extend our sympathies.

Members of the States, will you please now join me in standing silently to honour the memory of former Deputy Graham Guille?

Members stood in silence.

65 **The Bailiff:** Thank you all very much, Members of the States.

Billet d'État VIII

STATEMENTS

POLICY & RESOURCES COMMITTEE

Status of workstreams – Statement by the President of Policy & Resources

The Bailiff: Members of the States, the first item of business is a Statement, for which I have given permission to the President of the Policy & Resources Committee, termed Status of workstreams. So I am going to invite the *nice* Deputy Ferbrache (*Laughter*) to deliver that Statement.

Deputy Ferbrache: Sir, that has made me jelly-legged, because that is the first time anyone has ever called me that, but I am grateful to you.

Sir, we have hit the ground running. A lot of work has been started, a lot of work has been accelerated, but there is much to complete. We said we would get on with things and I believe we are, and we are grateful for the support of this Assembly.

I said in November that my vision of this Policy & Resources Committee and of this States was one of action. We need to be focused on priorities as time, money and people are all valuable resources and limited. The Government Work Plan will enable that. We can focus on the actions that will matter. I said that we intended to hold monthly meetings with Presidents of the various Committees. They are held and they are productive, and they enable us to look across all mandates, not to think in silos. None of us own any particular idea. This Committee is also open to the public. We have already held a Drop-In before Christmas, and there will be more now that we have left lockdown.

One of the key issues in the first few months of this Assembly has been Brexit. We were extremely well served by our External Relations Team, and by the person who has political responsibility in that regard, Deputy Le Tocq. When he had his temporary absence through illness I stepped into that gap and realised (a) how important his work was, and (b) what considerable benefits we were getting from the groundwork that he had laid over a number of years. I said in November that our main industry was that of the finance sector. We need to promote our world-class finance sector, and are in discussions with Guernsey Finance on how they will do that, and how we can support them financially.

But it is not enough just to ask and respect Guernsey Finance to be responsible for our finance sector. All of the States must support that. Important to support the sector's competitiveness is effective, proportionate regulation. One of my first meetings was with the GFSC, who advised that there were one or two critical pieces of the jigsaw missing which our predecessor Committee had not managed to resolve. One of these was the Credit & Finance Bill, which the new Committee *for* Economic Development pushed forward and this Assembly agreed. The other is the need for the Banking Resolution Authority, which the Committee is now finalising, working with the GFSC to bring to the States in July.

A major challenge has been COVID. I have commended the work of the previous Civil Contingencies Authority – I emphasise that – and I also commend the very able civil servants, medical professionals and others, the inimitable and irreplaceable Dr Brink, and my committed political colleagues on that Authority—and they come from Guernsey, Alderney and Sark; I say to all of them, 'Thank You'.

We put the Islands into the second Lockdown at short notice on 23rd January, something that we neither wanted nor expected. Nevertheless, we are on our way out. Again, that has taken

considerable resources and time. That, though, is no excuse for not attacking the other issues and we believe that we have been dealing with those. I commend unreservedly the citizens of this Bailiwick for their patience, diligence and contribution to us for being able to emerge, from the effects of the pandemic. Again, thank you. (**A Member:** Hear, hear.)

I also express my gratitude to the political colleagues that we have in Alderney and Sark. We have established a good relationship with our political Representatives in those Islands, who make an important contribution on the CCA. We also recognise that we are a Bailiwick; all the Islands are important and we all need to work together and I believe we are doing that, and strengthening those important relationships. In respect of Alderney, I am pleased to say that we have unlocked the impasse of the PSO process, and that a new arrangement is in place between Guernsey, Alderney and Aurigny. That was left far too long, in my view, in the previous term, and having said that we would resolve it quickly I am pleased that we have done so.

I turn now to capital priorities and capital projects which I mentioned in my previous statement. In the second policy letter, i.e. the Government Work Plan Policy Letter in July, there will be details about the States' capital projects, in line with agreed priorities. This Committee is also committed to getting things done in relation to minor capital projects. We have set aside a further £17 million in order to ensure that we can move projects at pace, and the Committee now has delegated authority of up to £5 million to enable faster decision-making.

As my colleague, Deputy Helyar, said in his statement on 24th February, we must invest in the economy and its recovery in order to generate the revenue we need to continue to invest in our very important public services. The current P&R is very inclusive. In that regard, to support the development of the Government Work Plan we are establishing a sub-committee made up largely of States' Members to assist prioritisation and ensure that the wider States is included in the thinking that leads to decisions. Again, my able colleague, Deputy Soulsby, will say more about that in due course.

With the possibility of our borders opening again, this has brought into focus an Air Policy Framework. We are close to finalising one that will support meeting our connectivity objectives and help set clear and deliverable objectives for Aurigny through its shareholder. It is important that this policy moves with the changes in the aviation sector caused due to COVID. The work has been delayed by a few weeks in order to assess the impact of COVID on that sector, and also because it is patently clear that the new management of Aurigny has a very positive view on how to take the business forward. We wanted to give them a little time to get their feet under the table, and I believe a new approach to Aurigny is extremely welcome and once the policy framework is agreed we want that business to get on with it with no interference from Government.

Sea connectivity is also important and we remain in discussions with the new owners of Condor and our friends in Jersey on either a new operating agreement or something similar. I expect this to have progressed to a position where we can return to the States with a fuller update during the next Quarter of this year. In line with this work, Deputy Inder and his team are now working closely with the tourism sector on a development plan for this year and for a long-term plan for 2022 and onwards. This work includes taking practical action on unused hotels. I understand from him that unused hotels will be included within exemptions to provide an enhanced opportunity for beneficial alternative uses of those sites, and this is now being finalised with the DPA. Deputy Inder will update the Assembly in due course, but this is a welcome development.

Digital connectivity is critical to our competitiveness. In November I said we were establishing a broadband working group. That group is already at an advanced stage of the decision-making process for the accelerated roll-out of superfast broadband. The aim remains for a policy letter to come to the Assembly in the next Quarter. I am also grateful for the update I received from Deputy Oliver on her Authority's work to streamline processes in order to support the revitalisation of St Peter Port and our Island. We need the planning to be an enabler and not a blocker. (**A Member:** Hear, hear.)

One of the big things we must move on from the previous term is the opportunity to regenerate the seafront. Last term there was bluster about spades in the ground by one Christmas to other.

160 This term we will get things done. The first step is the establishment of a Seafront Regeneration
Advisory Board, with its independent members reporting to the States, which over time, will become
a formal Regeneration Board. The Advisory Board will work with the community and the States to
develop a vision for the seafront; will support the States in delivering the work that comes from the
Ports Board work on future harbours, and that will come to the States this summer; and will work
165 with investors to deliver a major infrastructure project with economic, logistical and no doubt
environmental benefits. There will be announcements on the next steps next month.

We also must assert in these times our constitutional position. This week the Committee
considered a paper on Royal Assent. Discussions are ongoing with the UK government on a new
system of Royal Assent which will allow certain items to be granted Royal Assent by the Lieutenant-
170 Governor on Island, rather than at Privy Council meetings elsewhere. This will allow greater flexibility
on timing and will better reflect how the constitutional relationship works in practice and in line
with the recommendation of the Constitutional Investigation Committee approved by the States as
far back as 2016 but not completed last term. The Committee expects to bring a proposal to the
States on this during this year.

175 Deputy Le Tocq is leading the Committee's work on developing an approach to medical tourism.
Now he is back—and hopefully, fighting fit—the work is continuing and he and Deputy Brouard's
Committee will meet soon to discuss this.

In November I advised the Assembly that the proposals on Insolvency and Bankruptcy Law
should be our priority. An industry-led working group which included Citizen's Advice Guernsey has
180 been leading this and intends to report its proposals on Debt Relief Orders to the Committee for
Economic Development by the end of April. Work will continue on individual voluntary
arrangements and reform on the bankruptcy regime during the third Quarter of this year. Following
development of Policy proposals, Corporate Insolvency legislation was enacted in 2020 and is
expected to come into force in Quarter 2 of this year.

185 I have already referred to Guernsey Finance. Policy & Resources have received a funding
proposal from them. That is being considered. The experienced and able Chairman of Guernsey
Finance is a Member of this Assembly, and Deputy Falla is Vice-President of Economic Development,
and is also a board member, and they can provide further information at this stage if they wish to
do so, and I am grateful for their efforts.

190 In December I chaired a cross-committee meeting with the Open Market Forum to begin the
process of protecting and strengthening the Open Market. It was agreed that the work would be
led by Deputy Vermeulen who is a member of both Economic Development and Home Affairs. I
understand progress is being made, both with the Open Market Forum and in engaging with
advocates and estate agents. I know Deputy Vermeulen is not a man to mess around and I
195 understand the outputs of the work will be clearer by the end of June.

Missed opportunities from the previous term included working with Jersey and the Isle of Man,
better management of States' properties, and resolving the terms and conditions for public servants.
I have had regular meetings with my counterparts from the Crown Dependencies, and last week
Deputies Helyar, Le Tocq and Roffey, and officers met with their counterparts in Jersey to specifically
200 discuss shared working. This is now firmly back on the agenda having fallen off during the last term.
It will be pursued.

I know from my time as President of the STSB that much more can be done with States' property,
which is a vital asset. Little progress seems to have been made since the political oversight was
transferred to the previous P&R Committee at their request, but I am delighted that in this term
205 Deputy Mahoney has picked up the baton and is running very quickly in the right direction. The
States has a diverse estate comprising thousands of properties. Whilst there is a central property
management function called Property Services, not all the States' property is managed by it.

Following the 2018 policy letter, a review of the way property is being managed is nearing
completion and we will consider the findings of this review next month. The review should identify
210 areas of good practice, but there already are significant variations in practice and approach that
need to be addressed. Twenty-three million pounds of external spend is typically commissioned by

individual committees and is split across a large number of suppliers, often with multiple contracts, each with the States. That has to change. We can make savings and will.

215 Deputy Mahoney is also leading the Committee's work in relation to its role as an employer, in respect of terms and conditions. There have been meetings over the last few months with representatives from various trade unions across all 14 pay groups within the public sector work force. Fourteen separate groups! That is too many. These meetings have provided opportunity for parties to engage in dialogue and for employee representatives to understand further the reasons for the decision taken by the Committee on pay for this year. It is clear we must take action on
220 addressing variations in terms and conditions, and we are actively doing that. The Committee is also working fully to understand the cost implications of the proposals for the entire public sector workforce ahead of the Committee for Employment & Social Security's timetable for progressing discrimination work.

225 I said I would also like to see a more proactive and purposeful States. I believe we are on our way. Time is more limited, and I would like to say more, so I will be writing more fully shortly to the media and States' Members.

Thank you very much for the opportunity, sir.

230 **The Bailiff:** Members of the States, there is now an opportunity for questions to be asked within the context of the Statement. Can I just remind Members that when they are speaking, including even answering their name on the roll call, to put their microphones on so they can be heard? We have got the windows open to get as much ventilation as possible, which does mean that it is harder for those listening to any broadcast of these proceedings, where there is external noise against which you are competing.

235 Deputy Roffey.

Deputy Roffey: Thank you, sir.

Can I ask Deputy Ferbrache to outline the sort of changes or reforms to the Open Market regime that were discussed with the Open Market forum?

240

The Bailiff: Deputy Ferbrache to reply.

Deputy Ferbrache: Yes, sir, and they are still under discussion; it is a good question.

245 It will be relaxing some of the Rules, or changing some of the Rules, that the States enacted relatively recently, because they proved not to be particularly practical, but it is also looking at how that body of people, and the people who are living there – 1,600 or 1,700, whatever it is, numbers of property – can contribute more economically to our community, but establishing that their rights are well-established and that we value them. So it is still in the stage that we will be bringing it forward, but we realise that some of the statutory provisions that were enacted relatively recently
250 are too burdensome and are unusable.

The Bailiff: Deputy Queripel.

Deputy Queripel: Thank you, sir.

255 I commend everyone who was involved with signing the PSO with Alderney. Everyone in this Assembly knows my view on Alderney, who were allowed to spiral out of control by successive Assemblies. So my question to Deputy Ferbrache is this: what can this Assembly do to ensure that Alderney does not spiral out of control once again, and can he give me an assurance, please, that the levels of communication between Alderney and the States has improved?

260

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: The answer to the second part of Deputy Queripel's very pertinent question is yes. There is new management; there is a new chairman who was appointed several months ago; there is a new Chief Executive. I can say, having met with him, and with our colleagues on Economic Development and our colleagues on STSB, that there is a new vigour, there is a new purpose.

I know profits have come and profits have gone, and sometimes they have not left much behind, really, other than words. But I really do think that this management team will do something. There will be a statement made I think in due course by Deputy Roffey about certain matters in relation to Alderney, and he will deal with those. It would be improper of me – Although I think I know what he will say – to trespass upon his territory. But Alderney is an important part of Guernsey's coloured history going forward.

Deputy Queripel makes a very valuable point. I do not think it has gone out of control; I think it needs to have the impetus on management that I believe it will have now, sir.

The Bailiff: Deputy Trott.

Deputy Trott: Thank you, sir.

I thank the President of P&R for his update.

He said two things with which I fully concur. Firstly, we need to promote our world-class financial services industry, and we are in discussion with GF; I confirm that is the case. Secondly, delegated decision making is vital, as it speeds up delivery.

Sir, my question is: can the President of P&R advise if the matter of funding for our key finance industry need not be further delayed by a States' debate, but rather dealt with via such delegated authority that facilitates action on this day?

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Again I can commend Deputy Trott on his work on Guernsey Finance. I was a member of that board for some time when I was in Economic Development.

I agree with you completely – I am expressing my view, I agree with you completely. Our finance sector will drive our economy not only in the next five years, but hopefully in the next 20 or 30 years. Guernsey Finance has done a brilliant job, but it has only had one tanker and it needs five. That does not mean he is going to get five times the money that was asked for. But it certainly needs every assistance, and it needs to be able to move with as least States' interference as possible.

The Bailiff: Deputy Inder.

Deputy Inder: Deputy Ferbrache, thank you for the update.

Regarding the property portfolio, I think most members on Economic Development and I am sure Members of the Assembly will agree that unlocking elements of the economy reside effectively in the property portfolio. You are shortly going to get a review on that portfolio, that was instigated in 2018. Would he be able to give us any indication as to what elements of that review could be shared with the Committees that might have an interest in that?

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: I think everything should be shared. This is a Government of transparency, this is a States of transparency. I think all information should be shared – save where there are limited ... I am not sure my microphone is on - sorry, sir. It was off, sorry. I did not recognise light red from dark red; red is my favourite colour.

In relation to that, the general policy of the States should be: unless there are certain legal limitations, as there is with the Civil Contingencies Authority – or there might be some confidential information – all information should be shared as soon as possible.

315

The Bailiff: Deputy Burford.

Deputy Burford: Thank you, sir.

320

With regard to the subject of joint and shared working with Jersey, does Deputy Ferbrache consider that also includes the role of Director of Civil Aviation? Thank you.

The Bailiff: Deputy Ferbrache.

325

Deputy Ferbrache: Deputy Burford, again, raises a good question. It is such an important role, and we should be sharing not only that role, but there are other things that we should be dealing with in relationships. I cannot understand why there is not more liaison on health matters. I cannot understand why there is not more liaison on policing matters. And that is not a criticism of the predecessors that have sat up in the various chairs here or elsewhere, in Jersey. But those are issues we are going to have to address. We are only 65,000 folk in the Bailiwick of Guernsey; they have 108,000, 110,000 – whatever it is – in Jersey, so we are talking about very small communities. There should be much more working together generally.

330

The Bailiff: Deputy Gollop.

335

Deputy Gollop: Thank you, sir.

Deputy Ferbrache has alluded already to coming out of COVID and our links with Jersey, and my question, really, has two points to it. In moving forward with Jersey, bearing in mind they have dropped to a level of three or four cases of COVID and we are happily down to one, will there be an attempt after Easter to look at how possible it will be safely for tourists, visitors, business travellers, and essential maintenance staff to travel between the Islands in a bubble?

340

My second point is that one of their Ministers for Economic Development is working towards looking at, effectively, a vaccination passport scheme. Will the CCA and P&R be looking at that?

The Bailiff: Deputy Ferbrache, to deal with both of Deputy Gollop's questions.

345

Deputy Ferbrache: Thank you very much, sir.

Certainly in relation to the vaccination, that is not a matter only for the CCA—it might be initially, but it would have to come to ... I think it is such an important question. 'We' – the Civil Contingency Authority – might make a decision, but I think that is one where we would come to the States and say, 'This is our intent.' I can only speak for myself and not for my other colleagues on the Civil Contingency Authority, but I think it is actually important to.

350

As to the air bridge with Jersey, we would love to. As soon as it is safe to do so, we will do so. We will be in discussion with them. I am not going to give a date yet, it will depend, but we would love it to be as soon as is practical and safe.

355

The Bailiff: Alderney Representative Snowdon.

Alderney Representative Snowdon: Thank you, sir.

360

Thank you to the President for the PSO update. Could I just ask if there is any progress with the Alderney rehabilitation for the runway, please? Thank you.

The Bailiff: Deputy Ferbrache.

365

Deputy Ferbrache: I think there are discussions in relation to that. Alderney, at one time, some time ago, said it wanted the repairs to the runway, at a cost of about £12 million, and that was passed by this States. I think the view might now be that they want to re-look at that decision and

have an extended runway. I think, but I am never quite sure yet, but I will have to discuss that further with my colleagues in Alderney. If that is the case that will be looked at. It would clearly have to be looked at with Economic Development, it would clearly have to be looked at with the States' Trading Supervisory Board, but certainly that would be a consideration.

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

Is the President able to give us any further information or update on the role, remit and structure of the Regeneration Board, I think it is called, in terms of the Seafront Enhancement Area?

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: That is a really good question. The point is that, yes, the intent will be that it will be led by a non-politician; that it will be as free from political inference as possible; that in accordance with the timetable I said in my introductory remarks, it will come back shortly. But I think as to who will populate those positions, as yet, is still not firmly decided. But whoever he or she might be, it has got to be somebody that, obviously, has regard for the interests of the States and the people of the Bailiwick, but is as free from political interference as possible.

The Bailiff: Deputy Dyke.

Deputy Dyke: I thank the President of P&R for his report.

My question concerns the finance sector. It is coming under increasing and ratcheting pressure from FATF, Moneyval, the OECD, as are the other Dependencies. Are we now co-operating with the other Dependencies and with London, which is facing similar issues itself, in terms of protecting ourselves from more and more of this ratcheting of the regulatory wheel, a lot of which is not really to do with regulation anymore? There is an agenda behind it.

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Thank you, sir.

The answer is we have had early discussions with Jersey and the Isle of Man; they still are early discussions, they are not finalised. What I would say – and again, it is a point I make generally in relation to – because of the good relations that others, but particularly Deputy Le Tocq, have built up over the past X number of years, we do have many people looking after our interests, who are concerned about the interests of Guernsey and the other Dependencies on the mainland, if I can use that.

We have also had a new Minister appointed, Lord Wolfson, in recent times who is responsible for Crown Dependencies. I have had the opportunity to speak to him on a couple of occasions; Deputy Le Tocq joined me on that conversation just recently. He clearly has the interests of the Crown Dependencies at heart. So we do have people at the centre of power who are looking after our interests.

The Bailiff: Deputy Falla.

Deputy Falla: Thank you, sir.

A number of civil servants, sir – it would seem perhaps the majority – continue to work from home. Would Deputy Ferbrache agree with me that this appears to be at odds with the advice and encouragement that we are giving to the business community and other parts of Guernsey society to get things going again after lockdown?

The Bailiff: Deputy Ferbrache.

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Deputy Ferbrache: Deputy Falla was kind enough to advise his concerns to me a few days ago, after an article appeared in the *Guernsey Press* which I said to him was as much a surprise to me as it was to him. My own view is that we should be doing a 'South Korea,' because South Korea has encouraged people to go back to work in offices, because it encourages the economy, it is of such benefit to the economy.

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But there is a rationalisation process in the States of Guernsey. P&R took this up just yesterday with our Chief Executive, and Deputy Mahoney is really leading the charge on that. The idea is to rationalise the number of States' buildings and to make sure there are fewer States' buildings, those are properly occupied, but it will be in that situation that people will be working from home more than they otherwise would, because there would be fewer properties to work at.

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But my own view is: if you have an office and it is more efficient, you should be working in it.

The Bailiff: Deputy Taylor.

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Deputy Taylor: Thank you, sir. I have jumped to my feet, but I have not really formulated a question yet. (*Laughter*)

But I have particular interest in Deputy Ferbrache's reference to planning exemptions for a number of redundant hotels, and I just want to know if Deputy Ferbrache would think it is fair that we would single out some of the largest prominent building sites on our Island and exempt them from any planning fee whatsoever, whilst charging Mrs Brouard from Torteval a fee of £680 if she wants to convert a small packing shed at the end of her drive for her son. It does not really go with our move towards assisting first-time buyers and whatnot, and I just wonder if Deputy Ferbrache could comment on that or he would agree with me.

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The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Well, sir, I am never coy at answering questions, but I think that is more the province of the President of the Development Planning Authority, in relation to that. The general answer is that I do not think there will be. It is not going to be *free free*; there is no such thing as a free thing. Even if there is a change of policy to build on some of these, or to make better use of, some of these old hotel sites, there will be policies in train to make sure that those are properly placed.

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The Bailiff: Deputy Trott.

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Deputy Trott: Thank you, sir.

Can the President of the P&R advise if the matter of funding for our key industry need not be further delayed by a States' debate, but rather dealt with via delegation, which will facilitate action on this day? And if that question does sound familiar, it was the question I posed the previous time I spoke.

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The Bailiff: Yes. Deputy Ferbrache.

Deputy Ferbrache: I thought I had answered it by saying 'Yes.' I may be wrong, but I thought I had answered that question. The answer is Y E S. Yes.

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The Bailiff: Deputy Inder.

Deputy Inder: Sir, Deputy Ferbrache, I just want to pick up on something Deputy de Sausmarez said about the Seafront Enhancement Group or whatever it was. I think back in 2017, there was a promise to have spades in the ground by October. I said you would be lucky to move flowerpots around, and I am not even sure they did that. Is the problem not the title, 'Seafront Enhancement'? Should we not be setting objectives for Town in the first instance? Isn't that where everything starts, not with a title?

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Well, sir, we have spent so much time talking about titles. I remember when I first became a States' Member again in 2016 we spent days at Beau Séjour talking about things that I never understood, and after two sessions I did not attend the third session.

I would rather we just got on with things. I do not know if the Town should be ... There are other things. We have got a harbour; there will be a report back in June, July time about the harbour – whether there should be extra work done in St Peter Port Harbour, St Sampson's Harbour, and should we have a third harbour. I think it is wider than that.

But I agree with, I think, the implication behind Deputy Inder's question is we have got to get on with things.

The Bailiff: Actually the 15 minutes is just up, and I was going to have one final question, but we will have Deputy St Pier first.

Deputy St Pier: Thank you very much, sir.

Thank you to Deputy Ferbrache for his Statement. He has, perhaps, wisely and carefully avoided giving any more deadlines or timelines, either in his Statement or in his supplementary responses. Does he now accept that the timelines, two to three months, that he set out in his previous Statement were perhaps unrealistic?

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Sir, although never a Conservative, one of my great political heroes was Margaret Thatcher, because those of us who lived in Britain in the 1990s knew what a hopeless position it was. Desperate, desperate, desperate. So the answer to Deputy St Pier is 'No, no, no.'

The Bailiff: Deputy Burford.

Deputy Burford: Thank you, sir.

When Deputy Ferbrache stood for the position of President of Policy & Resources, I asked him whether he supported the principle of planning gain, which he told me that he did—this is for windfall gains from change of use. So I am asking him if he can confirm that, if hotels are going to be permitted to move out of the hospitality sector, whether he will be looking to introduce some form of planning gain for the windfalls that would be occasioned by that.

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: I think that is an excellent point. I think it should be, because some of those sites will then become more valuable, and there should be questions of political gain. As for the detail, I would be misleading Deputy Burford and anybody else to say I know all the detail yet, but I certainly think the principle is a good one.

POLICY & RESOURCES COMMITTEE

**UK-EU Trade and Cooperation Agreement –
Statement by member of Policy & Resources**

The Bailiff: I turn next to Deputy Le Tocq, who is the lead member of Policy & Resources for External Relations, to deliver a Statement on the UK-EU Trade and Co-operation Agreement.

520 Deputy Le Tocq.

Deputy Le Tocq: Thank you, Mr Bailiff.

On Sunday 27th December, this Assembly considered the policy letter about the implications of the end of the Brexit transition period and the UK-EU Trade and Cooperation Agreement (TCA).
525 That policy letter enabled the three Bailiwick parliaments to make decisions about the new relationship with the EU.

The policy letter was published on 24th December – much later than the Committee had wanted or anticipated earlier in 2020, but it was the earliest that a policy letter could be published, as the UK-EU negotiations concluded late in the evening of 23rd December and an announcement was
530 made by the UK and EU in the afternoon of the 24th. The full legal text of the TCA was not available to be included in the policy letter and was not in the public domain at the time. This gave limited opportunity for in depth analysis of the full text of the agreement before the end of the transition period. So, the Bailiwick's parliaments were asked to consider the principles of the TCA as it would apply to the Bailiwick based on the information that was available and in the public domain.

535 In addition, the Bailiwick's parliaments considered the principles of the TCA before the UK parliament did. That was to avoid any constitutional difficulties that would have arisen if the UK parliament had been asked whether to ratify an international agreement and extend its application to the Bailiwick before the Bailiwick had decided whether it wanted to be included. Consideration by all those parliaments took place before the end of the Brexit transition period at 11pm on 31st
540 December.

Today, I am pleased to be able to update the States on what has happened since 27th December. The Resolutions, made by the States – and by Alderney and Sark – in December, authorised the Policy & Resources Committee to consider the terms of the TCA and to 'agree and signal approval' of that agreement or treaty on behalf of the Bailiwick. So, on 27th December, the President of the
545 Committee wrote to the UK government to indicate that the Bailiwick's parliaments had approved the principles of the TCA as it applied to the Bailiwick.

Having only had limited time after the text of the TCA was finalised, the Committee received preliminary advice from the Law Officers of the Crown and considered this in parallel with the legal text of the TCA on 31st December. The Committee decided and confirmed that day to the UK
550 government that, in the short time available, no matters had been identified or arisen which were incompatible with the principles approved by the Bailiwick's parliaments just days earlier.

As Members will recall, there is a sunset clause or cooling off period relating to the Crown Dependencies which, in our case, can be activated by either the Bailiwick or the EU. The clause was inserted to allow time for a more detailed review of the TCA as negotiations ended so close to the
555 end of the transition period.

The Law Officers of the Crown reviewed the text of the TCA in more detail after 1st January and advised the Committee accordingly. The Future Partnership Delivery Group (FPDG) also considered the matter at a meeting on 1st March. FPDG has representatives from each of the Principal Committees, Alderney and Sark. FPDG did not identify any issues of concern which meant the
560 Bailiwick could not continue to participate in the TCA. That view was available to the Policy & Resources Committee when it considered the TCA text on 2nd March. The Committee concluded that the TCA, including its Protocols and Annexes, gives satisfactory effect to the principles agreed by the Bailiwick's assemblies, including the 'relevant, proportionate and practical' criteria which were

identified in the Committee's earlier policy letter of January 2020. Consequently, the Committee confirmed to the UK government that the Bailiwick wishes to continue to participate in the TCA.

It has been said before, but bears repeating, that the Committee is very grateful for the input, support and advice it received from FPDG and the Trade Policy Advisory Panel (TPAP). Following consideration by the relevant Committees, FPDG will be dissolved at the end of the sunset clause period and TPAP has already been dissolved. The Committee *for* Economic Development is setting up an industry liaison group to help inform policy formation. This Trade Policy Forum will assist as future trade relationship agreements with other countries are negotiated by the UK and as the Bailiwick pursues opportunities to be included in these. Guernsey and the wider Bailiwick could also consider being included in other types of agreements that the UK might negotiate with other countries.

I will not repeat, sir, other measures which were put in place by the States of Guernsey to help with stability and continuity at the time of the transition period. They are outlined in statements made to the States in the last six weeks of 2020 by me and the President of the Committee and in the December 2020 policy letter. Those measures included work that extended the Bailiwick's territorial seas in July 2019; a customs arrangement signed in 2018 with the UK that came into effect at the end of the transition period; and the extension of the UK's membership of the World Trade Organization to the Bailiwick from the end of the transition period.

Work to implement and maintain compliance with the TCA is ongoing in Guernsey and the wider Bailiwick, it did not finish at the end of the transition period on 31st December. It will need to continue to be prioritised and adequately resourced. Corresponding work is also taking place in the UK and the EU.

The Bailiwick put in place an interim fisheries licensing regime which took effect at the end of the transition period. Since then, the Committee *for* Economic Development has developed a new licensing regime, working alongside the other islands in the Bailiwick and the UK. This work has not yet concluded; it includes receiving and verifying the track record evidence from the EU and issuing licences as required for the new TCA-based licensing regime. It is hoped that the interim regime will be replaced by the new regime soon, bringing clarity to the number of French vessels that can fish in our waters and providing greater control by the Bailiwick of all commercial fishing activity in its territorial waters. Related discussions about access to nearby ports for landing fish continue with our French neighbours.

Decisions in the UK and EU can have a political and operational effect on the implementation of parts of the TCA in the Bailiwick and are being monitored. Governance arrangements for the TCA between the UK and EU and between the UK and the Bailiwick are being put in place in accordance with the TCA text, including what might happen in the case of any disputes.

Work to manage the wider effects of Brexit will likely continue for years—it includes trade-related aspects, such as sanitary and phytosanitary measures and product regulation, and broader issues such as the Bailiwick's wider relationship with the EU, any potential changes to relationships with other countries and work to maintain and enhance Guernsey's constitutional resilience. In essence, the UK's departure from the EU and the start of the UK-EU TCA creates a more complex set of relationships for us. These new relationships and new obligations will require continuous monitoring to ensure the Bailiwick can take advantage of opportunities, whilst we also ensure ongoing compliance with international obligations. There will be additional policy and operational requirements from the States which have not had to be considered in the past.

Managing the effects of Brexit has been identified as one of the three main priorities for the States, as explained in the Government Work Plan. It is for Committees to take the lead and keep under review relevant policy development, administrative practices or procedures and legislation under their mandates which are directly or indirectly impacted by Guernsey's participation in the TCA and the wider implications of Brexit, including membership of the WTO and participation in other trade agreements. The Policy & Resources Committee will continue to be mindful of wider implications for international relations and constitutional matters; it will maintain its co-ordinating role, advise Committees where necessary and provide support for external engagement.

The Policy & Resources Committee is progressing other related workstreams, including: work to determine and agree the individual co-ordinates for maritime boundaries which have existed since the Bailiwick's territorial seas were extended in July 2019; and a bilateral discussion with the EU about tax information exchange and administrative assistance regarding certain indirect taxes in line with the policy declaration made alongside the TCA.

The Bailiwick did not ask for or participate in the UK's decision to leave the EU. (**A Member:** Hear, hear.) However, together, we prepared carefully, thoroughly and rapidly for Brexit in January 2020 and for the end of the transition period in December 2020. In line with the strategy agreed by the States of Deliberation in June 2016, the States and its officials have worked closely, tirelessly and effectively with others in the Bailiwick and with the governments of the UK, Jersey and the Isle of Man. The Bailiwick is part of the new UK-EU Trade and Cooperation Agreement and is seeking new opportunities as the UK negotiates its way to new relationships with other nations. The Policy & Resources Committee will continue to do all that it can to enable Guernsey and the wider Bailiwick to flourish in the future as a distinct and distinctive part of the British family.

Thank you, sir.

The Bailiff: Thank you.

Questions in the context of that Statement?

Deputy de Lisle.

Deputy de Lisle: Thank you, sir.

With such a high proportion of goods imported into the Island – as some have said, almost 90% – does the External Relations lead see opportunity for increased trade in goods for the Bailiwick to enable diversification of the local economy?

The Bailiff: Deputy Le Tocq.

Deputy Le Tocq: That is a very good question, sir, from Deputy de Lisle. It would, in effect, go beyond, I think, my particular remit or, indeed, the remit of this Committee. But personally, I do, and I think, coupled with the issues that I have related to and the situation with COVID over the last year, I think our resilience and diversification is very important in the future. I think there are also opportunities for us in terms of trading in goods that we might have seen purely for a domestic market on a more international market, and particularly, I think, with our near neighbours. So yes, I do see opportunities for that in the future.

The Bailiff: Deputy Gollop.

Deputy Gollop: Thank you, sir.

I would like to ask Deputy Le Tocq: one of the upsides, if you can call it an upside, of lockdown is that I spend more time listening to UK regional news and television and radio, and there have clearly been a number of problems with Brexit for certain exporters, from fisher people to caterers to bakers to small industrialists, in terms of bureaucracy or other reasons. Does Deputy Le Tocq or Policy & Resources, or its excellent External Affairs team, have any knowledge of those coming directly to the Committee or via Economic Development, relating to Guernsey and its Bailiwick?

The Bailiff: Deputy Le Tocq.

Deputy Le Tocq: That is also a good question, and I have to say, sir, that whilst we are aware of a number of certain individual concerns, questions—because we always knew the processes, irrespective of how Brexit ended up, would mean change for people, and change can be confusing for some, there are few—but in my opinion, it is far less of a problem than I thought it would be, and I think the particular ones, as far as I am aware, are getting swift answers and help where

necessary. I think this will continue for some time, because we are in a brave new world, but I am hopeful that, because we put so much time into preparing not just the Government, but the whole Island community, that they can access solutions quickly.

The Bailiff: Deputy Roffey.

Deputy Roffey: Can I ask Deputy Le Tocq if it has yet become clear the degree to which Guernsey will be able to derogate from the UK's immigration policy in this new world?

The Bailiff: Deputy Le Tocq.

Deputy Le Tocq: It is not clear as yet, but we keep on getting verbal assurances that the sorts of things that we have discussed and that I know that he is interested in, as well as myself, should be possible to do. But in terms of formalising that in some sort of legal or MoU-type text that has not happened as yet.

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir.

I just wanted to pick up on a point that Deputy Le Tocq has said there, 'the type of things that he and I are interested in,' in regard to his response to Deputy Roffey. May he elaborate on that, just to be a little bit more clear? Sorry.

The Bailiff: Deputy Le Tocq, are you minded to?

Deputy Le Tocq: I was referring to the fact that Deputy Roffey has asked questions in the past about our ability to say our economy is dependent, for example on – or at least, has in the past – very much on service industries which require seasonal staff, for example, and that might be of far greater proportion than the UK overall. Those are the sorts of things I was referring to.

The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, the position on fishing between the Bailiwick of Guernsey and the Bailiwick of Jersey and the EU is, of course, different between the two Bailiwicks. Can Deputy Le Tocq give this Assembly some assurance that, to the extent that Jersey continues to have some challenges in relation to that issue in its relationship with the EU, that that will not bleed into and affect our own relationships – in particular, in relation, of course, to fishing?

The Bailiff: Deputy Le Tocq.

Deputy Le Tocq: Yes, I am glad to respond to this question. Jersey has some particular problems, but I am sure, as many Members will be aware, those existed before as well, with the Bay of Granville and the fact that, geographically, Jersey is far closer to the French coast.

With regard to us, I am very glad to say – and I do not take credit for it at all just myself – we have got a much better relationship with the French and particularly, the Normans – I had a conference call just last week with them – and I think the distinction between the Jersey issues and our issues are well understood there. Whether that comes down to fishermen themselves is another matter, but we cannot control everything. So I am far more optimistic than I would have been a number of years ago.

The Bailiff: Deputy Prow.

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

Would Deputy Le Tocq agree with me that the Minister for Immigration and Borders has corresponded both with the Chief Minister and with myself and has given us assurance that, with regard to work permit policy, there is an understanding in the United Kingdom that we can deviate from those policies, provided we comply with the requirements of the Common Travel Area?

725 Thank you, sir.

The Bailiff: Deputy Le Tocq.

730 **Deputy Le Tocq:** Yes, I am happy to confirm that. That is what I was alluding to in my response to Deputy Roffey. Those conversations and that communication has taken place, but as I say, we have not as yet got anything formally agreed, and I hope that can be done soon.

The Bailiff: Deputy Dyke.

735 **Deputy Dyke:** Thank you.

Sir, can I ask Deputy Le Tocq if he has any clarity, and perhaps he does not, in terms of what the EU is looking for in more tax co-operation? We have signed up to common reporting standards some years ago, we do not have VAT, so what are they looking for?

Thank you.

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The Bailiff: Deputy Le Tocq.

745 **Deputy Le Tocq:** Yes, I wish I could be as precise as the question was in my response. I mean, how long is a piece of string? We do know how the EU relates to us – and not just us, but a number of others – as a result of which, in terms of what we have agreed to. And it is only an agreement, it is not part of the main agreement; it is a declaration which has no legal standing. But we understand that we are co-operative; in fact, the EU themselves – Commissioner Moscovici, who I met a number of times – is on record as saying that we are a co-operative jurisdiction that work with them. So in that context, we have just agreed to continue to co-operate, and if there are ways in terms of administration of information that we can continue to do so, we will do so.

750 In terms of indirect taxation, he is quite right: we do not have VAT here. But there may be a limited number of occasions where we could provide information to those authorities that are looking for it.

755 **The Bailiff:** Deputy Leadbeater.

Deputy Leadbeater: Thank you, sir.

760 Would Deputy Le Tocq agree with me that, with the UK's insistence on the access visa to the Common Travel Area, which means access to Guernsey, plus the cost and the onerous nature of population management, immigration, etc., that is going to make Guernsey a less attractive proposition for European essential workers?

The Bailiff: Deputy Le Tocq.

765 **Deputy Le Tocq:** I think that is certainly a risk that we identified early on. I think, if you look at the whole of the UK and the Crown Dependencies, there is obviously going to be all sorts of dynamics that will change, that will make those who had previously thought of travelling to work within the Common Travel Area think twice about it. But in terms of our offer, it does not necessarily mean that will go down. I think we can target particular individuals; Guernsey has been very good at doing that historically, even when there were obstacles in certain places. So I think we need to

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play a smart game in this area, and particularly where we identify industries that are going to be more prone to those sorts of challenges.

The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, can Deputy Le Tocq advise whether there have been any developments – either in relation to the Code Group on Business and Taxation or the matter of the implementation of beneficial ownership and the exchange of information on beneficial ownership of companies across the EU, including, of course, ourselves – ahead of the 2023 deadline?

The Bailiff: Deputy Le Tocq.

Deputy Le Tocq: That goes beyond the particular update I gave today, but I can advise him that discussions are still ongoing. I cannot give any further details as to where we are at the moment, because we are not at that stage yet.

The Bailiff: Deputy Inder.

Deputy Inder: Just briefly, sir, and it might be a bit of an unfair question, but it does pick up from Deputy Leadbeater's: in terms of getting us access to talent in a working pool, if something has appeared where it is, effectively, something that we cannot control – which is EU immigration has appeared and causes a stress for the Island – would it not make sense that if something has been dialled up, we might be able to dial something down a little bit, and would it be possible for Policy & Resources to work with the Home Department on that, in terms of population management?

The Bailiff: Deputy Le Tocq.

Deputy Le Tocq: Those are exactly the sort of areas where I think that sort of thing would be possible, because in terms of volumes, we are not talking about very many people here. It might be for us, it might be crucial, but I think the UK understand that, and the exchange of communication and correspondence, I think, echoes that belief.

The Bailiff: Deputy Gollop.

Deputy Gollop: Yes, thank you, sir.

Deputy Le Tocq, as we know, is probably our ablest Member, in terms of understanding and linguistic ability in France. Is he able, now we are hopefully exiting lockdown, to outline over the next year, virtually or actually, more dialogue with French politicians and the commercial sector in order not only to continually improve our fishing relationship, but to improve external travel, cultural and tourism opportunities, from Victor Hugo to air and sea bubbles?

The Bailiff: Deputy Le Tocq.

Deputy Le Tocq: At the moment, of course, France, like much of the rest of Europe, is in a state of flux with regard to the pandemic, so all I can say is that, because of the way in which we have had to execute our business over the last year or so, we have developed, actually, I think stronger and better relationships because it is easier than having physical meetings, in many ways.

That does not get away from the fact that there are certain things you can do at physical meetings and that happen more naturally than happen in an online event. But we are certainly having greater contact and I think there is, not just in terms of politically but in terms of business – a number of Members here were involved with me on an online forum, trying to encourage business

across the Islands, the south of the UK and northern France, and I think there is certainly more focus on that than, in my experience, there has been for a number of years, so I am optimistic.

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The Bailiff: Deputy Queripel.

Deputy Queripel: Sir, thank you.

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As we all know, the Common Travel Area legislation allows for sex offenders to travel freely between jurisdictions, as long as they keep in touch with the authorities at all times. My concern is that there might be a move to relax that legislation. So if there is, can Deputy Le Tocq give me assurance, please, that he will oppose that motion?

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The Bailiff: Deputy Le Tocq.

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Deputy Le Tocq: Again, sir, this is slightly outside of my remit, and I think if Deputy Queripel has ongoing concerns that he should firstly address those to the President of the Home Affairs Committee. But nevertheless, I give my assurance that we have always wanted to ensure – because of our being party to the CTA, but also because we are small and limited in terms of how we can enforce and monitor things – that the highest standards are maintained in terms of the information that he has referred to.

The Bailiff: Deputy Prow.

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Deputy Prow: Thank you, sir.

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Following on from Deputy Inder's question, would Deputy Le Tocq agree with me that the Committee for Home Affairs has already not gone along with the UK points-based system, and we have introduced our own work permit system, which is far better suited to the economy of Guernsey? And not only that: as part of the Government Work Plan one of our priorities is reviewing the population management and the immigration regime?

Thank you, sir.

The Bailiff: Deputy Le Tocq.

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Deputy Le Tocq: I agree, sir, that the Home Affairs Committee is discharging its duties as indicated.

STATES' TRADING SUPERVISORY BOARD

General update –

Statement by the President of the States' Trading Supervisory Board – Commenced

The Bailiff: Next, Members of the States, we will move to the first of two general update Statements.

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The first one is to be given by the President of the States' Trading Supervisory Board, so I invite Deputy Roffey to give that Statement.

Deputy Roffey: Thank you, sir.

It is just over a year since my predecessor updated the Assembly on the work of the STSB, and a lot has happened since. Much of it very bad. Let's hope that we have finally turned the corner.

865 Certainly 2021 should see good progress on a number of capital projects including the replacement of Guernsey Airport's hold baggage system.

The Future Guernsey Dairy Project is also proceeding well and we hope to appoint a company to help with the more technical design elements shortly.

870 On inert waste, we await progress on the key elements which sit with the DPA and Environment & Infrastructure. Unfortunately, that work has been delayed by the pandemic, but our project team is continuing to progress other elements, so that a business case can proceed quickly, once planning permits. It is crucial this project is not delayed further as space in the current inert waste disposal site is dwindling fast.

875 In the next few weeks, we will publish a policy letter on the review of future harbour requirements, setting out options for new ports developments. When that major debate happens it will provide an opportunity for this States to make a clear decision on the preferred way forward, which in turn will have a significant bearing on the work of the Seafront Enhancement Programme.

880 Progress on the rehabilitation of the runway at Alderney Airport stalled in 2020 – again, due to COVID-19 – but I am pleased to say that work restarted in earnest before the end of last year, and I can assure our Alderney colleagues that this remains a priority project for us.

Various surveys that were needed before the detailed design could commence are now close to completion, and the scope of the EIA has been agreed.

885 On the subject of Alderney's air links, the STSB is pleased that funding has finally been resolved with P&R, and Aurigny is no longer left to bear the financial burden of these loss-making but crucially important community routes. Over the last year, the airline has also worked with the Alderney community, to foster a more constructive dialogue. The benefits, I think, are now becoming evident: in greater engagement, better mutual understanding and a more collaborative approach – something STSB wholeheartedly welcomes and encourages.

890 Aurigny has been very hard hit by the pandemic over the past year. At the start of the first lockdown, the States made provision for a loss of up to £27 million in 2020. By the Budget in December we reported this was expected to be significantly less, at around £24 million. We now expect the full year trading loss to be somewhat better than was anticipated in December prior to any accounting adjustments.

895 In that Budget we also forecast a loss for this year of £14 million, excluding any costs associated with Alderney. Eye-watering, but a significant improvement on 2020. However those projections were based on a gradual return to normal flying from the start of 2021, something that was thought possible at the time that the Budget was compiled, but it was acknowledged that there was still considerable uncertainty. Circumstances both here and elsewhere have, sadly, meant the optimism was rather short-lived, and while 2021 should still be better than last year – let's hope so – a consequence of the ongoing impact of COVID-19 means that Aurigny now anticipates a trading loss closer to £18 million in 2021, again excluding the Alderney routes and any accounting adjustments.

900 We should, however, remind ourselves why we own an airline. The wisdom of that decision has been underlined during this pandemic. Throughout the disruption, we have had the reassurance of knowing that the Bailiwick's vital air connectivity could be maintained. The value of that cannot be overstated – to the many islanders attending medical appointments or needing to travel for compassionate reasons, or for the lifeline services on-Island that relied on our ability to bring essential workers to and from Guernsey; and, of course, to the many families who were reunited at Christmas after the operation to bring home our university students.

910 To its credit, Aurigny has sought to offset some of the impact through alternative revenue streams, such as the successful air bridge to the Isle of Man, and charters for Formula 1 teams, and it has remained ready to restore the Island's air links as soon as circumstances allow. As has been said earlier today, it also has a new Chairman and a new Chief Executive, who together bring a wealth of experience, a fresh outlook and no doubt some new ideas to assist the airline's recovery and help reshape it to meet the challenges ahead.

For Aurigny staff, this past year has been a period of great uncertainty, with a headcount reduction of some 20%, and more than half of Aurigny's remaining employees have been on furlough since the first lockdown. Many have been redeployed to assist in other capacities, such as helping with border controls, working at the track and trace programme or at the testing centre at the East Arm. Even for those able to carry on their normal role, COVID-19 has imposed extra burdens and all staff saw a significant pay reduction last year.

I should also acknowledge the hard work of staff from all of our businesses, to ensure that our essential services were maintained during one of the most testing periods in Guernsey's recent history, whether that be the States' Works land management team being offered to assist at the Hospital; Airport maintenance staff being redeployed to provide cover at the Harbour; or Airport firemen being listed as relief ambulance drivers. I believe our staff have shown again and again how much we have to be proud of in our public sector.

There are further challenges ahead. The 80% drop in passenger numbers through the Airport and harbours in 2020 also had an enormous impact on the revenues for Guernsey Ports. Members will be aware from the Budget, it was forecast to make a deficit of nearly £12 million last year and a further £7 million this year. That is entirely as a result of the pandemic, and efforts are now focused on a recovery plan to help rebuild its balance sheet over the coming years.

However, not all the challenges we face this year are COVID-19 related. For instance, a review of household waste charges is under way, following the enormous success in recent years, in driving waste tonnages down and recycling up. With lower than expected income from bag charges, Guernsey Waste's pricing strategy and efficiency team is looking at how best it can balance the books in the long term. It will not be simply by increasing bills, but by ensuring the optimum balance of charges is combined with appropriate, achievable cost savings. We will be bringing proposals to the States on that in the second half of this year.

Looking more broadly, we are responsible for maintaining much of the Bailiwick's core infrastructure, and the day-to-day provision of many of its essential services. We do so within a framework of legislation, regulation and policies set by the States of Guernsey; we are the servant. We do also help shape that framework through the expertise that we provide to Committees.

Wherever there are policy gaps, it can have a major impact on us. One example is the lack of progress in establishing a new regulatory model for Guernsey Electricity. The last comprehensive review of the company's tariff structures was now nearly nine years ago, and the STSB is therefore pleased that the Government Work Plan identifies this as a priority along with establishing a new licensing regime for the electricity sector. It is very long overdue.

As a capital intensive business, the GEL needs financial certainty and stability to be able to plan for major investment in new infrastructure, such as a second interconnector, for the Island to transition to a lower carbon future.

And to embrace a new competitive market for renewable generation, as visualised by the energy policy, Guernsey Electricity must also address the imbalance between fixed and unit charges, so they will reflect properly the real cost of supply.

We also look forward very much to the completion of the air and sea policy review – another priority in the draft work plan – which will provide very much-needed direction with regard to the States' expectations of Aurigny.

In closing, it is worth reflecting for a moment on the transition that a number of our businesses have been going through. When the STSB was first formed, they were at very different stages of the journey to becoming truly commercial operations. Much of the first four years was spent ensuring that they had in place the core business disciplines, particularly around good governance and rigorous business continuity planning, which has served us well in weathering the current storm.

The past 12 months has cast a shadow over the STSB's finances in many areas, but it also taught us a great deal. It has reminded us of the importance of resilience and flexibility, and the value of good planning. Above all, our staff have demonstrated the ability to embrace change and adapt quickly to new ways of working, which could bring additional benefits, through greater efficiency and smarter working.

Sir, we are now busy planning for recovery – hope we are not getting ahead of ourselves – and I am confident that our operations will all emerge again as strong, financially stable businesses, that are valued by islanders.

The Bailiff: Thank you very much.

Members of the States, it is now 12.30 p.m. so when we resume at 2.30 p.m. there will be an opportunity for up to 20 minutes of questions to the President of the STSB on any matter within that Committee's mandate; not just the Statement, anything within their mandate.

We now adjourn until 2.30 p.m.

*The Assembly adjourned at 12.30 p.m.
and resumed its sitting at 2.30 p.m.*

STATES' TRADING SUPERVISORY BOARD

General update –

Statement by the President of the States' Trading Supervisory Board – Continued

The Bailiff: Now Members of the States, we have got up to 20 minutes of questions to the President of the States' Trading Supervisory Board on any matter within the mandate of that committee.

Deputy de Lisle.

Deputy de Lisle: Thank you, sir.

Ports, piers and seafront enhancement are issues unclear to the public in terms of what is intended. There appears to be a lot of overlap. The public are concerned, though, about retaining the Town as an attraction, the jewel in the crown to visitors and locals alike, and to living, working and shopping in Town. So perhaps Deputy Roffey can untangle what is intended on the seafront and whether the public should be concerned about spoilation of their jewel in the crown?

Thank you, sir.

The Bailiff: Deputy Roffey to reply.

Deputy Roffey: I am not sure I can untangle that to be honest, sir. The Seafront Enhancement Programme is under the mandate of P&R. What STSB have been charged with doing is looking specifically at the commercial ports and possibility of deep water provision for future ports, which obviously will help to inform that programme. That will be brought back, the bit that STSB is doing, will be brought back hopefully in June for a debate and it will all be revealed in not that many weeks' time and I hope it is not going to bespoil anything, but bespoilation is in the eye of the beholder.

The Bailiff: Deputy Inder.

Deputy Inder: Sir, to Deputy Roffey, obviously. Part of the tourism products review includes elements of St Peter Port and it is possible that Castle Cornet may play a part in that in the future and clearly, as Deputy Roffey knows, there seems to be an issue with the four-arch bridge from the castle emplacement. Has he got any indication where he may or may not be on that project indicative of costs and timelines?

Thank you.

The Bailiff: Deputy Roffey.

1010 **Deputy Roffey:** On the Bridge, you are talking about?

Deputy Inder: Correct Sir, the Bridge.

1015 **Deputy Roffey:** Yes, the Bridge is not actually particularly important to the operation of the harbour but it is important to Castle Cornet and to anybody fishing off the end of the Breakwater, so long as they do not sell those fish of course! My understanding is the Education, Sport & Culture Committee have included the restoration of the Bridge as part of their capital bid that they are bringing forward. If they have not, STSB would have done. It is one of those that could have fallen into either, but I see the President nodding, so the States will have a chance to prioritise that if they
1020 choose.

The Bailiff: Deputy Kasantseva-Miller.

1025 **Deputy Kasantseva-Miller:** Thank you, sir.
Aurigny has now clearly signalled that fleet rationalisation is clearly a top priority. There are questions on the jet but obviously the Dornier, there are questions there as well. Given that the Alderney runway is being resurfaced and there is the opportunity to potentially extend the runway, which would allow for ATRs and other jets, bigger aircraft to land, could the President of STSB confirm whether such considerations have taken place or there might be an opportunity to consider
1030 them before it is too late?

The Bailiff: Deputy Roffey.

1035 **Deputy Roffey:** I had hoped to raise this first with the States of Alderney next week in a meeting that we have scheduled, but the President of P&R more or less outed me this morning, I think. What I can say is that at the moment we intend to go out to tender for the existing approved programme this year and for that to be completed next year.

However, there are indications that an extended runway, by allowing larger aircraft to land, would be able to increase the number of seats that would be able to operate on the Alderney route and significantly cut the costs and therefore the required subsidy on that particular route. So before
1040 we finally commit we are asking P&R to release funds to allow design work to be done so that we might be able to go out to tender on both possibilities alongside each other, so that they can be considered alongside each other. But what we cannot do is have any significant delay to the Alderney Runway Project because it really is in danger of failure, I understand, unless we crack on
1045 with it fairly soon.

The Bailiff: Deputy Vermeulen.

1050 **Deputy Vermeulen:** Thank you, sir.
Now Deputy Roffey, you will recall that earlier in the year in January, on the back of some questions brought by Deputy Falla, we touched on some scanners at the Airport and I have heard you say that COVID is the reason that these things are not ready. Before that, I also mentioned about getting the Island ready for when the tourist season takes off. Well, that is now upon us.

1055 The season is upon us. Next week it is Easter. I did seek your assurance that when the Airport would open up the Airport would be fit for purpose. I am alarmed to see that the scanners are still an issue and a schedule to be fixed for the end of the season, which is not really much help to the thousands of people that have their luggage through, open suitcases. Could you give me an update on the Havelet slipway and perhaps the scanners, when they might be fit for purpose and open for business?

1060 Thank you, sir.

The Bailiff: Deputy Roffey.

1065 **Deputy Roffey:** I do not know where you want me to start in my 90 seconds. The Havelet slipway, the States will have a chance to discuss whether or not they wish to prioritise spending on the Havelet slipway. I can assure the Deputy of that. As far as the scanner is concerned, the hold baggage scanner, it is enormously frustrating that actually the best possible time to have done it would have been over the last few months.

1070 First of all we had absolutely no money to do it, which is why we came to the States. That is why we came to the States and had it voted and then, unfortunately, the very reason that it was so quiet has frustrated us that we have not been able to bring the expert engineers in to do what they need to do.

1075 What we have done is crack on, as soon as the COVID restrictions allowed when we moved into phase two, with the construction work at the Airport, in order to make sure that we are ready, as soon as we are able to, to put in the first of the two machines. We are having to revisit the second; I think we have to make a new business case because it will depend on the level of traffic through the Airport in future.

1080 But I am hopeful. I am not going to give a hostage to fortune but I am hopeful that Deputy Vermeulen is being overly pessimistic when he talks about it not being in place until the end of the tourist season and that it could be quite a bit earlier this summer with a fair wind. We are certainly doing nothing to slow it down. We are constantly asking, constantly trying to bring it forward.

The Bailiff: Deputy St Pier.

1085 **Deputy St Pier:** Sir, just building on Deputy Vermeulen's question, when Deputy Roffey spoke in his Statement about the resilience, flexibility and good planning in accordance with that and as we head into what of course we all hope will be a much busier summer for air travel, can he categorically reassure the Assembly that sufficiently robust contingency plans have been developed and are in place to ensure that, irrespective of the reason of any further delay, that there will be no or at least minimal disruption to passengers and flight schedules, importantly, from the requirement for ongoing hand searches until the new baggage scanners are commissioned. So, in essence, what are the contingency plans?

The Bailiff: Deputy Roffey.

1095 **Deputy Roffey:** We really hope that we have that problem. We really hope that actually because of the dangers of international travel Guernsey might be a very attractive destination and I cannot give a guarantee there will be no disruption because until the scanner is in there will be a regulatory need for a degree of random hand searching of hold baggage.

1100 What I can give a guarantee of is I have insisted that the staffing are lined up and available to actually do that in the least disruptive way that can possibly happen although ideally the sooner we get the scanner in the better.

The Bailiff: Alderney Representative Roberts.

1105 **Alderney Representative Roberts:** Thank you, sir.

1110 I just want to say first I am delighted at the different approach from the new management of Aurigny. I hope it will emerge as a fitter, slimmer and slicker company and I have great hopes for that. But would Deputy Roffey not agree that a two-plane operation, when at one time we have seven, does seem rather thin on the ground, going forward? As one aircraft on the early maintenance, lengthy maintenance, and one suffering a technical problem issue would leave

Alderney very exposed indeed. We do not want our Guernsey staycation friends stuck on Alderney running out of money!

1115 **The Bailiff:** Deputy Roffey.

1120 **Deputy Roffey:** Yes, with the prices up there that could happen quite quickly, could it not! While STSB likes to believe that they control everything in the States, actually the PSO, and therefore the service level, was something that was absolutely devised by P&R and P&R put that out to the marketplace and Aurigny bid against that service level that was being tendered. So I think in fairness to Aurigny all they have done is bid against a set of criteria that were put to the market. What I would say is that it is only two aircraft but the two modern Dorniers do appear to be an awful lot more reliable than the classic Dorniers, I think they were twee-ly named, that are now more or less not being used any more.

1125 **The Bailiff:** Deputy Queripel.

Deputy Queripel: Sir, thank you.

1130 As I have said in my speeches in the past, I thought the management team at Aurigny should have been moved aside long ago. (**A Member:** Hear, hear.) The States should have taken over. That never happened and we now have a new management team at Aurigny who, as Deputy Ferbrache said earlier, have a new impetus, a new energy and a new drive. So can Deputy Roffey give me an assurance that he has every faith in the new management team at Aurigny?

1135 **The Bailiff:** Deputy Roffey.

Deputy Roffey: So far, so good. I am impressed with them. The proof of the pudding is going to be in the eating. There is one thing I am absolutely sure, they are going to do an awful lot better job than if the politicians of this Assembly try to run an airline.

1140 **Several Members:** Hear, hear.

The Bailiff: Deputy Trott.

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

 Deputy Roffey advised before lunch that the company Aurigny was forecasting £18 million worth of losses for 2021. He was keen to advise that that excluded any losses associated with Alderney. He was silent on what the forecast losses on those routes were and I wondered if he was able to advise the Assembly accordingly?

1150 **The Bailiff:** Deputy Roffey.

1155 **Deputy Roffey:** The intention is that they should be zero, that the subsidy that will be put into that route under what started off as a PSO – I am not sure PSO was the right description but the negotiated contract – that would stand alone as a discreet deal and therefore there should be very little in the way of losses or gains on that particular route.

The Bailiff: Deputy Dyke.

Deputy Dyke: Thank you, sir.

1160 Could I ask Deputy Roffey a question about electricity? How much extra are we paying for so-called green electricity as opposed to simply buying electricity; and would Deputy Roffey agree that anything is too much on the basis that power generation across Europe is really a fungible thing? Whatever we buy extracts the same electricity and so there is really no point in labelling ours green and paying extra for it.

1165

The Bailiff: Deputy Roffey.

Deputy Roffey: It is as close to absolutely nothing that it almost makes no difference, although it obviously makes a difference to Deputy Dyke because he believes that absolutely anything would be too much. But it is really such a minuscule amount for that certification that as shareholder – and do not forget STSB does not run the Electricity Board, we do have a shareholder responsibility – I think it would be completely over the top for us to interject on that particular item.

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The Bailiff: Deputy Gollop.

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Deputy Gollop: Thank you, sir.

I possibly should be asking this question to Deputy Inder as well but the question really is that given the STSB has a significant role, or historically has, in relation to say retail, we are seeing the loss of a post office in the centre of Town, will the STSB be considering whether to put back a white goods electricity shop, or dairy shop, or something along those lines to revive St Peter Port, as part of the Trading Board's philosophy for the companies?

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The Bailiff: Deputy Roffey.

Deputy Roffey: Both the Post Office and Electricity Board are commercialised entities. They are companies in their own right. They have their own boards. They make their own strategic decisions and they have been charged by this Assembly to be commercial. As soon as they make commercial decisions, for us to try and interfere politically and say, 'You should not be doing that,' would be completely out of kilter.

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The Dairy is slightly more under our control. I have to say it is more a facilitator for the agricultural industry and the benefits that brings culturally and environmentally than it is really a money making business. The milkshake shop, I miss as well, but I am not sure that it would actually stack up in the modern world commercially. But, you know, anything is possible.

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The Bailiff: Deputy Oliver.

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Deputy Oliver: Thank you, sir.

Paraphrasing Deputy Roffey, that we are sort of powering ahead with the Dairy and we are getting people, what are we actually powering ahead in because when we had the policy letter last year we had so many different options, right down to putting a museum in the Dairy and everything like that, just a straight Dairy? Do you have a clearer plan of what actually we are doing now?

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The Bailiff: Deputy Roffey.

Deputy Roffey: Yes, it is starting to crystallise. What we are planning ahead with is what the States told us to plan ahead with, which was the business plan, which will focus down and decide what product range should be, where it should be, whether or not it should have a visitor centre attached, all of those sorts of things. That is the project that we are ploughing ahead with. We are not putting spades in the ground at the moment.

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The Bailiff: Deputy Taylor.

Deputy Taylor: Thank you, sir.

1215 Quite fitting with the timing of the Dairy being the topic, I managed to pick up an article in the *Press* last year, October time, saying the Dairy was thinking of new initiatives and ways to boost sales and I have recently seen a video showing our milk, which is the only milk you can buy in the Island. I am wondering has there been any increase in sales through the Dairy in recent months.

The Bailiff: Deputy Roffey.

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Deputy Roffey: No, quite the opposite. We are in a long-term trend of decline. Veganism, the move towards more plant-based alternatives, all sorts of reasons. What I can say is that reduction in sales has slowed down considerably, which is encouraging, but I think that to try and think of something being a big bonanza and that milk sales are going to go through the roof would be an unrealistic scenario to plan on.

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The Bailiff: Deputy Kasantseva-Miller.

1230 **Deputy Kasantseva-Miller:** Sir, still on the subject of milk, the Dairy's Facebook page says that the Dairy's statement of purpose is to provide a modern processing unit for the local dairy industry and the approved capital plan of £25 million last year perhaps focusses on really that and it is much-needed. However I would like to argue that there is such an opportunity for this to be an economic diversification enabler, the Dairy becoming a centre for spinning, artisan, cheesemakers and so on for export and beyond, as well as being the centre where good land management practices are really embraced and encouraged.

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Building on Deputy Oliver's Statement, is there an opportunity for you to work together with colleagues, perhaps in Economic Development, community and beyond to see how we could really expand, perhaps, the policy objective of what the Dairy could really be from that economic, tourism and environmental perspective?

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The Bailiff: Deputy Roffey.

1245 **Deputy Roffey:** I have got to be honest, when I hear the prospect for export raised I get a chill because the cost base for the Guernsey Dairy, the unavoidable cost base, is just hugely higher than creameries that deal with single products, that buy their milk for a fraction of the cost. If we tried to take on the world with by-products we are going to have a hugely loss-making facility there. I think we need some realism that liquid milk is going to be the core of what we do in order to support local farmers. As a result we might be able to drive down the estimated costs to be brought as far as the Dairy project is concerned.

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As far as the sort of tourism side, I think that our dairy industry has a part to play with that. I am not sure that attaching a sort of black box, as efficient as possible, production line, where you do not want people wandering through for hygiene reasons is necessarily the way to do it. I think we may need to do a bit more lateral thinking because what people really want to see is the real life of our dairy industry and not just a high-tech food processing plant.

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The Bailiff: Deputy Taylor.

1260 **Deputy Taylor:** I just want to pick up on the phrase 'lateral thinking' and I wonder, faced with declining milk sales on an Island where everyone knows about milk, was it a particularly good marketing decision to advertise milk in their recent video campaign?

The Bailiff: Deputy Roffey.

Deputy Roffey: Yes, it has been done on a shoestring but I think we think that the generations have changed. When I was the age of the questioner I think everybody in Guernsey assumed Guernsey Milk was good for you. It is really good. Yet now there is this narrative somehow that milk is bad for you and that something made with quite un-environmental ways sometimes, out of highly processed plant material from somewhere else, must be better for you.

We think we just want to fight back against that narrative and actually say that Guernsey Milk does have really good nutrition, that it is produced in a way which is wholesome and which is relatively environmentally friendly. I am not saying every practice is perfect. So yes, you are damned if you do and you are damned if you do not. We just felt that we ought to be putting out the positive narrative. I think it was from grass to glass was what was being referred to.

The Bailiff: Deputy Kasantseva-Miller, final question.

Deputy Kasantseva-Miller: Thank you.

The President of STSB has built a very good case why politicians should not be involved in running our commercial assets and perhaps so civil servants as well. With that in mind, when and how is the President planning to press ahead with the incorporation of those unincorporated assets?

Thank you.

The Bailiff: Deputy Roffey.

Deputy Roffey: Certainly, I think the STSB are very keen to move all of our trading assets onto a more commercial basis. To be honest, at the moment, the decision-making is done with boards where, I think actually the Deputy herself has played a part as an adviser on the ports in the previous time and we want to really build on that commercial approach. But it does go further than that.

At the moment they are not run as ordinary businesses would be run. They are subject to so much central control. The biggest cost for most of them, for instance, is the employment costs. And yet they have no say in it. Suddenly P&R make a decision and that is the increase in your staff wages for next year. I think we need to address that.

Either we need to find a way of liberating them from that sort of control internally or, the alternative may well be what has been suggested, to look at more commercialisation and to incorporate some of them. That is a decision and a discussion, a very big one, that the STSB are keen to have in the coming months.

TRANSPORT LICENSING AUTHORITY

General Update –

Statement by the President of the Transport Licensing Authority

The Bailiff: I think we have had enough questions to the President of the States' Trading Supervisory Board, as we have just had 20 minutes of them. So I am going to turn next to the President of the Transport Licensing Authority, Deputy Gollop, to deliver his Authority's general update Statement. Deputy Gollop.

Deputy Gollop: Thank you, sir.

People asked who was the President and I said it was myself! This is a Statement on behalf of myself and the Committee. As my predecessor, Deputy Barry Paint, has reported, in 2018 the States approved proposals from the Committee for Economic Development for a quasi-open skies policy under which airline operators serving routes, other than routes that were designated as lifeline routes would be exempt from the need to hold a Guernsey air transport licence.

The lifeline routes from Guernsey, in that context, are Gatwick and Alderney. As a consequence of the adoption of that policy, the Transport Licensing Authority has had no new licence applications to determine since the last statement in March 2020.

1310 In December 2020, the Policy & Resources Committee reported on discussions on a five-year commercial agreement with Aurigny on air transport services to Alderney. I anticipate that the Authority will need to meet as a committee when that agreement is finalised as its role in relation to the imposition of a PSO, public service-type obligation on a lifeline route, in this case Guernsey to Alderney, is set out in the Policy Statement approved by the States in 2018.

1315 The Authority notes that in the Government Work Plan – Stage 1, recently published by the Policy & Resources Committee, the States is asked to note the emerging recovery actions set out in Appendix 6 of that Plan. Those actions include the finalisation of an air and sea policy review and the Authority is ready to contribute to that review on its role and functions as the Air Transport Licensing Authority if required to do so.

1320 The Transport Licensing Authority also notes the Government Work Plan also recommends the rescission of a number of extant States' Resolutions including one directing the States' Assembly and Constitution Committee, of which I am a Member to review the role and constitution of the Authority. The Policy & Resources Committee has made this recommendation on the basis that such a review should take place after consideration has been given to the Island's transportation policies.

1325 Thanking you and I am ready for questions.

The Bailiff: Well Members of the States, does anyone have a question to pose within the mandate of the Transport Licensing Authority?

1330 Deputy Trott.

Deputy Trott: That, as my good friend Deputy Gollop once said, in his capacity as President of the Transport Licensing Authority, can I ask has the open skies policy been an absolute failure or only a partial failure?

1335 **The Bailiff:** Deputy Gollop to reply.

Deputy Gollop: You are asking me to give an opinion there and the Transport Licensing committee is wary of giving opinions on that and other matters because it is not a policy responsibility that we have and indeed, from a strict interpretation of legal guidelines, we should not even participate or vote in such policies.

1340 What I would say, personally, is that we have heard of losses at one or two airlines financially and we have also had the coronavirus problems, which have completely altered the market anyway. So I cannot determine the answer to that question but it is a question that the States as a whole need to look at, at the strengths and weaknesses of the argument, and we will contribute to that debate.

The Bailiff: Deputy Inder.

1350 **Deputy Inder:** Sir, following on from Deputy Trott's question, the fact that the Licensing Authority has been sitting for a fairly long time, accepting that there has been a couple of lockdowns in between, and have had no licensing applications at all, would that not suggest to him the quasi-open skies policy has indeed been a success?

1355 **The Bailiff:** Deputy Gollop.

Deputy Gollop: We used to have many meetings and the only meeting we have had in my time has actually been to select a vice-president, predominantly, in a committee induction. I would

1360 welcome the opportunity to be more active but of course, as I have outlined already, our mandate
does not include Alderney to England routes, it does not include links to the European continent
and the open skies policy has two lifeline routes, one of which is to London Gatwick and one of
which is to Alderney, which is subject to a PSO, as Deputy Ferbrache conveyed this morning, that
an impasse has been broken.

1365 What I perhaps might add as a personal view is that in the last term we had the benefit, some
might say, of a link to Heathrow that was provided through Economic Development but I personally
wondered whether that should have gone to the Transport Licensing Authority on a technicality
because you could argue, but other people might argue the other way, that it might or might not
have had a material effect on passengers to and from London Gatwick.

1370 **The Bailiff:** Deputy St Pier.

Deputy St Pier: Sir, before the 2016 reorganisation of Government, there was a proposal that
the Transport Licensing Authority take responsibility for licensing of taxis. Does it remain the long-
term or even the medium-term or even the short-term intention of the TLA to take that
1375 responsibility? What is the President's view on what has been done in relation to that issue?

The Bailiff: Deputy Gollop.

1380 **Deputy Gollop:** My view on the broader stance of Government is probably not dissimilar to
Deputy Inder and other Members. I would welcome at some point the creation of what would
amount to be a transport ministry or department. But our role is not as a procurer or supplier or,
what Deputy Lester Queripel, provider of air services. We are effectively a political regulator, which
is a very limited brief.

1385 Some of my newer committee Members would like to extend our remit and we await, as I have
already said, the wider review from Policy & Resources. It would be interesting to take on taxi
licences and public transport licences but that could interfere with the policy developments in
Environment & Infrastructure and I am not convinced that sorting committees out to those who do
and those who think is necessarily a good way forward. I actually would be more interested in taking
on ferry links on provision for the regulation of sea passenger links to Guernsey and sea freight links
1390 and possibly fishing licences.

The Bailiff: Deputy Inder.

1395 **Deputy Inder:** I do not want to be my normal facetious self but is Deputy Gollop just looking
for work?

The Bailiff: That is not a question for you to answer Deputy Gollop because it does not fall
within the mandate of the committee.

Deputy St Pier, second question.

1400 **Deputy St Pier:** Sir, we have plenty of time to ask questions, so we might as well use the
opportunity. With regard to ferry links, is the Transport Licensing Authority in dialogue with
Economic Development as Economic Development develops legislation around ramp licensing as
to where the future granting of ramp licensing should sit, with Economic Development or with the
1405 TLA.

The Bailiff: Well Deputy Gollop, if you want to answer that you can.

1410 **Deputy Gollop:** Yes. It goes beyond our scope. When the Transport Licensing Authority was
dreamed up by the Machinery of Government Committee, that I know Deputy St Pier was an active

Member of, back in 2015-16, it was envisaged that we would, for sense of completeness, we are not called the Air Transport Licensing Authority, we are called the Transport ... There was an implication that we would look at ferry links and indeed we have always guided ourselves as a committee, historically, not to launch into political broadsides about criticising or promoting any ferry operator, in case that responsibility should come to us. I personally, I will not say I am looking for work, but I certainly would welcome a wider remit on that role.

The Bailiff: Deputy Oliver.

Deputy Oliver: Sir, I do not want this to come across rude but does Deputy Gollop actually think there is a need for the Transport Licensing to still exist with so little work that has actually happened?

The Bailiff: I am troubled by this line of questioning from a number of Members, culminating in that question from Deputy Oliver. It is an opportunity to ask questions within the context of the mandate. The mandate is a narrow mandate. The mandate is air route licences and anything else that is conferred upon it. It is legitimate to ask about things that might be conferred upon the Authority but it is not legitimate to ask about other matters. This is not a debate about the existence of the Transport Licensing Authority.

Deputy Gollop: I will answer the question in two respects. The first is I think I made clear that I believe that we should evolve our Government and integrating most of the transport functions in one entity would be a move forward in my view; but specifically to Deputy Oliver's point, we have to bear in mind that it is possible, not inconceivable that there will be alternative licences on Aurigny and more likely the Gatwick route at some stage. We own an airline – not we but the States – I have to be impartial and all members of the Transport Licensing Authority. We do not promote any current or future air transport operator.

Let us presume that for some reason the States yo-yos and decides to go back to more of a restrictive licence regime, then immediately we would have work to do that we would do as diligently as possible under our current mandate.

The Bailiff: Deputy Gabriel.

Deputy Gabriel: Thank you, sir.

Given the pandemic that has been upon us recently, the word lifeline has become more prevalent and perhaps more realistic. Would Deputy Gollop agree with me, and in consultation with his Health & Social Care Committee colleagues, that London Gatwick is not necessarily a lifeline and that perhaps Southampton could be or any other significant airport on the south coast? How does the Transport Licensing Authority determine what actually is a lifeline?

The Bailiff: Deputy Gollop.

Deputy Gollop: Thank you, Deputy Gabriel.

That again is a hard question because actually it was the States who determined, through Economic Development and Policy & Resources, what the lifelines were. I thought that Alderney-Southampton should be a lifeline but that is a different issue and I agree that Southampton Airport to Guernsey is a significant lifeline for very old passengers, for people seeking health and social services for patients and for all kinds of reasons. It is a good, accessible airport as well.

But I would point out that I also sit, and did in the last States, on the Employment & Social Security Committee. One of my fellow Members, who also sat on the Transport Licensing Authority, decided to no longer sit on both committees because of a potential conflict of interest over the need, ideally, to have a sensible health integrated policy and I would say that for the future, at some

point, although it is not within our policy at the moment, the States should determine, maybe, that medical needs, whether for passengers or for patients, is the lifeline service.

1465 **The Bailiff:** Deputy Leadbeater.

Deputy Leadbeater: Thank you, sir.

1470 Deputy Gollop mentions that his committee would like to take over the functions of Economic Development in licensing fishing vessels. Can he enlighten the Assembly as to what benefits that would bring?

The Bailiff: Deputy Gollop.

1475 **Deputy Gollop:** Well it would have to be looked upon in the round and I am sure, well we know from what we heard earlier, that the External Affairs are pleased that Economic Development have handled their role extremely well in conjunction with External Affairs. It is just that we discovered, really, in December, if we did not know it already, that Sea Fisheries is a curious animal in that it has an environmental, infrastructural, ecological role. It has an external relations diplomacy role and it has a livelihood role of importance for many working fisher people on the Island.

1480 If Economic Development are rightly promoting Sea Fisheries and their export to the Island, it might make sense for the more impartial, legalistic licensing side of it to go to another body. But as I say I am not a huge believer in politicians doing regulation anyway.

1485 **The Bailiff:** Well that concludes questions to the President of the Transport Licensing Authority and the President of the Transport Licensing Authority, as Deputy Gollop has a series of questions to pose to the President of the Committee *for* Home Affairs.

Questions for Oral Answer

COMMITTEE *FOR* HOME AFFAIRS

Safety for women and girls – Immediate steps to improve; lighting and CCTV; intelligence-led policing; register of perpetrators

The Bailiff: Deputy Gollop, your first Question please.

1490 **Deputy Gollop:** Thank you very much and I think I am likely to have two supplementaries on each Question, if allowed, sir. The first Question to Deputy Prow, and I thank Home Affairs for their full answers, the UK government have announced immediate steps to improve safety for women and girls across England and Wales. Will the Home Affairs Committee follow suit as soon as possible, including more education and behavioural analysis?

1495 **The Bailiff:** The President, Deputy Prow, to reply,

Deputy Prow: Thank you, sir, and I thank Deputy Gollop for his Questions.

1500 The Committee *for* Home Affairs have been closely following events and the subsequent actions and discussions following the tragic death of Sarah Everard in the United Kingdom. While the Committee continues to believe that the Bailiwick is a safe jurisdiction in which we live and work, it is certainly not immune from crime and we understand that not everybody does feel safe.

As a community, we need to listen and show support to those who have ever felt unsafe in the community and work together to tackle this. The Police are continually seeking opportunities to reassess the way it deals with crime committed against women and police officers will continue to take a strong approach in this area, when patrolling the night-time economy.

However, this is not something that Law Enforcement, alone, can address. As with many justice issues, we need a whole Island situation. As a society we must understand how the language we might use, our behaviour, individually and collectively, impacts on others. Home Affairs is committed to working with all stakeholders to ensure that everyone in our community feels safe and secure. This is a key aim of the Committee as it embarks on the Justice Review, which is highlighted as a priority piece of work in the Government Work Plan.

Thank you, sir.

The Bailiff: First supplementary question, Deputy Gollop.

Deputy Gollop: Yes, thank you.

I agree and concur with the President that Guernsey is an admirably safe jurisdiction. But nevertheless we do know of many cases and issues that have been reported in the media and indeed recently, at at least one major public meeting whereby people, women, who have lived locally have and are experiencing inappropriate behaviour and worse. Therefore will Deputy Prow continue with the Committee to push harder on this issue as a priority?

The Bailiff: Deputy Prow to reply.

Deputy Prow: Thank you, sir.

Indeed both myself and the Committee are very aware of the situation. We have read the reports in the media and we certainly understand that something needs to be done and I have set out in my original answer how the Committee wants to tackle this, along with the domestic abuse strategy and indeed the wider justice strategy and we are absolutely determined to turn things around for the better.

Thank you, sir.

The Bailiff: Second supplementary, Deputy Gollop.

Deputy Gollop: My second supplementary is that I am heartened to hear that the whole Island solution is being considered, including the language we might use and our behaviour individually and collectively but does that mean that Home Affairs will work with other agencies to deal with the principal problem, which is not women but men, and therefore identifying workshops and other projects whereby men understand the consequences of past or present actions?

The Bailiff: Deputy Prow.

Deputy Prow: Thank you, sir.

Yes, indeed the Committee already does work with third sector organisations and does already consult with stakeholders but this is a piece of work that we have got to progress even further. I completely agree with Deputy Gollop, this has to be done in consultation right across the community and indeed with those women who have had very poor experiences and worse. So this is very much part of the whole justice piece, is to consult, and that is what we are going to do.

Thank you, sir.

The Bailiff: Deputy Burford.

Deputy Burford: Thank you, sir.

1555 Deputy Prow mentions the Justice Review. Could he give me an indication please of when he thinks that is likely to return to the States?

The Bailiff: Deputy Prow.

1560 **Deputy Prow:** I thank Deputy Burford for her question. I think the best way I can answer that is to say that the Committee has started work on this and we are scoping what needs to be done and, in conjunction with our non-voting member, Advocate Peter Harwood, we are very keen to progress this and bring it back to the States.

1565 As Deputy Burford is aware, we have a Government Work Plan. What the Committee *for* Home Affairs has done has made this and domestic abuse a priority piece of work and once we have the resources in place, we will work as quickly as we possibly can to return to the States with a comprehensive piece of work, which may include legislation and many other initiatives and so I certainly look forward to the day when I can present a policy letter to this States.

Thank you, sir.

1570 **The Bailiff:** Deputy Inder.

Deputy Inder: Thank you.

1575 Deputy Prow, I just wonder sometimes, and I have heard it mentioned before that sometimes we wait for all the ducks to line up and, in your response to Deputy Burford, it is not peculiar to this issue, might there be a danger that we look for the whole encompassing justice review. Out of that will come a load of workstreams, we might end up being four or five years down the road for anything physical or tactical or operationally to actually happen and it might be worth considering, the Committee, what it can knock off quickly, it should be able to knock off quickly?

1580 **The Bailiff:** Deputy Prow.

Deputy Prow: Thank you, sir.

1585 I thank Deputy Inder for his question because he makes a very valid point. In any piece of work of this size, we need to prioritise and we need to be able to deliver those things that we can deliver quickly, perhaps without a policy letter. Where we can progress, we certainly will and we certainly must.

1590 With regard to the wider piece of work, inevitably it will be incremental and inevitably it will require resources to do it. I think the question from Deputy Inder is a good one, insofar as that gives me the opportunity to give a transparent response to how the Committee for Home Affairs must approach this very important piece of work.

Thank you, sir.

The Bailiff: Deputy Leadbeater.

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

Would the President agree with me that his Committee has already met with Health & Social Care to discuss the next steps of the Justice Review and timescales are being worked up as we speak?

1600 **The Bailiff:** Deputy Prow.

Deputy Prow: Thank you, sir.

1605 I thank Deputy Leadbeater for his question and he makes a very valid point. I think it demonstrates that we are already engaged with the cross-committee work. I would say we also need to engage with the Education Committee as well. So I thank Deputy Leadbeater for his

question and I also thank all of the Committee *for* Health & Social Care for their support and enthusiasm for what we need to do and also we have agreed to meet on a very regular basis as both committees. I very much enjoyed the meeting and I think we can together do some really good work and actually expedite what we need to do.

1610 Thank you, sir.

The Bailiff: Deputy Queripel.

1615 **Deputy Queripel:** Sir, I am struggling to understand this. I thought the Justice Review was already resourced. I must be missing a fundamental point somewhere along the line. I am struggling to understand why it has been started and it sounds like it is being stalled because of a lack of resources. I think I am right in saying the timeline was December 2022 so could Deputy Prow just clarify please, elaborate a bit more on the current situation?

Thank you.

1620

The Bailiff: Deputy Prow.

Deputy Prow: Thank you, sir, and I thank Deputy Queripel for his question.

1625 Deputy Queripel will recall in the last term that the justice framework policy letter was tabled as a green paper. It was tabled as a road map, setting out those things that the Committee last term felt needed to be done in the Justice Review.

1630 The question of funding is a matter for this term and the question of resourcing is a matter for this term and that is why the Government Work Plan is so important, in this Assembly, setting what its priorities are. If the Assembly, and I am sure it will be, is convinced that a justice policy, domestic abuse, is right on the top of our agenda then I am sure we will get resources to carry out the work.

The answer to Deputy Lester Queripel's question is that is something yet to be decided and in the two phases, Stage 1 of the Government Work Plan and Stage 2, more importantly is where this Assembly ... and it will be this Assembly's justice policy at the end of the day and this Assembly's domestic abuse policy at the end of the day and what resourcing is provided –

1635

The Bailiff: Deputy Prow, sorry. Deputy St Pier.

1640 **Deputy St Pier:** Specifically in relation to this question, of course one of the reasons for there being a very low conviction rate for the victims of sexual violence is their whole experience of engagement with Law Enforcement and the justice system. So can Deputy Prow reassure the Assembly that, in the course of the Justice Review, it will be undertaking, if you like, an end-to-end consideration of the experience of somebody going right the way through the justice system, the decision to prosecute or not prosecute and the experience of the victim when they are actually giving evidence in court and so on? So it is not just a question of the policy for Home Affairs but the whole end-to-end experience. Can Deputy Prow reassure on that point?

1645

The Bailiff: Deputy Prow.

1650 **Deputy Prow:** I thank Deputy St Pier for an excellent question. What the question does demonstrate is that the question of justice and reviewing justice is not just a matter for the Committee *for* Home Affairs, it is a matter for every Member of this Assembly. It is a matter how we interact with the judiciary and it is an end-to-end process and that is one of the challenges of the whole piece. I thank Deputy St Pier for his question because it completely highlights that that is the massive piece of work that we need to achieve.

1655 Thank you, sir.

The Bailiff: Deputy Inder, second supplementary question.

1660 **Deputy Inder:** Sir, I am just picking up where Deputy St Pier left off and I think Deputy St Pier said, and I can imagine this is worldwide as a difficulty, the ability to make a complaint or once a complaint is made there is a difficulty between complaint and securing a conviction, or a prosecution if not a conviction. The sentiment that Guernsey is a safer place, there must be some data somewhere to do some comparisons between Guernsey and other similar jurisdictions. I wondered if at some point that might be made available, unless Deputy Prow tells me it is in a document somewhere. Purely out of interest.

1665 **The Bailiff:** Deputy Prow.

1670 **Deputy Prow:** I thank Deputy Inder for his question. The Justice Review that was conducted, the scoping review, which was undertaken by Gemma Buckland, did actually make mention that one of the issues that we have in this Bailiwick is actually a lack of data and that is one of the issues that we need to tackle.

1675 So the main thrust of where we will have to go, where we do not have the data, is yes, we can look at other jurisdictions, but it is comparing it to our own if we do not have that data and that is why the stakeholder engagement is so important and as Deputy St Pier has said, it has to be end-to-end and with many stakeholders and Committees of the States and States' Members, the public, the third sector. It is a huge piece of work. Having said that, the Home Affairs Committee is absolutely determined that, as this is one of its priorities and we will get around this task and completed as soon as it possibly can.

1680 Thank you, sir.

The Bailiff: Your second Question to the President, Deputy Gollop.

1685 **Deputy Gollop:** Thank you very much, Mr Bailiff. Will Home Affairs liaise with parish Douzaines and other States' bodies to ensure lighting and CCTV is expanded?

The Bailiff: Deputy Prow to reply.

Deputy Prow: Thank you, sir.

1690 I thank Deputy Gollop for his second Question. The provision of adequate street lighting, especially in areas where the night-time economy is most active, has always been a subject of close-working between the relevant Douzaines and other stakeholders, including Law Enforcement.

1695 For example, I understand St Peter Port Douzaine have often been consulted to ensure adequate lighting is available for the public and support effective CCTV coverage. Both Law Enforcement and the Committee for Home Affairs, therefore, intend to engage further with all the Douzaines and other stakeholders, developing the Justice Review.

1700 There is currently comprehensive CCTV coverage in many public areas, which have been identified as potential areas of concern. This is monitored by JESSC. The adequacy of lighting and CCTV in these areas is something that will be kept under active review. Increased provision will require investment. It is important that we recognise this is only part of the solution to ensuring individuals are still safe. We must work together across Government, the third sector and with the community to understand what we can do that will make an immediate difference today.

Thank you, sir.

1705 **The Bailiff:** Supplementary question, Deputy Gollop.

Deputy Gollop: Two. The first is, given the positive answer we hear there, will the Committee for Home Affairs be seeking engagement with women's groups and public safety groups, community groups and St Peter Port Douzaine, and indeed Environment & Infrastructure to ensure that roads, paths, public highways, squares, etc. are adequately lit and feel safe?

1710 **The Bailiff:** Deputy Prow.

Deputy Prow: Thank you, sir.

I think it is absolutely essential that all the stakeholder groups that Deputy Gollop has mentioned need to be part of the wider stakeholder engagement. Thank you, sir.

1715

The Bailiff: Second supplementary, Deputy Gollop.

Deputy Gollop: Thank you very much, sir.

1720 My second supplementary is a parallel one. I hope, too, that Deputy Prow would perhaps take advantage of Deputy Oliver's experience with Home Affairs and consult with planning about future Island planning so that new roads, new estates, new areas, are effectively designed in a way that works for family friendly and communities. Will the President work positively with Planning to ensure that we plan a better future?

1725 **The Bailiff:** Deputy Prow.

Deputy Prow: Yes, sir.

The Bailiff: Deputy de Sausmarez, supplementary question.

1730

Deputy de Sausmarez: Thank you, sir.

1735 I was interested to hear Deputy Prow's response to this Question, the original one, because in my experience this is obviously an area that touches quite significantly on E&I's mandate as well and, in my experience, it is actually very complicated, partly because of different ownership or management of infrastructure, the actual street lights and the Douzaines and Guernsey Electricity and all the rest of it. I am interested to understand whether Deputy Prow thinks that a lighting policy, street lighting policy, might be a worthwhile idea to consider?

The Bailiff: Deputy Prow.

1740

Deputy Prow: Thank you, sir.

1745 I thank Deputy de Sausmarez for her questions. The honest answer around had I considered an overall lighting policy is, no, but I think it is absolutely an excellent suggestion and perhaps the one Committee I should have mentioned – I mentioned Education, I mentioned Health & Social Care – is your Committee, Environment & Infrastructure, and I look forward to continued dialogue with your Committee as we progress this piece of work and I thank you for the suggestion.

Thank you.

The Bailiff: Deputy Queripel.

1750

Deputy Queripel: Sir, thank you.

1755 When I was a St Peter Port Douzenier, the cost of street lighting and CCTV was always a contentious issue, so adding to and improving what is already in place will result in additional cost to parish ratepayers. So how will Home Affairs deal with that argument when it is put to them by the Douzaines?

The Bailiff: Deputy Prow.

Deputy Prow: Thank you, sir.

1760 I think it is my style and certainly the Committee's style to deal with these issues as they arise. Yes, Deputy Gollop's Question has highlighted that there may well be issues around street lighting

and CCTV. This has to all be considered and at the end of the day, if extra resources are needed, it is a matter for this Assembly to decide. I accept the challenges that Deputy Queripel has outlined and all I can do is to give an assurance that the Committee will give of its best efforts to improve, where it is needed, the question of street lighting and CCTV.

Thank you, sir.

The Bailiff: Deputy de Lisle.

Deputy de Lisle: Thank you, sir.

Can Deputy Prow see to it that more resources are placed on providing more community policing, because this is an area that has been spoken of several times by the Douzaines and particularly with respect to the urban areas and the rural areas, too, have been calling for more policing in the community. So I would like to ask whether, in fact, we can see in the future more resources placed in this direction, specifically to improve the safety for women and girls and also the public in general?

Thank you, sir.

The Bailiff: Deputy Prow.

Deputy Prow: Thank you, sir.

I think the question of resourcing and how we resource the Police Force, the Committee *for* Home Affairs has a set budget. The Committee completely values the contribution that the community policing makes now and has over the years and this must form part of the ongoing discussions that we have with Law Enforcement and that we have with stakeholders and we need to come back to this Assembly with suggestions in the round, that are affordable, practical and deliverable. That is the challenge but I can assure Deputy Queripel that that discussion with Law Enforcement and the value of community policing is not lost on this Committee.

Thank you, sir.

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir.

Would the President agree with me that we are rather going down a rabbit hole on this subject and actually it is not the entire responsibility of the Home Affairs Committee on this subject, it is about as much of a cultural change in attitudes towards women, social media and sexualisation and objectification of young women in our community?

The Bailiff: Deputy Prow, it does not really arise out of the Answer you gave, but do you want to answer that?

Deputy Prow: Yes please, sir. I completely agree with Deputy Dudley-Owen.

The Bailiff: The third Question to the President, then, Deputy Gollop please.

Deputy Gollop: Thank you very much. Will Home Affairs consider any pilot scheme of intelligence-led policing, with plain clothes police officers in pubs, clubs and other suitable locations?

The Bailiff: Deputy Prow to reply.

Deputy Prow: Thank you, sir.

Bailiwick Law Enforcement operate an intelligence-led policing philosophy and, operationally, a neighbourhood policing approach is taken in terms of front-line deployment. The night time economy, particularly at weekends, benefits from high visibility police patrols in the busiest areas.

Law Enforcement ensure that officers specially trained in managing and investigating any allegations of sexual assault are on call 24 hours a day, seven days a week. Guernsey Police can confirm that plain clothes officers can be deployed for investigations of a breadth of offences. It is not appropriate for me to comment further on covert policing issues.

Thank you, sir.

The Bailiff: Supplementary question, Deputy Gollop.

Deputy Gollop: My supplementary is: clearly the President has identified that it is a possibility for Guernsey Police to mount such operations, operationally; my question therefore is would, on occasions, for the sake of argument, such operations might involve the deployment of police officers from other than Guernsey forces who could blend into the community more anonymously? If the President can answer that.

The Bailiff: Deputy Prow.

Deputy Prow: Thank you, sir.

I think in my previous answer, for operational reasons, I do not think it will be appropriate, especially for me in this Assembly, to disclose covert policing. We have legislation called the Regulation of Investigatory Powers, which gives the Police, indeed all of Law Enforcement, the powers to undertake covert policing and it is well-regulated, where authorities have to be obtained, and that may or may not include the deployment of non-local officers.

Thank you, sir.

The Bailiff: Your final and fourth Question, then Deputy Gollop, to the President.

Deputy Gollop: Thank you and I do have two supplementaries. Will Home Affairs work at integrating and improving registers of perpetrators of domestic violence, criminal harassment and other activities and making misogyny a hate crime in moving forwards?

The Bailiff: Deputy Prow to reply please.

Deputy Prow: Thank you, sir.

The Committee for Home Affairs is aware of the recent announcements that the UK government have asked some police officers, on an experimental basis, to record crimes of violence motivated by a person's sex or gender. We are closely monitoring discussions on this topic and working with Bailiwick Law Enforcement to support strategy and policy developments in this area so that all women feel safe all of the time.

Society is constantly changing, as are the measures that jurisdictions put in place to protect the most vulnerable in their community. All these initiatives will be fed into the progression of the Justice Review, which Home Affairs have made a priority this term. In addition the Sexual Offences (Bailiwick of Guernsey) Law, 2020 is currently awaiting Royal Assent. This Law, represents the modernisation and reform of legislation in the Bailiwick, providing a clear and coherent framework of sexual offences.

Thank you, sir.

The Bailiff: Supplementary question, Deputy Gollop.

1865 **Deputy Gollop:** My first supplementary is that I am aware that Nottingham police were an innovator in this respect and I believe that the Minister for Home Affairs in Jersey has indicated that he would be considering looking at monitoring, protecting women in the context of hate crime. But Jersey's Home Affairs Minister is reported as saying that the new domestic abuse laws there will include a statutory definition, which will acknowledge controlling and coercive behaviour, as an offence. Will that kind of issue be identified here as part of the wider cultural questions?

1870 **The Bailiff:** Deputy Prow.

Deputy Prow: Thank you, sir.

1875 The answer is yes. I think initiatives in other jurisdictions in the UK, Jersey and the Isle of Man, these are all matters that will come under the ambit of the Justice Review. Certainly, the Sexual Offences (Bailiwick of Guernsey) Law, 2020 will go a long way in the direction of travel that Deputy Gollop talks about. But, of course, if other legislation is identified as necessary and is needed, of course the Committee *for* Home Affairs will pursue that and it will form part of the recommendations that come back to this Assembly.

1880 Thank you, sir.

The Bailiff: Second supplementary, Deputy Gollop.

1885 **Deputy Gollop:** And my second question is, quite rightly politicians are not involved in operational or prosecution of judicial matters, but a speaker last night at the public rally indicated that there were approximately 140 serious accounts of sexual, alleged crime in Guernsey, of which only six or seven had gone to court in a particular year, which indicates a prosecution rate of about 5%. I ask, will that kind of data be considered and benchmarked, not only against parallel offences in Guernsey but against, as Deputy Inder and Deputy St Pier indicated, other jurisdictions and places of similar size?

1890 **The Bailiff:** Deputy Prow.

Deputy Prow: Thank you, sir.

1895 As I have already indicated and have stressed, the Committee *for* Home Affairs, in conducting the Justice Review, does need to look at all available data and evidence and come up with recommendations that respond to that evidence and certainly all of the matters that Deputy Gollop has highlighted have to be considered as part of the Justice Review.

1900 Thank you, sir.

The Bailiff: Deputy Queripel.

1905 **Deputy Queripel:** Sir, I ask Deputy Prow, will Home Affairs be pursuing a motion, via the Justice Review, to name and shame sex offenders in every instance in the future? I put that initiative in place as a potential deterrent.

The Bailiff: Deputy Prow.

1910 **Deputy Prow:** I do not think it would be at all useful in answering these questions to speculate around what the actual outcomes are. What is absolutely vital, as I have stressed in responding to these questions, is that we consider all these things in the round. What the Committee *for* Home Affairs absolutely does recognise is that there are many big issues here that need to be brought to a conclusion and sensible, pragmatic solutions, discussed with Law Enforcement and all other stakeholders. That is the time for this Assembly to debate those sorts of questions.

1915 Thank you, sir.

The Bailiff: Deputy Leadbeater.

Deputy Leadbeater: Thank you, sir.

1920 Would Deputy Prow agree with me that a lot of the data and statistics that Members have been asking for during this Question Time is available in the annual Bailiwick Law Enforcement Report?

The Bailiff: Deputy Prow.

Deputy Prow: Thank you, sir.

1925 Yes I completely agree with Deputy Leadbeater. That sort of data can be found in the annual reports of Law Enforcement and they can also be found, some of the data can be found in the framework document that was considered last term when that was brought before this Assembly.
Thank you, sir.

1930 **The Bailiff:** Members of the States, that concludes Question Time and we will move onto the next item of business, please, Greffier.

Billet d'État VIII

ELECTIONS AND APPOINTMENTS

COMMITTEE FOR THE ENVIRONMENT & INFRASTRUCTURE

I. Planning Panel –

The re-election of members of the Planning Panel and to rescind Resolution 5 of Billet d'État VI of 2015 –

Propositions carried –

Mr Stuart Fell, Mr David Harry and Advocate Mark Dunster re-elected

Article I.

The States are asked to decide:

Whether, after consideration of the Policy Letter entitled "Planning Panel - The re-election of members of the Planning Panel and to rescind Resolution 5 of Billet d'État VI of 2015" dated 8th February 2021 they are of the opinion:

1. To re-elect:

(a) Mr Stuart Fell as a professional member of the Planning Panel for a further term of six years from 1st April 2021;

(b) Mr David Gwyn Harry as an ordinary member of the Planning Panel for a further term of six years from 1st April 2021; and

(c) Advocate Mark Gideon Andrew Dunster as an ordinary member of the Planning Panel for a further term of six years from 1st April 2021.

2. To designate:

(a) Mr David Gwyn Harry as the Chairman of the Planning Panel; and

(b) Mr Stuart Fell as the Deputy Chairman of the Planning Panel.

3. To rescind Resolution 5 of Billet d'État VI of 2015, Article II ("The Planning Panel - Re-Election of Panel Members and Amendments to the Terms of Office for Panel Members") for the reasons set out in paragraphs 3.1 to 3.4 of this policy letter.

The Deputy Greffier: Article I, Committee *for the* Environment & Infrastructure, Planning Panel
1935 – the re-election of Members of the Planning Panel and to rescind Resolution 5 of Billet VI of 2015.

The Bailiff: I invite the President, Deputy de Sausmarez, to open debate.

Deputy de Sausmarez: Thank you, sir.

1940 It is my pleasure to invite the Assembly to re-elect Mr Stuart Fell as a professional member of the Planning Panel, and Mr David Harry and Advocate Mark Dunster as ordinary members of the Planning Panel, each for a further term of six years, from 1st April 2021.

1945 These three people have each served as panel members for between six and 12 years and my Committee is very pleased that they have agreed to allow their names to come forward for re-election. Mr Harry and Mr Fell are currently the Chairman and Vice-Chairman of the Panel, respectively. They bring considerable professional experience from their careers in law and planning and have the full support of my Committee and the other members of the Panel to continue in these roles.

1950 The Planning Panel is an important – Oh gosh it is really important, but I have just completely lost this! – I was just going to say the Planning Panel ... I will wing it and see what happens! The Planning Panel is a really important function. It obviously allows the opportunity for people who disagree with the decision of the DPA to appeal that decision to an independent panel.

1955 I really would recommend, if anyone has not had the opportunity and is interested in doing so, to go in and observe what happens in a tribunal. It is really widely acknowledged, they are very professional and it is a really impressive experience, actually, so I really would recommend it. I can see several people nodding here who have done so.

1960 We are currently advertising for some new Panel members as well so I would also like to take the opportunity while I am on my feet and we have got some free publicity to encourage any Islander that might be interested in this role to come forward. It is a really important role and a very interesting one so I hope that we can get a good response. The advertising is live and if anyone would like some more information they can contact the Committee and we will put them in touch with the secretary of the Planning Panel and provide some more information like that.

1965 The policy letter also asks to rescind a Resolution and basically, I cannot remember the title because my document has disappeared, but it is basically around the age limitation and restriction of the term and really that is for a couple of reasons. First of all we value the experience that people often bring to these roles. We do not want to do anything that puts barriers in the way, unnecessarily, of people coming forward, attracting good candidates to these roles and we certainly do not want to do anything that might unnecessarily limit their service in that capacity.

1970 Obviously, it also is very much in line with the longer working lives, recognising that many people are working longer and providing a valuable service to the community as they do so. So I think that is just about it and I will invite everyone to support the reappointment of these Members.

Thank you.

1975 **The Bailiff:** Just a moment, the third Proposition refers to paragraphs 3.1 to 3.4 of this policy letter, rather than 4.1 to 4.4. Would you like us all to read that as a correct reference? If you had not pressed the wrong button, you would know what I was talking about Deputy de Sausmarez! (Laughter)

1980 **Deputy de Sausmarez:** I have been having horrible IT issues, I am afraid.

The Bailiff: Mr Comptroller, is it simply just to tidy up the typos without a formal amendment and just say we will read that as 4.1 to 4.4?

1985 **The Comptroller:** I would have thought so, sir. It is fairly obvious, having looked at it now in the light of today.

The Bailiff: Goodness knows how it gets through but it does. What we will do is, Members of the States, we will read Proposition 3 as a reference to paragraphs 4.1 to 4.4 and it is only really in respect of Proposition 3 that any debate is going to be invited. I do not invite comments about the election.

1990 Deputy Inder.

1995 **Deputy Inder:** I am just intrigued. You will probably be asked this all through the next four years and while I will say my gratitude to Mr Fell and Mr Harry for standing again, I do think change is good sometimes. I am intrigued to know why the two Panel members in consultation with the Committee, there may just be difficulties if Deputy Lindsay de Sausmarez is, through you, sir, asking whether they can get Panel members in the Assembly, I suspect the reason is not too many people are particularly interested. But I am just intrigued to know why we just do not go through a process of everyone standing down, everyone going out to advertising and seeing what comes up. I do have some concerns that Governments change and panel members do not always.

2000 That would be the same for non-voting members and non-States' members as well. I am not picking a fight here, Deputy de Sausmarez, I am just intrigued to know why particularly we have gone with these two members and for an extended period of time, of which I am going to thank them for anyway.

2005 **The Bailiff:** I do not see anyone else rising so, Deputy de Sausmarez, do you wish to reply to that comment from Deputy Inder?

Deputy de Sausmarez: Yes, absolutely. It is a fair enough observation actually and he has correctly alluded to some of the factors, I think.

2010 First of all there is an argument that, actually, as in many tribunals, experience is a really valuable asset here. So I think that is something to be recognised, notwithstanding any of the points that Deputy Inder raised. But also, as he kind of alluded to, I think it is fair to say there is a relatively limited pool of people from whom candidates might naturally spring in the Island with the necessary interest, obviously, but also the relevant expertise and experience. So yes, really, those are some of the contributing factors and I hope that satisfies his question.

2015

The Bailiff: Members of the States, I am going to put the first Proposition to you in isolation first, which is the re-election of Mr Stuart Fell, Mr David Harry, Advocate Mark Dunster as members of the Planning Panel. Those in favour; those against?

Members voted Pour.

2020 **The Bailiff:** I declare all three of them elected. I will put Proposition 2, which is relating to designating the Chairman and Deputy Chairman to you. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare that Proposition duly carried. Finally, the rescission of Resolution 5 of Billet d'État VI of 2015, Article II. Those in favour; those against?

Members voted Pour.

The Bailiff: I declare that Proposition also duly carried so all three Propositions are carried.

2025

COMMITTEE FOR HOME AFFAIRS

**II. Police Complaints Commission:
Notification of Resignation and Re-appointment of Member –
Propositions carried –
Mrs Alison Leonard re-appointed**

Article II.

The States are asked to decide:

Whether, after consideration of the Policy Letter entitled "Police Complaints Commission: Notification of Resignation and Re-appointment of Member" dated 18th January 2021, they are of the opinion:

- 1. To note the resignation of Mrs Ann Nippers, as a member of the Police Complaints Commission with effect from 31st December 2020.*
- 2. To re-appoint Mrs Alison Leonard as a member of the Police Complaints Commission for a further term of four years with effect from 1st April 2021.*

The Deputy Greffier: Article II, Committee for Home Affairs, Police Complaints Commission – Notification of resignation and reappointment of Member.

The Bailiff: Deputy Prow, the President, to open debate.

Deputy Prow: Thank you, Mr Bailiff.

I have nothing to add to this brief policy letter, other than to thank, on behalf of the Committee, the members of the Police Complaints Commission for their time and dedication. The Committee for Home Affairs unanimously asks the States to approve the reappointment of Mrs Alison Leonard as a member to the Commission and to note the resignation of Miss Ann Nippers and to thank her for her service on the Commission from 2011 to 2020.

Thank you, sir.

The Bailiff: Members of the States, I hope I can simply put both of those Propositions to you in one. Those in favour of the two Propositions; those against?

Members voted Pour.

The Bailiff: I declare both Propositions duly carried.

STATES' TRADING SUPERVISORY BOARD

**III. Election of two Non-States Members of the
States' Trading Supervisory Board –
Item deferred**

Article III.

The States are asked:

To elect two voting members of the States' Trading Supervisory Board who shall not be members of the States in accordance with Rule 16 of The Rules of Procedure of the States of Deliberation and their Committees, whose terms of office shall expire in accordance with the terms of Rule 37(2).

The Deputy Greffier: Article III, States' Trading Supervisory Board – election of two non-States members of the States' Trading Supervisory Board.

2045 **The Bailiff:** Deputy Roffey, do you want to suggest that this might come later in the business of this Meeting?

Deputy Roffey: I do, sir. This item deals with the election of two non-States' members, in accordance with the terms of Rule 37(2) but later on we will be discussing changing Rule 37(2) and it seems sensible to put the cart before the horse.

2050

The Bailiff: Members of the States, without any further debate, I am going to invite you to vote on a motion to defer consideration of Article III of this Billet until after Article VII of the Billet. Those in favour; those against?

Members voted Pour.

2055 **The Bailiff:** I declare that motion duly carried. Greffier, can we mention the legislation being laid please?

LEGISLATION LAID BEFORE THE STATES

The Income Support (Implementation) (Amendment) (No. 2) Ordinance, 2021;
The LLPs (Annual Validation) Regulations, 2020;
The Companies (Annual Validation) Regulations, 2020;
The Limited Partnerships (Annual Validations) (Amendment) Regulations, 2020;
The Foundations (Annual Renewal) (Amendment) Regulations, 2020;
The Companies (Annual Validation) (No. 2) Regulations, 2020;
The Companies (Registrar) (Fees and Penalties) Regulations, 2020;
The Immigration and Social Security Co-ordination (EU Withdrawal)
(Bailiwick of Guernsey) Regulations, 2020;
The Immigration (Bailiwick of Guernsey) (Amendment) Rules, 2021

The Deputy Greffier: Legislation laid before the States: The Income Support (Implementation) (Amendment) (No. 2) Ordinance, 2021; The LLPs (Annual Validation) Regulations, 2020; The Companies (Annual Validation) Regulations, 2020; The Limited Partnerships (Annual Validations) (Amendment) Regulations, 2020; The Foundations (Annual Renewal) (Amendment) Regulations, 2020; The Companies (Annual Validation) (No. 2) Regulations, 2020; The Companies (Registrar) (Fees and Penalties) Regulations, 2020; The Immigration and Social Security Co-ordination (EU Withdrawal) (Bailiwick of Guernsey) Regulations, 2020; Immigration (Bailiwick of Guernsey) (Amendment) Rules, 2021.

2060

2065

The Bailiff: Thank you very much. Well, Members of the States, we note that all of those measures are laid before this Meeting. I have not received any motions to annual. Next item of business please, Greffier.

2070

Urgent Propositions Pursuant to Rule 18

CIVIL CONTINGENCIES AUTHORITY

**Emergency Powers (Coronavirus) (General Provision)
(Bailiwick of Guernsey) (No. 3) Regulations, 2021;
Emergency Powers (Coronavirus) (General Provision)
(Bailiwick of Guernsey) (No. 3) (Amendment) Regulations, 2021;
Emergency Powers (Coronavirus) (General Provision)
(Bailiwick of Guernsey) (No. 3) (Amendment) (No. 2) Regulations, 2021;
Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability)
(No. 3) (Bailiwick of Guernsey) Regulations, 2021 –
Propositions carried**

The States are asked to decide whether they are of the opinion to approve the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 3) Regulations, 2021.

The States are asked to decide whether they are of the opinion to approve the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 3) (Amendment) Regulations, 2021.

The States are asked to decide whether they are of the opinion to approve the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 3) (Amendment) (No. 2) Regulations, 2021.

The States are asked to decide whether they are of the opinion to approve the Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No. 3) (Bailiwick of Guernsey) Regulations, 2021.

The Deputy Greffier: Propositions laid pursuant to Rule 18 of the Rules of Procedure. Civil Contingencies Authority – Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 3) Regulations, 2021.

2075 **The Bailiff:** Members of the States, there are four sets of Propositions relating to Rule 18. Similarly to a previous Meeting, I am going to invite you to agree that you can consider all four together rather than having four discreet debates in respect of them. So the motion is to take all four items together. Those in favour; those against?

Members voted Pour.

2080 **The Bailiff:** I declare that motion carried. So if we can just call the other three items please and then I will invite the Authority's Chairman to open the debate.

2085 **The Deputy Greffier:** The Civil Contingencies Authority – Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 3) (Amendment) Regulations, 2021; Civil Contingencies Authority – Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 3) (Amendment) (No. 2) Regulations, 2021; and Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No. 3) (Bailiwick of Guernsey) Regulations, 2021.

The Bailiff: I invite Deputy Ferbrache to open debate.

2090 **Deputy Ferbrache:** Sir, I am grateful. I am grateful to you for the suggestion that these be considered together and I am grateful to the States for agreeing it. I am not really going to open

the debate other than to say the Regulations are here. It is part of the continuing process of Regulations that we have to follow whilst we are exercising the powers under the 2012 legislation, pursuant thereto. These Regulations have to come to the States as soon as reasonably practical and then the States have to make a decision whether to approve or disapprove them.

The decision is as simple as that. We would all like the day – and I know Deputy St Pier my predecessor is of the same view, or really I am of the same view as him because he suggested it first – that we should be moving on from this piece of legislation as soon as we practically can, but despite the recent good news we are still in an emergency, we still have to use these powers, so I ask the States to approve these Regulations.

The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, may I be the first to congratulate and thank the CCA and the advisors for the management of the second lockdown. They will know as well as I that they are of course the public facing tip of a very large team across the public service interacting with the private and charitable sectors who, of course, have worked seamlessly together to ensure the Bailiwick's effective management of the second COVID wave and I think of course we all very much hope that there is not a third wave that requires any management.

I think one of the challenges Government faces as it seeks to right-size itself will be not to cut its nose to spite its face to achieve some target or other that would damage Government's ability to respond to future such challenges. I think once again of course the community's engagement with and adherence to what has been asked of them is a remarkable testament to our collective determination to beat COVID and I know Deputy Ferbrache has spoken to that point before.

With regard to the Regulations, I have one minor observation and one question. The observation is this. I think given the extent of the Regulations that have been revoked by virtue of the (No. 3) (Amendment) (No. 2) regulations, approved by the Authority on 18th March, and given that the (No. 3) Regulations are virtually on the point of expiring anyway, personally I think it would have been preferable and actually easier to follow if they had been amended by replacing them entirely with a new set of (No. 4) regulations, effectively a consolidated set.

That is my observation. It is what it is. The question, and this does touch on the point which Deputy Ferbrache made when opening the debate, is in relation specifically to the Limitation of Liability (No. 3) Regulations in relation to the vaccine. Given that the vaccine programme is likely to be ongoing for, I would suggest, some considerable time, specifically in relation to that rather than the other Regulations more generally, has the Authority considered or is it, or will it consider replacing these temporary Regulations with more permanent legislation, rather than having them renewed monthly. So, it is narrowly in relation to the Limitation Regulations that that question relates, sir.

Thank you.

The Bailiff: Deputy Gollop.

Deputy Gollop: Thank you very much, sir.

Yes, this whole area interests me but also confuses me because I rely not on first-hand information, perhaps, of being on the CCA, although I am on one Committee that reports into the CCA. But I rely too much perhaps on the Facebook broadcasts, the media broadcasts and so on.

I am aware that we are in, as I said earlier, the comforting situation of having just one case, although regrettable in itself, of one active case, and Jersey appear to have three or four active cases and having not quite double our population but being a more cosmopolitan society that is perhaps proportionate.

Their blueprint for exit and our blueprint for exit are different. It would require an expert to define in what ways they are different but they are different and whereas we are perhaps working towards a goal of getting rid of most of these Regulations by 1st July they are perhaps going down

an open travel route to the UK, perhaps, or to parts of the UK under their traffic light regional system by the end of April.

Now I think it would be of great benefit for Guernsey at this juncture – it was not last summer – but it would be good for Jersey and Guernsey to have a united bubble for travel for transport, for limited tourism, for retail, for business. But that implies that there is a meeting of minds and hearts between the Islands and that the policies moving forward and the Regulations are similar and parallel, rather than us worrying we could be exposing ourselves to perhaps a more lax regime in Jersey or, for that matter, vice versa if they believe that.

One issue therefore is co-operation with the other Island. The second issue for me is how far we are going to continue with a strict policy on the border, which satisfies many in our community, especially the older and more vulnerable, whilst at the same time being what we are, a highly competitive and open to the world tourism and finance and business centre.

It does appear to me that if we could only ensure that the vaccination policies move as quickly as possible for the whole community, because there is confusion as to whether we are ahead of Jersey or anywhere else or not, that would actually assist us, although I commend the superb efforts of Health & Social Care on that level.

So really my points are, in moving this, can we have assurances that vaccination for the entire community is an option and we have not heard about this today but whether there will be a decision brought to the States, what we heard about this morning perhaps, about whether we will need vaccination passports to exit or enter the Island or to go or to be in certain jobs and certain activities and how that requirement perhaps interferes with freedom of choice because again I attended a meeting where the people were concerned about that.

But I do believe that we cannot go on month after month with just ratifying, retrospectively, these CCAs. We need a policy on how we can best shield our community but live with coronavirus once vaccination is more of a European, global and Island issue.

Thanking you.

The Bailiff: Deputy de Lisle.

Deputy de Lisle: Thank you, sir.

Whilst supporting these Regulations and moving out of earlier restrictions, my comments are directed to precautions, sir. The UK scientists say that foreign holidays are unlikely this summer as COVID cases rise – a third wave is hitting many countries, Germany and France are in that wave, together with Italy – and hospitals are again overwhelmed.

PM Boris Johnson says that he expects the UK will feel the effects of the third wave of COVID currently under way in Europe. Given that our primary responsibility is to keep our people safe and most want lockdown to be the last, this to me is no time to be penning dates to open borders as it could lead to false promises, particularly the 1st July date, where borders can re-open, either completely or with just a pre-travel test or test on arrival. Essentially, sir, this is not on, as far as I am concerned. We have to acknowledge what is happening around us and be prepared for a third wave, sir.

Thank you.

The Bailiff: As no one else is rising I will turn to the Chairman of the Authority, Deputy Ferbrache, to reply to that short debate.

Deputy Ferbrache: Sir, if I can just indulge myself a little bit, Deputy St Pier's point about whether we should add a fourth Regulation rather than three, I think, is absolutely excellent because otherwise you have got to cross refer. But I do commend the excellent work of the legal draftsmen who do them and it is a matter of judgement but I think his point is a valid one that we will take on board. It would not confuse anybody but his point is that it is easier to read one document than try and piece together two or three.

His other point, there is something proceeding because this is going to be with us, there are other vaccinations that will come through, which will have semi-clearance, if I can use that phrase rather inelegantly, before the formal period, but they are really safe. So that needs to be formalised. That work is progressing.

2200 In relation to the general point, I think, Deputy St Pier and others will recall that we had, when I say a States' meeting, I mean with a small 'm' rather than a big 'M', virtually. I think it would be a good idea soon to have that again in person so we can discuss certain of the pressures that are here, ultimately it must be what other Law is in operation, a decision for the CCA, but of course we are going to be influenced by States' Members in relation to these things.

2205 If something happens from a clear blue sky like it did, or a clear black sky unfortunately on 22nd January, we have got to move very quickly and that power must be vested in whoever then holds the responsibility. But generally these things, like vaccination passports, vaccination policies, they can be talked through and guidance could be given, wisdom could be given from the general Assembly. I am very much in favour of that because we are an emergency authority, if I can use that phrase.

2210 That really takes us ... Deputy Gollop, always interesting to hear his points, his thought processes but things like vaccination passports, of course, that may be forced upon us because for example the UK may say, 'you cannot come to us unless you have got a vaccination passport,' so we would have to do that whether we liked it or not, if we wanted our citizens to be able to travel.

2215 Those kinds of questions and the type of questions I have just alluded to in relation to a wider consideration, which I think is relevant. I can tell you without breaching the duties under the Civil Contingency Law, our overwhelming concern in the five or so months I have been involved, I know had been exactly the same for the eight months or so or nine months, whatever it was, that Deputy St Pier was involved, is the safety of the people of the Bailiwick. That will continue whoever occupies the various roles and that is the main consideration.

2220 So, for example, an air bridge, a bubble, whatever you call it, a sea bridge to Jersey, that may happen. I have said that already but we would do it on terms that make sure that we believe that the population of the Bailiwick of Guernsey is safe and if we thought other people's regulations and rules were not as safe as ours, that would influence any decision that we would make.

2225 Vaccination policy, I do not know what more could be done. Dr Brink has made it clear. She has almost run around the Island telling people, quite correctly, that we have got the capacity to execute more vaccinations but we just have not got the vaccinations to do it. I do not know why people repeat that because we have got the capacity to do more. As soon as the supply comes in it is designated its use, etc.

2230 As for Deputy de Lisle's point about proportionality, every single Meeting, when we make a decision for any particular Regulation, (a) we are mandated anyway under the Law to have regard to proportionality and, (b) every single time we get advice from the learned Comptroller or the learned Procureur taking us through those principles, explaining what they mean in the context and we make decisions based on the whole. So every decision we make is made on very good quality legal advice and I believe we try and exercise our sound judgement. Other than that, I ask the States to approve these Regulations.

2240 **The Bailiff:** Members of the States, unless there is any Member who wishes any vote to be taken separately, I was going to put the suite of legislation made under the powers available to the Civil Contingencies Authority to you together. So, all four Propositions pursuant to Rule 18 for these Regulations, those in favour; those against?

Members voted Pour.

2245 **The Bailiff:** I declare all four Propositions duly carried.

LEGISLATION FOR APPROVAL

POLICY & RESOURCES COMMITTEE

**IV. The Income Tax (Charitable Donations)
(Guernsey) (Amendment) Ordinance, 2021 –
Carried**

Article IV.

Whether they are of the opinion to approve the draft Ordinance entitled "The Income Tax (Charitable Donations) (Guernsey) (Amendment) Ordinance, 2021", and to direct that the same shall have effect as an Ordinance of the States.

2250 **The Deputy Greffier:** Article IV, Policy & Resources Committee – the Income Tax (Charitable Donations) (Guernsey) (Amendment) Ordinance, 2021.

2255 **The Bailiff:** Is there any opening of this, Deputy Ferbrache, on the behalf of the Committee? No. Can I simply put the Proposition to you, Members of the States, to approve the draft Ordinance, Income Tax (Charitable Donations) (Guernsey) (Amendment) Ordinance, 2021? Those in favour; those against?

Members voted Pour.

The Bailiff: I declare that duly carried.

DEVELOPMENT & PLANNING AUTHORITY

**V. The Land Planning and Development (Visitor Accommodation)
(Amendment etc.) Ordinance, 2021 –
Carried**

2260

Article V.

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled "The Land Planning and Development (Visitor Accommodation) (Amendment etc.) Ordinance, 2021", and to direct that the same shall have effect as an Ordinance of the States.

The Deputy Greffier: Article V, Development & Planning Authority – the Land Planning and Development (Visitor Accommodation) (Amendment, etc.) Ordinance, 2021

2265 **The Bailiff:** Any desire to open, Deputy Oliver? No.

Deputy Oliver: No, sir.

2270 **The Bailiff:** Anyone wishing to speak in debate on this matter? No. In that case I will put that Proposition to you, Members of the States. Those in favour; those against?

Members voted Pour.

The Bailiff: I declare that Proposition carried.

COMMITTEE FOR ECONOMIC DEVELOPMENT

**VI. The Copyright (Bailiwick of Guernsey)
(Amendment) Ordinance, 2021 –
Carried**

Article VI.

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled "The Copyright (Bailiwick of Guernsey) (Amendment) Ordinance, 2021", and to direct that the same shall have effect as an Ordinance of the States.

2275 **The Deputy Greffier:** Article VI, Committee for Economic Development – the Copyright (Bailiwick of Guernsey) (Amendment) Ordinance, 2021.

The Bailiff: Deputy Inder, any opening?

2280 **Deputy Inder:** Sorry, sir, I did not inform you. I beg your pardon. Deputy Moakes is dealing with it on the Committee's behalf.

The Bailiff: Any wish to open, then Deputy Moakes?

2285 **Deputy Moakes:** No, thank you.

The Bailiff: Any debate on this draft Ordinance? Members of the States, I will simply put the Proposition to you to approve the Copyright (Bailiwick of Guernsey) (Amendment) Ordinance, 2021, then. Those in favour; those against?

2290

Members voted Pour.

The Bailiff: I declare that Proposition duly carried.

STATES' TRADING SUPERVISORY BOARD

**VII. States' Trading Supervisory Board –
Succession Planning –
Carried**

Article VII.

The States are asked to decide:

Whether, after consideration of the policy letter 'States' Trading Supervisory Board - Succession Planning' dated 4th February 2021, they are of the opinion:-

1. To agree that the Rules of Procedure of the States of Deliberation and Their Committees should be amended with immediate effect as follows -

(a) for Rule 37.(2), substitute:

"37.(2) The term of office for members of the States' Trading Supervisory Board, who are not sitting members of the States, shall expire on a date (or if more than one member, dates) to be determined by the States' Trading Supervisory Board provided that:

(i) if two such members are appointed, one of those member's term of office (as determined by the States' Trading Supervisory Board), will expire at least one year before the end of a new States'

term and the other member's term of office (as determined by the States' Trading Supervisory Board) will expire no later than one year after the start of a new States' term and

(ii) if only one such member of the States' Trading Supervisory Board is appointed, their term of office will expire no later than one year after the start of a new States' term."

2295 **The Deputy Greffier:** Article VII, States' Trading Supervisory Board – States' Trading Supervisory Board succession planning.

The Bailiff: I invite the President, Deputy Roffey, to open debate.

2300 **Deputy Roffey:** Thank you, sir.

My Committee has been charged with coming back and setting out a set of proposals for succession planning because this new committee, the STSB, became aware and the States became aware fairly soon, that it would be nonsensical to elect the whole of the committee at the beginning of a new States' term.

2305 What STSB do, they are shareholder representative for the incorporated businesses but the bulk of their work is actually being a sort of group board, if you like, for all of the unincorporated businesses. Under good governance, you would not ever find a group board where you had a rule that said you change over all of your members at one time and start off with a new set of members who could, in theory, be five completely utterly new members. With no experience or knowledge of
2310 the businesses that they are supposed to be overseeing.

What we are suggesting is that obviously the three political Members have to be elected after a general election because the old ones may be gone, apart from anything else, so that is the way we do it with electing political Members to the board. But to get a degree of continuity, what we are suggesting is that the two – where there are two and I would strongly recommend there always are
2315 two, rather than one – where there are two non-States' members, who of course are full voting Members, they are not like the non-States' members on other committees, they are exactly the same as the three Members that are Members of this Assembly, apart from they are not Members of this Assembly; what we are proposing with them is that one should step down a year after the general election and one should step down a year before the next General Election in order to have
2320 a degree of continuity.

So, in a normal term, that would mean one year into the term and three years into the term. It just so happens we have got a very abnormal term this time around, with a term of four years and eight months, so it would mean that one person would step down in October, which would be a year after the General Election that we have just had, and one would step down in June – is it? – of
2325 2024, which would be a year before the next election.

But the Rule that we are putting in place would normally be one year into a term and three years into a term and I strongly recommend that we do that to have a degree of continuity, otherwise I think we really are taking a risk with the governance of our unincorporated businesses. I hope that is clear. If it is not, I am really happy to take any questions.

2330

The Bailiff: I do not see any Member rising to debate the single Proposition and therefore I will put it to you, if I may, *aux voix*. Those in favour; those against?

Members voted Pour.

2335

The Bailiff: I declare that Proposition duly carried. Can we now return to Article III please?

ELECTIONS AND APPOINTMENTS

STATES' TRADING SUPERVISORY BOARD

**III. Election of two Non-States' Members of the
States' Trading Supervisory Board –**

Item resumed –

Mr John Hollis and Mr Stuart Falla elected

Article III.

The States are asked:

To elect two voting members of the States' Trading Supervisory Board who shall not be members of the States in accordance with Rule 16 of The Rules of Procedure of the States of Deliberation and their Committees, whose terms of office shall expire in accordance with the terms of Rule 37(2).

The Deputy Greffier: Article III, States' Trading Supervisory Board – election of two non-States members of the States' Trading Supervisory Board.

2340

The Bailiff: And I turn to the President of the Board, Deputy Roffey, who has the exclusive right to propose eligible candidates to do so.

2345

Deputy Roffey: Such power! Now, sir, I have to propose somebody to do, having just made the decision we did make, which instantly changed the Rules, I now propose, first, somebody to do that short-term, if you like, up to October of this year and I am proposing the re-election of Mr John Hollis to do that.

2350

I am aware with both of these candidates that a lot of you will know exactly who they are but there will be some people who do not, so I think these are such important roles, I think I ought perhaps give a bit of the background, even though nobody can be put up against them, unless I choose to put up somebody against them I suppose. But I am not going to.

2355

Mr Hollis qualified as a chartered architect in 1977 and he joined Centaur, an international management consultant firm in 1978, became a global partner in 1986 and held various lead partner responsibility roles, including United Kingdom and European financial planning systems practices, global financial planning and reporting practice, United Kingdom and European retail and consumer products practices and consumer industries, research and development, benchmarking and board workshop centre.

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His extensive experience in industry includes retail, consumer products, media, oil, insurance and Government. His clients have included Tesco, BP, Proctor & Gamble, Mars confectionery, Lloyds TSB, Marks & Spencer, Coca Cola, B&Q, *The Independent* and others. He retired in 2003.

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Mr Hollis also served as a non-States' member on the board of the former Treasury & Resource Department from 2013-16. In addition he was a member of both the department's supervisory subcommittee, which exercised shareholder responsibility in the incorporated training companies owned by the States and its ICT subcommittee.

Mr Hollis was also appointed a non-States' member of the STSB in September 2016. Since becoming a member of that board he has held key positions within the governance structure for our unincorporated businesses, which form part of the States' trading group. Those include Chairman of Guernsey Waste, Chairman of States' Works and the Guernsey Water Board.

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In addition to his role as Chairman of Guernsey Waste, Mr Hollis is also involved in the business pricing and efficiency team, which is tasked with reviewing the funding model for the solid waste strategy. Assuming you appoint him again today we are going to miss him when he steps down in a few months' time. We will be, obviously, going out to an open recruitment process to try and get

somebody of equal calibre to take his place but for the meantime I really would like you to confirm him in post, re-elect him in post for the next few months.

The Bailiff: I think we need to do both of them together. Because I think it is actually the Board who chooses which one goes rather than the States. So your second nomination.

Deputy Roffey: Okay. The second one is again, we wish to continue with our existing non-States' member for the time being, which is Mr Stuart Falla. Again, I think virtually everybody knows Stuart Falla but I will briefly say that he had an honours degree in building economics in 1972, the majority of his early working career was at RG Falla. He became managing director in 1980. He then had a number of roles at the Garenne Group, following the Garenne Group's acquisition of RG Falla in 1984.

He has an extensive range of corporate directorships, which I could read out but I am actually not going to because they really are impressive and very long and I think most people know many of them. He also served as a States' Member between 2004-08, when his roles included Deputy Chief Minister and Commerce & Employment Minister.

He also was appointed as a non-States' member of the STSB in September 2016 and he also holds key positions within our governance structure. For instance, he is Chairman of Guernsey Ports and Chairman of the Guernsey Dairy management board. He is also the board's lead in relation to day-to-day relationships with the incorporated businesses within the Group. That is Guernsey Post, Guernsey Electricity, Aurigny and Jamesco 750 Ltd, and is one of the STSB's nominated shareholders on each of those committees.

Mr Falla has also taken a key role in a number of projects on behalf of the STSB, including very topically leading the future harbour development and the future Guernsey Dairy projects. He has also previously served as the Board's representative on the seafront enhancement area programme. So those are the two people I bring forward. Am I allowed to say that we want Mr Hollis for the shorter term and Mr Falla for the longer term?

The Bailiff: You have given that indication but I think, Mr Comptroller, it is a matter for the Board, is it not?

Mr Comptroller: Sir, I agree with that. Under the new Rule it is correct.

Deputy Roffey: I am sure if you give them both to us then that is what we intend to do.

The Bailiff: Deputy Parkinson, do you formally second this?

Deputy Parkinson: Point of correction, sir, I think the record should show that Mr Hollis is a chartered accountant. Not a chartered architect.

Deputy Roffey: He is multi-talented but I do not think he is an architect, you are absolutely right. I meant to say accountant. I apologise for misspeaking.

The Bailiff: I thought you were standing up Deputy Parkinson to second those nominations. Were you?

Deputy Parkinson: I am very happy to do that as well, sir.

The Bailiff: Thank you very much.

Members of the States, those are the two candidates for the two vacancies on the States' Trading Supervisory Board for non-States' members. No further speeches are permitted by Rule 16(7) so I am simply going to put the election – does anyone want to take the election of them separately or

2425 can I put them both to you together? – I will put both of them to you together. Are you in favour of electing Mr Hollis and Mr Falla or are you against?

Members voted Pour.

2430 **The Bailiff:** I will declare both duly elected and we will move to the next item of business please.

COMMITTEE FOR ECONOMIC DEVELOPMENT

VIII. Control of the first sale and purchase of fish and shellfish landed in Guernsey – Debate commenced

Article VIII.

The States are asked to decide:

Whether, after consideration of the Policy Letter entitled 'Control of the first sale and purchase of fish and shellfish landed in Guernsey' dated 8th February 2021, they are of the opinion:-

- 1. To approve the proposals to introduce legislation amending the Fishing Ordinance, 1997 as set out in out in Section 4 of this Policy Letter.*
- 2. To direct the preparation of such legislation as may be necessary to give effect to the above decision.*

The Deputy Greffier: Article VIII, Committee for Economic Development – Control of the first sale and purchase of fish and shellfish landed in Guernsey.

The Bailiff: I invite the President of the Committee, Deputy Inder, to open debate.

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Deputy Inder: Thank you, sir.

I have got some good news and I have got some bad news. The good news is the policy letter is only five pages long. The bad news is my speech is 11 pages. There is a reason that may or may not be: why I think we should take this more seriously is that the two most dangerous industries in the world are logging and the second one is fishing. Seventy people in 100,000 people working in the industry will die in that industry.

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Even though at times it is a very lonely business if you are a single-handed fisherman, it is dangerous, you are risking your life for what is often very small profit margins, often going out to sea with no catch. There will not be too many Members and – I would mention, through you sir, Deputy Trott, Deputy Helyar, myself and certainly Deputy Ferbrache and Deputy Leadbeater – will have known people that have died at sea, be it cousins, friends and a few of us have even been to 'no body' funerals. This is not about hobbyists taking advantage of our existing lack of legislation, this is about a heritage business that we should take seriously.

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One of my styles of speech writing is to explain three things: where we were in terms of policy, where we are and finally where we want to be. In this case, it is worth giving Members a bit of background to explain there is a distinct difference between commercial fishing operations and hobbyists.

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Commercial fishing in Guernsey waters is regulated and the relevant fishing vessels have to be registered and licensed. In order to fish commercially in Guernsey waters a fishing vessel has to be registered under the Merchant Shipping Act and be licensed under the Sea Fish Licensing (Bailiwick of Guernsey) Law, 2012.

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Those of you who will have seen boats around the bay, the first thing that you will see is a GU registration. That is your first registration point and shows you are likely to be a commercial fishing

vessel. That also regulates the methods of fishing, the size of the catch, traceability of the catch and to ensure that conservation measures are maintained.

It is important to add here that the Law largely regulates commercial fishing enterprises. These requirements do not apply to vessels used by persons who are fishing solely for pleasure. The Law regulates commercial vessels. It does not actually regulate hobbyists and Guernsey is one of the few coastal European countries that has no regulation on its recreational fishing effort.

Any person who wants to acquire a licence has to purchase an entitlement from an existing fishing boat, go through the process of making an application, have a licence transferred to a vessel and then comply with all of the licence conditions. They just do not go out and buy a boat, zoom off to Banque Nord, stick a line over the side and go fishing. It is a serious business.

There are licence conditions on such things as fishing activity, including the gear that can be used, catch limits, safety and record-keeping. The relevant vessel would also have to be registered and the GU number obtained. All of this requires a commercial fisherman to make a significant investment of time and also involves considerable expenditure on a fishing boat, licence, gear and safety equipment.

This arrangement creates a clear distinction between vessels used for commercial fishing and those that are used for recreational fishing. There are, therefore, fishermen who have chosen to invest in registering and licensing a vessel in order to fish commercially and to make fishing their livelihood – accepting some are part-time – and those who have decided to take advantage of the exemption for vessels that are used for fishing solely for pleasure and who have not had to make the same investments. They simply do not have the same costs.

A person who fishes for sport or pleasure does not have to have a registered and licensed vessel. They can catch as much fish or shellfish as they like because, at the moment in time, they are for all intent and purposes, fishing for pleasure. They can land as much fish as they like without restriction, for the same reason. However, hours or even days later, when they offer that fish for sale, it is at that point that fishing for sport becomes fishing for profit and it is important. It is about fishing for profit.

Without evidence to link this whole process together, the ability to enforce existing legislation is extremely difficult. Last year, the Committee was made aware that some boat owners who operate unlicensed vessels are regularly selling fish and shellfish in Guernsey. However, the scale of the activity has been brought into sharp focus over the last 12 months and it is important to add ... Oh, sorry, beg your pardon, wrong page.

It is now apparent that this activity does not amount to the occasional sale of a few fish or shellfish that have been caught in excess of any personal requirements by a person who fishes for pleasure and that volume of sales from unlicensed vessels is now quite significant. Now, I have been asked by some Members to estimate the scale of the problem. In fact, Deputy St Pier even referenced it in one of his opinion pieces yesterday. I am fairly sure he was at the same question and answer session that we put together where that was explained why it is difficult to evidence a black market.

Clearly, by definition, that is difficult to do. Fish caught from unlicensed vessels are effectively sold on the black market. So it is difficult to provide definitive estimates. Now I know the States of Guernsey is a big fan of consultation but I would like to try that one: 'Dear people of Guernsey, please will you make yourself known if you are fishing on the black market and how much are you selling each year.' It is just not going to happen. That is the nature of the black market.

However, the Committee has been made aware of at least two recreational vessels, with over 90 pots each – clearly anyone fishing with 90 pots is not fishing for the table – and one unlicensed vessel has been rigged for commercial fishing. When approached by Sea Fisheries officers, the response was largely, 'Catch me if you can.'

Now there was a rough count of boats with winches, net haulers and long lining equipment a couple of years ago. That was explained to those who attended the Q&A. Approximately 160 boats were found to be set up for part-time commercial fishing around the harbours. Now there is obviously quite extensive effort and different types of effort but whether we like it or not it has

changed from 30 or 40 years ago when Members of this Assembly may remember, it has changed completely.

2515 I provided a photo of two single class boats to Members. One boat was GU registered and licensed and that was a single effort boat. It went out potting and that gentleman is north of 70 years old, possibly heading towards 80, not going out as much as he would. And the second boat, was a pleasure vessel, rigged for three types of fishing effort: potting, net-hauling and diving. That is how serious the operation is in some areas.

2520 A further example of how the black market has affected the local fishing industry was made last year. Early on in lockdown one, the then CCA allowed single-handed boats to trade and it was a great initiative. As a consequence of that dispensation there was a brisk trade in high value crab and shellfish and fish and prime fish being sold door-to-door by professional fishermen. It was a sustained business and the fleet was grateful for that extra business. Lobster, crab, fish were at a reasonable price, being sold to a very grateful public.

2525 Now that changed overnight. As soon as the recreational boats were allowed out of the harbour that business stopped overnight in terms of it fell off a cliff as a market and the lobster price dropped by 50%. The black fish, recreational fishermen were out in force. They are now in their hundreds. This is not about Billy Two Fish having a couple of crabs and selling it to his mate over the hedge. This is about commercial scale operations and they are writ large and they have been proven to Members already.

2530 The Committee believes that the significant volume of landings and sales from unlicensed vessels will not only have serious effect on the ability of local commercial fishermen to recover from the economic impact of the COVID-19 restrictions, but also adversely impact its effort to manage and conserve stocks of local fish and shellfish.

2535 I will remind Members of the previous Assembly what we adopted on voting through of the Revive and Thrive policy letter. Under S3 of Revive and Thrive we spoke about economic vulnerability of business and the efforts we will make to protect those businesses. The part- and full-time fleet is certainly vulnerable. Pressures on exports and Brexit are having an effect the adoption of this policy letter will go some way to assist that bounce back.

2540 In section S5 of the Revive and Thrive, we talk about a sustainable economy, identifying growth opportunities. The growth of existing businesses and efforts within the local economy. Although that fleet is a very small part of the economy, every small businessman matters. Or he does to me and I hope he does to Members as well. It is unreasonable to say one thing in a public document and do another when the Committee presents an opportunity to act on those principles and I do hope Members agree with that sentiment.

2545 This policy letter therefore proposes the amendment of the Fishing Ordinance, 1997, to allow the Committee to introduce an order to regulate (a) the first sale of prescribed fish and shellfish landed in Guernsey; and (b) the purchase of prescribed fish and shellfish in a transaction which involves a first sale of those fish and shellfish.

2550 Section one of the Fishing Ordinance, 1997, provides powers for the control of the taking, buying or selling fish of a prescribed species, which is of a size less than minimum ... anyway, in short, in Civil Service speak, or law speak or rather in your speak, there is a list under the Law and under ordinance of fish that we allow fishermen to catch and we can up and down the regulations and the sizes as and when there is pressure on the stock and we can add or subtract from it as well.

2555 The Committee proposes that an additional power, one additional power, should be inserted, which would allow it, by order, to regulate the import, export, taking, buying or selling of any fish, which is in that species list. The Committee would then make an order that would prohibit the first sale of fish or shellfish unless that fish has been landed by a fishing vessel under the Sea Fishing Licence (Bailiwick of Guernsey) Law, 2012. Or the person selling the fish or shellfish is authorised to do so by the Committee.

2560 Such an order will also prohibit a person from making a first purchase of fish or shellfish unless either it had been landed from a licensed fishing vessel or the person selling the shellfish was authorised by the Committee. It is important to make clear that the proposed controls would only

apply to the first sale – it is the first sale – and make purchase after fish had been landed in Guernsey. All subsequent sales, i.e. if you want to process it, if you bought some fish in quantity and you wanted to turn them into – I was going to say cheese! – if you wanted to turn them into smoked mackerel it is perfectly possible for you to do that and then sell them on.

It is about the control of the first sale and the first purchase. All subsequent sales and purchases would not be regulated. The Committee would also like to emphasise that these proposals will not affect fishermen who fish for pleasure and their ability to provide catches for family and friends.

That is not what this Committee is trying to do. That is a false narrative.

If you catch for your family and friends without selling for profit, please carry on and have a great summer because hopefully, within the next couple of months, I will be right behind you, doing exactly the same thing.

Excuse me. At last week's Q&A, Sea Fisheries officers were asked what the impact would be on those Islanders who bought directly from unlicensed vessels. In short, it will become illegal. That is a fact. But in reality the likelihood of anyone being caught or even pursued for purchasing small quantities of crab and shellfish or prime fish, is not very high. This is in part about education along with an enforcement piece. As we move towards a better and more sustainable management of our resources, I am quite sure the law-abiding public of Guernsey will support their local industry first and buy directly from the licensed fishing industry.

Sea Fisheries officers are interested in the commercial scale activity that is obvious, apparent and demonstrable but unfortunately currently, practically unenforceable. The proposal is to make the act of selling fish that has not come from a registered or licensed vessel illegal. It is as simple as that. We are lawmakers, we are law takers away. We are here to make that illegal. It puts the onus on the seller to demonstrate that he is acting legally, rather than on Sea Fisheries to prove to the contrary.

This will also include the purchaser. However it is not a trap, unless you are one of the bigger players. The intention is to follow the UK model that would make it a defence if the purchase did so unknowingly and, as I explained earlier, for a couple of crab and a bit of fish over the hedge, that is not where the problem lies. The problem is much bigger than that. Now without making both parties responsible for their actions will undoubtedly undermine this Proposition.

A comparison might be liquor licensing laws. We make it illegal for a person under-18 to buy alcohol. We also make it illegal to sell alcohol to a person under-18. Now how effective would the legislation be if we only made it illegal to buy and that shops and bars could sell to whoever they like without consequence. It is a nonsense law. Without having both sides of the law it is unenforceable and unworkable.

Hotels, restaurants and even wholesalers take advantage of this one-sided approach and buy from the cheaper source without consequence, which is often the person making a few quid on the side and not the legitimate commercial fishermen. Furthermore there would be nothing to prevent the fisherman who currently sells fish caught using an unlicensed vessel from seeking to licence and register that vessel in order to continue to make such sales. That is not unreasonable to ask.

If you want to do this properly. If you want to be that commercial scale fisherman, then do it on the same footing as the people who are doing it properly. Do not have more money than the businessman, throw money out of the boat as a hobbyist, and stop netting places, or any of the bays in Guernsey for under £600, because that is effectively what you are doing. One of the problems we have got, I am afraid, is that the fishing effort has actually become cheaper over the years and it is far greater than it was in the past.

The Committee considers that the introduction to the measures proposed in this policy letter will not require additional resources, financial or otherwise. The Committee believes, as a matter of principle, that it is unjust that a person who has used the exemption on pleasure fishing activity, and therefore avoided investments from a legitimate fishing fleet, should be able to exploit that situation. I would love to see the arguments against this. This is going to be very interesting if any further amendments arise after this. I would love to hear the arguments.

2615 They should not benefit financially and in doing so potentially affect the livelihood of fishermen who have invested in their commercial business. It is not fair, it is not right, it is unjust and this Island does not take it seriously enough. I would therefore encourage Members to approve the proposals to introduce legislation amending the Fishing Ordinance, 1997, as set out in section four of the policy letter; and, two, to direct the preparation of such legislation as may be necessary to give effect to the above decision and I commend this policy letter to the Assembly.

2620 Thank you.

Amendment

1. To insert the following at the end of Proposition 1:- ", subject to inclusion in the legislation of a power for the Committee by Order to provide for exemptions from any prohibition on the first sale or purchase of fish or shellfish, in respect of specified species of fish or shellfish and in specified circumstances".

2. To insert the following proposition immediately after Proposition 1:- "1A. To direct the Committee when exercising any powers to regulate the first sale and purchase of fish and shellfish under the Fishing Ordinance, 1997, as amended as envisaged, to consider granting exemptions for low level non-commercial sales and/or purchases where practical and appropriate.

The Bailiff: Members of the States, a single amendment, so far at least, has been submitted. Is it your wish to move that amendment now, Deputy Roffey? Then please do so.

2625 **Deputy Roffey:** Thank you, sir.

This policy letter has troubled me since it first came out because I absolutely agree with the thrust of what it is trying to do but I do have concerns over proportionality. Deputy Inder has painted a picture of there will be a couple of fishing boats out there that are all geared up for commercial –

2630 **Deputy Inder:** Point of correction sir, I did not make it a couple. Please as we go through this debate –

The Bailiff: Deputy Inder, you know full –

2635 **Deputy Inder:** Right, I am going to make a correction –

The Bailiff: Deputy Inder, you know full well, you stand up, you say point of correction and you wait to be called.

2640 **Deputy Inder:** I beg your pardon, sir. Point of correction, sir.

The Bailiff: Deputy Inder, point of correction.

2645 **Deputy Inder:** I did not diminish it into a couple of boats. What I actually said in my opening speech was there were up 160 boats out there rigged for commercial sale, which actually is about 20 more than the licensed fishing fleet.

The Bailiff: Deputy Roffey to continue please.

2650 **Deputy Roffey:** Made specific reference to a couple of boats that were rigged for three different ways of fishing etc. and made that point, that these were clearly out to do commercial fishing and therefore were unfair competition with the regulated, licensed fishing fleet, and I utterly agree with him and will support Economic Development completely in trying to rectify that situation.

2655 It is regrettable that that is not able to be done under the current Law. The current Law makes it illegal for the first sale of fish from non-registered boats but clearly there is a policing issue that

makes that difficult. Therefore I am happy to consider putting an onus on the purchaser, but that does worry me and the sort of reason it worries me was very ably illustrated by Deputy Inder during his opening speech.

2660 He talked about this golden period, when the non-licensed fishermen were not out there and the licensed fishermen were going door-to-door with a trade in crabs and fish. Now, under the new –

Deputy Inder: Point of correction, sir.

2665 **The Bailiff:** Point of correction, Deputy Inder.

Deputy Inder: I made no reference to door-to-door. I did not use the word door-to-door.

2670 **The Bailiff:** Just before I ask Deputy Roffey to resume, Deputy Inder, you will have your opportunity to speak in this debate as the President, in any event. You do not need to raise every single point that you might disagree with because it will just take everyone longer. Deputy Roffey, to continue please.

2675 **Deputy Roffey:** Sir, I was listening very carefully and that is exactly what Deputy Inder said. Maybe he did not mean it but that is exactly what he said and under that situation the onus would be on Mrs Whoever opening the door to actually, if she does not want to carry out a criminal act, to assure herself that those chancres that were being offered to her had been caught by a licensed fishing vessel and not by an unlicensed fishing vessel. And that worries me.

2680 But I do accept that if it really is impossible to police the abuse and the illegal activity in the first sale of fish from unlicensed vessels by policing the existing Law on sale, then maybe we do have to look, unfortunately, at the purchaser, because if there are restaurants and big hotels and whatever out there, that are regularly taking that route because it is cheaper than buying in the prescribed way then actually, I think reputationally, they would pretty soon stop it if they thought that they were likely to find themselves being prosecuted for illegal purchasing.

2685 However, it is the small scale and the proportionality that worries me here. Deputy Inder has said today and in the excellent presentation and Q&A session we had, it was stressed that the target is not the couple of chancres or the dozen mackerel that somebody goes out and actually catches far more than they need. That is not the people that they are trying to actually prosecute.

2690 But discretionary policing is a strange phenomenon, in my view. It is moving the decision-making over what is and is not acceptable from legislatures to enforcement agencies and that tends to be a slippery slope. Anyway, Guernsey is an enormously law-abiding community. Not everybody or Deputy Prow would have nothing to do. But the vast majority of Guernsey people do not want to break the Law and therefore will not do anything that is deemed to be illegal and somebody buying those couple of chancres from somebody who has got too many and giving them 30 quid towards their fuel will in future, if we pass this as it is, be a criminal.

2695 Now, sir, I take a very simple view when I sit in this legislative Assembly. I do not like to criminalise things that I do not think are morally wrong. I actually am very cautious about new layers of legislation, new layers of Law and if I do not think, they should not do that, then I do not like to make it illegal.

2700 I do not think there is anything actually appallingly wrong about somebody buying from their neighbour on the clos, a few fish, because they were recreational fish when they brought it back. Therefore I am very loath to do this. But it was explained at that presentation that there might be some difficulties with a *de minimis* approach and that it might undermine the Law. So this amendment is very carefully worded to try not to subvert what Economic Development are trying to do.

2705 It is in two parts, if Members look at it. The first part is I think just for clarification in a way because it absolutely makes clear that there should be provision for exemptions from any prohibition when

actually, if you look at paragraph 4.4 now, it actually says that the new order will allow it to regulate, rather than prohibit. So, I think inherent to that is probably the suggestion that there could be exemptions anyway, but I just wanted to put that beyond doubt.

Two, is asking the Committee, is this Assembly asking the Committee, not instructing, not saying they should do anything that would blow a hole in their legislation or their Laws, but asking them, when exercising their new powers to regulate, well the first sale is not new but the first purchase of shellfish is, to consider granting exemptions for low-level, non-commercial sales and/or purchases where practical and appropriate.

So, is this Assembly giving a message saying, please I do not believe it can be beyond the wit of man, I know we were told by the Sea Fisheries officer, sir, that it is tricky, but there must be a way of saying that Mrs Le Page buying a few spider crabs from somebody that has got too many, there should be a rule. If there is not then the power will rest with the Committee, with the current Committee and its successors. If they believe it is impossible to do after looking at it, there is nothing in this amendment will force them to do that. It is this Assembly giving them the power to do it and urging them to consider finding a way of doing it.

If they still believe they cannot after examining it, we have not done anything to undermine their efforts. They do not have to use that power to make exemptions, they can make no exemptions whatsoever but I want to say to them that it is a nonsense at the low level. It is the baby with the bath water, it is disproportionate, so please, take this power, try to find a way of applying this legislation sensibly. No more no less.

The Bailiff: Deputy St Pier, do you formally second that amendment?

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

The Bailiff: Thank you. Deputy Gollop.

Deputy Gollop: Sir, I missed the online presentation, which did not help, although I have had a few people giving me sprats and mackerels and things to feed upon. I am all at sea with the fishing issues in some ways because it is complicated and actually I am hearing two very different views today, from Deputy Roffey and Deputy Inder, both very persuasively put. I think we will have quite a few debates like that this week, where there are lots of nuances and so on.

I do not quite know where to go on this because Deputy Inder's fundamental thrust is clearly correct that there are loopholes in the current situation, that it is not fair or equitable to have two fishing boats side by side in the harbour, one of which has 90 pots, the other of which has 100 pots, but one of which is completely unlicensed and has not paid entitlements. It was effectively unregulated in every sense, who have not bought goodwill or the expression of the various tackle, lines, equipment that they need, or purchased the previous authority of the boat. And the other one is.

Now we know we have to build back better. Fishing is a struggling industry. We have discussed already the issues of Brexit and external affairs and the fragility of our links with England and France. We have seen in Cornwall, I believe, some fish wholesalers are 10% of where they were about a year ago, so it is a major issue. We have seen difficulties between our French cousins, metaphorically speaking, and our Jersey cousins, and protests there on all sides and I think Guernsey, with people of the political calibre of Deputy Le Tocq and Deputy Inder, have done very well with this work. And we know former colleague Deputy Barry Paint is somebody who knows what he is talking about with fishing and of course Deputy Helyar is now one of our key Members as well.

That all gives us confidence and I think that for the foreseeable future, the policy thrust which will then lead to legislation, which comes back to the panel chaired by Deputy Dyke, is the way to go because it protects an industry. It allows them to Revive and Thrive in an extremely difficult, external environment, in terms of both COVID and Brexit, and I will be supporting that and I think too we do need a better relationship with fishermen and we also need, as I have said to Deputy de

2760 Sausmarez and other Members in the past, we do need somehow to ensure fishing is a viable and growing industry but nevertheless is responsible in terms of ecological conservation, environmental enhancement and conservation, preservation of endangered fish stocks.

Therefore, in a way, to have a whole lot of pleasure fishing boats going around not being licensed, not actually having purchased an existing right, and having a slightly twilight existence, perhaps, of being outside regulations, is not the way to go.

2765 The problem though with Deputy Inder's speech and Deputy Roffey's retaliation is I kind of am attracted to the libertarian view of Deputy Roffey, which is we should not be criminalising an activity that does not need the full force of the Law but is he therefore saying this amendment is a modifying amendment or effectively a sea-wrecking amendment, which takes our mind off the main direction of travel?

2770 The problem, Deputy Inder kind of said, is it would make all but regulated commercial fishing that has been approved illegal, but we will not mind, we will turn a blind eye to a few people doing things in first sale. Now –

I will give way to Deputy Inder.

2775 **Deputy Inder:** Thank you, Deputy Gollop, for giving way.

This is about comparisons really. I think I said to you – and those who were at the Q&A would have heard the same thing – the reality is we have got a speed limit. If there is anyone in this Assembly who should know that, it is me, and 35mph normally, is the speed limit. But you know, 36mph, 37mph. 38mph, 39mph, the Police are not going to bother with you.

2780 So if you think of it like that the reality is the Police just do not bother ... I am probably saying the thing and probably Deputy Prow is going to jump up. No, I have not gone up to 40mph or 41mph or 42mph, so he has not jumped up yet. The reality is there is almost a black market in absolutely everything. There is a black market in cash businesses, the black just exists, but the reality is I genuinely do think that Deputy Roffey is overplaying it.

2785 Deputy Gollop, it is just the fact that the libertarian in you should exist and I am glad it exists in Deputy Roffey as well but, through you sir, I just hope that you listen to the Sea Fisheries officers and not just the opinion because the opinion is incorrect. There was a Q&A that clearly demonstrated, through you sir, that what the officers are after, they are after commercial scale fishing operations and they are unlikely to be targeting the odd bloke with a mackerel and a 50p in his back pocket. I cannot explain it any more than that but you just have to take the Sea Fisheries officers as read because they are the ones that told the Members that attended the Q&A.

Deputy Gollop: I have got to continue to wade through this a bit with a certain amount of depth and length because Deputy Inder in his speech, basically, told us commercial fishing in Guernsey waters is regulated and the relevant fishing vessels have to be registered and licensed. Now, it follows logically from that that anybody who is fishing semi-commercially in Guernsey waters who has not gone through the channels is acting illegally so we already effectively have outlawed the practice. It is just people, perhaps, are getting away with it and it is not as clear as it might be.

2800 The Law largely regulates commercial fishing enterprises, but they do not apply to vessels used by persons who are fishing solely for pleasure but here is the sticking point, when that border is crossed. We were told you have to purchase – I have got the phrase now – an entitlement from an existing fishing boat going through the process and making application, having the licence transferred to a vessel.

2805 Effectively, a bit like the milk retailers of old and bookmakers and other things, air regulation even, we have actually capped the number of people who can enter it and yet we have got, I will not call them cowboys, but we have got people out there with fishing vessels who are maybe, well we know, are selling fish on a scale and dropping lobster prices and so on and they are not regulated. So clearly the current regime is not really creating a clear enough distinction between vessels used for commercial fishing and those used for recreational fishing.

So that is a key point and as we have heard, 90 pots is too large. It is not just about protecting fish, door-to-door.

I will give way to Deputy Inder.

2815 **Deputy Inder:** Thank you, Deputy Gollop.

I will try and not do a speech this time. I am not a lawyer. Someone fishing out on a boat is just fishing. It is only when they have landed it and done something with it, it becomes in the scope of the regulation. So the idea that we might go out to sea and start sniffing around boats and asking what they are going to do with their fish before they have landed it, if that is what he is getting at, 2820 is irrelevant. It is just not relevant. It is as you land the fish, what happens to it after. That is where the problem lies.

Deputy Gollop: This is where I begin to drown a bit in the wreckage. Let us say a fisherman is regularly catching scallops or something like that and distributing them to, well it would not be 2825 Deputy Vermeulen's restaurant but it could be a restaurant or hotel on the Island, it would appear to me under one conceptualisation of what Deputy Inder and his Committee, which includes Deputy Vermeulen, are putting forward, that if a restaurant or hotel or member of the public or retailer is regularly buying from an unlicensed fishing person who went out for sport, a not insignificant quantity of fish, they would be breaching the rules under what, Deputy Inder, will come in. That 2830 would not be illegal.

Therefore we are talking about proportionality because any legislation which is made, the problem is if you have been a States' Member for a while, you know something happens. You have a debate. You have the attitudes and spirit of the day. You have the Law Officers advising us. You have legislation and we sit there and we give powers, quite rightly, to policing, officials and judges, 2835 and then we go away and forget about it and new Members join in.

Over time, Mrs Nice Sea Fisheries Officers might mutate into Mr Hard Liner, or whatever. Therefore legislation has to be proportionate. The problem with what Deputy Inder is putting forward is that he has not quite described – and that may be why we should delay it until the legislation stage – where the borderline between the person who is fishing for pleasure but 2840 occasionally will bring back a catch for his best friend and sell it, and the legal line.

Deputy Roffey's amendment, of course, falls into very much the same trap, if not more so, because when you read the clause from Deputy Roffey/Deputy St Pier, first Proposition says:

... subject to inclusion in the legislation of a power –

– not a demand, but a power –

2845

– for the Committee by Order to provide for exemptions from any prohibition on the first sale or purchase of fish or shellfish ... in specified circumstances".

Well, again, that is begging the question of would this Committee that we have elected have that power? Would they wish to have it? Would a future Committee? What exemptions would they place? How lenient or not would they go? Because clearly if they made it very broad, there would be little incentive to be a commercial fisherman and pay for things because you could get away 2850 with being a sporting fisherman and being a part-timer but avoid many of the financial and other consequences.

That applies even more to point two:

... direct the Committee when exercising any powers to regulate ... as amended as envisaged, to consider granting exemptions for low level non-commercial sales and/or purchases where practical and appropriate.

What is a low-level commercial sale and appropriate purchase? Is it to a shop? Is it to a 2855 restaurant? Is it to a best friend? Is it to your grandmother? Is it to your brother? Is it to something

like a regatta or a festival where I used to eat all the mackerel and it would sell out? No, I do not know.

Those are issues and legislation cannot be all about judgement on the day. It has to give directions to lawyers who draft it, directions to the Committee that implements it and directions to the officers that are seen to be clear and transparent. Therefore, unless I hear further, I think the best approach at the moment, given the uncertain ecological and economic situation the fishermen are in, and also given the need to protect and conserve that industry, we should go with the Committee's perspective and leave the amendment. And after the legislation has been drafted, either at that stage or after quick implementation, we would then review it as to see whether it was being implemented in too soft or too harsh a way.

That way we would therefore be able to test the new powers and, if there were inappropriate prosecutions and price-fixing and rapid rises in the cost of fish in the community or to catering, then I think that would be a case for the States and the Committee to step in. But I think the problem with the amendment on the table is that it is a little too vague as to what would come out of it and what the purpose of it would be, if we are going down the route outlined today.

The Bailiff: Deputy Aldwell.

Deputy Aldwell: I just wanted to speak about how times have changed really and why there is a need for this. During the 1980's, I was employed by the Guernsey Fishermen's Trading, which was established in 1966, on the castle emplacement, preparing the accounts. Fishing was probably at its peak. From landing £90,000 worth of fish in 1970 to over £1 million in 1976 and probably over £3 million in 1985.

I remember we had characters at the time, ex-Deputy Peter Bougourd and ex-Deputy Barry Paint. Back in the day preparing documentation for the Sea Fisheries and a T2L for the Customs, then feeding the information into a Telex machine to prepare a tape, which was fed back through the machine and landed with the merchants in France, with details of what was being exported, was a lifetime away from a computer that we would use today.

The Guernsey Fishermen's Trading saw vivier boats such as the Toll and the Anne Cherie shipping 20 tonnes twice a week to France and then latterly 40 tonnes to Bilbao in Spain, of shellfish. Shipping by air and RO-RO, via Channel Express and up to Billingsgate, Manchester and Nottingham and not forgetting the shipments to Jersey. It was the heyday of fishing and I recall writing out weekly cheques with one boat, which worked mid-Channel, receiving £28,000 for a week's work. For a clerk earning £120 a week it was a huge amount of money.

In the 1990's, licences were issued for the local fishing boats. Along with the licences there was a requirement for safety at sea courses to be taken. Boats were checked for safety equipment. In latter years, fishermen bought fishing licences and the costs related to engine size, with some changing hands for £10,000-£35,000. They paid for training courses. They complied with safety equipment. One hundred and 37 licences are held across the Bailiwick.

Those days back in the 1980's are long gone and catches considerably down. The cost of a lobster back in 1985 was between £5 and £10, the same as they are now. How many commodities would cost the same 35 years ago, I was asked by a fisherman. We need to support our hard-working fishermen who have complied with the Laws required of them, but not penalise the part-time leisure fishermen, who catch a few for the table.

Thank you.

The Bailiff: Deputy Meerveld.

Deputy Meerveld: Thank you, sir.

I am actually a little torn on this amendment. My initial reaction was I actually support everything Deputy Inder has said about the need to protect our fishermen to make sure they have a domestic market they can sell into. To make sure that we regulate the amount of catches we are taking from

the sea and preserve our stocks and that the boats that are being taken out meet all the proper safety requirements and licensing requirements as every country in the world licenses their fishermen.

But I also have sympathy with Deputy Roffey's libertarian approach. My wife and I go down to the Commercial Quay. We have bought crab and lobster directly off the boat, etc. on occasions and I also appreciate that flexibility. I think Deputy Gollop did a fantastic, a very intellectual analysis of the issues we face, as he always does.

I would like to act as a little bit of an arbiter here and try and see whether, by posing questions to both Presidents, we can reach a consensus view on how to deal with this. To Deputy Roffey, I would say from my reading of this amendment it is simply creating some flexibility in the legislation and giving the power to the Committee to make a decision on whether or not there should be some exemptions for low-level – and low-level would have to be determined – but it is giving some flexibility in the legislation because I must admit I do not like Draconian laws that exclude what has been a common activity in Guernsey for many generations.

If that is the case, if this is providing an option, it is not requiring them to implement exemptions, it is simply giving the Committee the power to consider it and potentially do it in the future then that, in my mind, is a good thing. You build into the legislation a little bit of flexibility at the discretion of the Committee and the officers who will be recommending those policies to them that they can, if they wish in the future, make some exemptions or allow some liberalisation of the regulations.

So, Deputy Inder, I am assuming that Deputy Inder, from what he said, their approach would be 100% we do not want any exemptions at this stage, as we see it now. We want a complete lockdown so it is a very black and white situation. If you are selling fish to anybody and they are buying it, both parties are breaking the law if it is not coming from a licensed boat, and I can see the merits of that because, again, from an enforcement perspective, from an education perspective for the public, that makes a lot of sense.

But future Committees, future situations, future States, is there any reason why his Committee, who at the present moment from the position I have heard from his speech, are unlikely to create any exemptions, would he compromise their policy and the legislation, fundamentally flaw it in a way that would undermine its effectiveness, simply having the power and discretion under that Committee and future Committees in that role?

In other words, I am struggling to see and why I am asking is, is there a way that, have written into the legislation, the Economic Development Committee has the power to consider exemptions? Will that compromise the legislation in a way that would undermine the basic initiative? If the answer is no then I will be minded to support this amendment and build in that flexibility.

I will give way to Deputy Inder.

Deputy Inder: Quite clearly my views are fairly black and white, as you know. If you are asking whether it compromises the policy, the answer is no. It is unlikely, on the advice from the Sea Fisheries office, that we would ever – this Committee anyway – enact any exemptions because the whole thing is fairly, 1a, there is already provision in the draft for the Committee to allow for the sale of fish from persons authorised by the Committee so it does not add anything. The 1a, I suppose here is the good news, what we have not seen, which is likely to happen, was the removal or at least accepting that the concept of buying is part of the problem. So that is a positive about what we are not saying.

What we are doing, to be perfectly frank, is dancing on a pinhead here. I genuinely think we are. I am afraid 1a is so bland it does not give any direction at all. It gives no direction whatsoever and it is almost a case of, with the greatest respect to the proposer and seconder, there is an element of touching it last year. Because this Committee, unless I hear otherwise, has brought this policy letter because it believes in it. This Committee has listened to its Sea Fisheries officers. This Committee has listened to Sea Fisheries officers: do not go near anything that looks like *de minimis*.

To answer your question directly, it does not wreck the policy letter but I genuinely think the amendment is just foundered anyway because it does not do anything.

Deputy Meerveld: (*Microphone not switched on*) ... emphasis was on this Committee and you have got to remember while we are writing the legislation or proposing the legislation in this Assembly, we are looking for something that has to serve us for years –

The Bailiff: Microphone, Deputy Meerveld.

Deputy Meerveld: My apologies, sir.

I thank Deputy Inder for his interjection and just to reiterate what I said for anybody who may not have heard it. What we have to remember in this Assembly is, when we are proposing legislation and Laws of this nature, we are not doing it for this term we are doing it potentially for years, decades, generations in the future and I like, personally, it appeals to me the flexibility for that in the future there may be a reason why an exemption or a *de minimis* might want to be brought in and I would like to see that kind of flexibility in the legislation.

Whilst fully accepting that the current Committee and this current Sea Fisheries officer's advice is not to, and I can understand exactly where that advice is coming from. But I am minded, after Deputy Inder's response – I wait to hear Deputy Roffey's when he responds, I am minded to support this amendment on that basis, that it builds flexibility into the legislation for the future, at the discretion of the appropriate Committee, who will be advised by the appropriate officers.

Thank you, sir.

The Bailiff: Deputy Prow.

Deputy Prow: Thank you, sir.

I rise very briefly to oppose this amendment and I want to start, really, where Deputy Gollop left off. As far as I understand, the policy letter, going to the bottom line of what the policy letter is about and what the amendment is seeking to change. This is about safety at sea and conserving fish stocks for future generations. That is the bottom line of it.

It seems entirely right to me, for the Committee, when they have been made aware that some boat owners who operate unlicensed vessels are regularly selling fish and shellfish and that the volume of the sales from unlicensed vessels is significant, for the Committee to seek to control the unlicensed first sale and purchase of fish.

Now, the policy letter sets out a mechanism to do this. I attended the presentation and I got some comfort that what was being proposed is something that does work in another jurisdiction. So this is not something that Economic Development have pioneered to solve this problem all by themselves.

Commercial fishermen, who make fishing their livelihood, have to comply with the Sea Fishing Licensing Law and they are required to make significant investment in both time and expenditure on fishing boat licence, appropriate fishing gear and safety equipment and Deputy Inder has spelt that out very concisely.

However, those who fish solely for pleasure can take advantage of an exemption and therefore do not have to make the same investment. It seems to me that where the Committee have considered this, this issue has been brought to the attention by the Sea Fisheries officers who have seen an escalation of unlicensed vessels carrying out fishing activity and have reported that the current legislative framework is not easy to enforce and this is where I do not agree with the amendment as posed.

Because what this has done is made what is a matter of enforcing the Law even more complicated. Deputy Gollop was talking about proportionality. It will be increased effort for the Committee and making it something even more complex to enforce. It is kind of a bit of trying to have our legislative cake and eat it.

The orders that the Committee are seeking to bring in will regulate the import and export, taking in buying and selling, and that is what the Committee is telling us is necessary. I actually thank Economic Development and the officers for the presentation, given last week to States' Members. I was reassured that these new powers would be used proportionately, targeting those selling and buying and will not and cannot affect fishermen who fish for pleasure, including those who provide for family and friends.

Indeed, sir, targeted law enforcement is perfectly acceptable. It is all about putting your resources where the most harm is being done. As I say, I was completely reassured by the officers who presented that this is their intention. So, sir, I cannot support this amendment.

Thank you, sir.

Deputy Queripel: Sir, I rise to invoke Rule 26(1) please.

The Bailiff: Very well, in respect of the amendment proposed by Deputy Roffey and seconded by Deputy St Pier, would those Members who wish to speak in this debate please stand in their seats? Deputy Queripel is it still your wish that I put a guillotine motion to the States?

Deputy Queripel: It is, sir, and can I have a recorded vote please?

The Bailiff: Okay, in that case, Members of the States, Deputy Queripel is invoking Rule 26(1), so I am going to put to you the motion that, subject to the usual winding up, which means Deputy Inder followed by Deputy Roffey, the debate on this amendment be terminated and he has requested a recorded vote. So, Greffier please.

There was a recorded vote.

Carried – Pour 12, Contre 27, Ne vote pas 0, Absent 1

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Burford	Deputy Aldwell	None	Deputy Parkinson
Deputy Bury	Deputy Blin		
Deputy Dudley-Owen	Deputy Brouard		
Deputy Helyar	Deputy Cameron		
Deputy Inder	Deputy de Lisle		
Deputy Mahoney	Deputy de Sausmarez		
Deputy Moakes	Deputy Dyke		
Deputy Murray	Deputy Fairclough		
Deputy Prow	Deputy Falla		
Deputy Queripel	Deputy Ferbrache		
Deputy Taylor	Deputy Gabriel		
Deputy Vermeulen	Deputy Gollop		
	Deputy Haskins		
	Deputy Kasantseva-Miller		
	Deputy Le Tissier		
	Deputy Le Tocq		
	Deputy Leadbeater		
	Deputy Matthews		
	Deputy McKenna		
	Deputy Meerveld		
	Deputy Oliver		
	Alderney Rep. Roberts		
	Deputy Roffey		
	Alderney Rep. Snowdon		
	Deputy Soulsby		
	Deputy St Pier		
	Deputy Trott		

The Bailiff: Members of the States, the formal vote on the motion pursuant to Rule 26(1) was that there voted Pour 12, Contre 27, one Member was absent and that is why the motion was lost. Who wishes to speak next? Deputy Trott.

3040 **Deputy Trott:** Thank you, sir.

Can I start by giving a view that I think it is the height of bad manners for a President who is presenting a States' Report, particularly one who has interrupted other speakers on a number of occasions, to vote to curtail a debate in the way that the President of the Economic Development Committee did? I think that is not acceptable behaviour in my view.

3045 I want to make three points. I will not give a long history of my fishing career, but what I will say is that I have held a number of fishing licences over the years and I have done a number of different disciplines. In fact, my involvement with the Guernsey Fishermen's Trading co-operative that Deputy Aldwell talked about does go back to the 1970's, as a boy working as a crewman.

3050 A few years later I bought my own licence. I did not get gifted one, although in fairness other members of my family did because they were active at the time. At the time that I sold my last boat, the fishing licence that I had was more valuable than the vessel itself. They had grown in value to such an extent.

3055 That last vessel did a number of things. It was licensed to catch all sorts of fish and I held a charter skipper licence, which meant that I was able to go to sea with 12 paying anglers on board. I had to pass all of the necessary safety at sea requirements and, certainly, issues around conserving fish stocks were relevant when we were angling, in particular.

3060 But the Law changed, or rather the Law evolved in such a way that one could go fishing with 12 paying anglers on board without a fishing licence. As long as one was not landing the fish into a wholesaler then that was completely acceptable. Because I had both a fishing licence and a charter skipper licence it did not make any difference to me if those anglers caught a surplus of fish and they could not take them home with them because all I had to do was pull up alongside the Guernsey Fishermen's Trading cooperative and unload that fish.

3065 Now on one such occasion, sir, we went to wreck out on the west coast and those anglers, there were eight of them on that occasion, my father and I, and they caught over 1,000 kilos of cod. A few of them took some fish home. The majority was landed.

3070 Fast forward 30 years I could go back to being a charter skipper again. I would not need a fishing licence. However, if I took those same anglers out to that same mark and they caught 1,000 kilos of fish, they would have to be thrown away and they would be thrown away dead, because they are coming up from such a depth that the swim bladders are evacuated and the fish is dead by the time it reaches the surface.

3075 You may say, no problem, just let the anglers take it home with them. But of course, as this States' Report is currently structured, they would not be able to do so because they are not paying to catch fish and take it home with them, they are paying to go angling. If the skipper did not hold a commercial licence he could not sell them the fish and they would not legitimately be able to take them because, in those cases, you are talking significant quantities of otherwise fish that would be thrown back into the sea.

So it seems to me that Deputy Roffey and Deputy St Pier's amendment, which includes the additional words of ...

3080 ... subject to inclusion in the legislation of a power for the Committee by Order to provide for exemptions ...

... fits very neatly into the scenario that I am describing. Right now the charter anglers, skippers, that do not hold fishing licences – and those that visit during the summer, particularly from the UK, to my knowledge none of them do – would have no choice but to say to their anglers, you cannot take the fish, I am not able to sell it to you. All I can provide is the boat, the safety equipment, the RUVS, the ability to take the fish is not yours or not mine to decree.

If you support the Roffey/St Pier amendment then you can deal with that – and there are others I could talk about but I shall not take up any more of the States' time – where those kinds of subtle nuances could be dealt with in the Guernsey way and none of us surely want to bring about the potential demise of a lucrative and important part of the tourist offering of this Island?

3090 Thank you, sir.

The Bailiff: Deputy Taylor.

3095 **Deputy Taylor:** Thank you, sir. Sorry, I voted to guillotine but if we are going through it I would like to add something.

I am going to give an analogy that is completely different to the fishing scene, but as the owner of a small business in Market Square, we regularly used to have other part-time businesses could come in one day a week and they could trade right on our doorstep, with full benefit of all the footfall that we would get, but they did not have to pay all the bills that went alongside that.

3100 For one day a week they had all the trade but they had none of the negative parts and the downtime of paying for premises, insurance, even when you are closed on Sunday. There are all kinds of bits.

3105 It is completely different, I have got no experience of fishing, but I can kind of see here how, if you have got all that investment tied into a boat, to have someone who can come in and kind of bypass the rules, I know it seems a bit silly and unfair. I do support this Proposition without the amendment.

3110 Really, I would like to listen to Deputy Roffey's theory behind the amendment but I am kind of wondering from a Law Enforcement point of view, if for example – and I am hoping someone will put me right on this – I had sold a fish to Deputy Roffey and the Sea Fisheries came to see him, they might say, 'Where did get your fish from?' 'I got it from Deputy Taylor.' That is okay it is just one fish. But then they went to Deputy Ferbrache, 'Where did you get your fish from?' 'Well I got it from Deputy Taylor.' And it starts to build up.

3115 We are not going for the small fish, we want the big fish. I know I am saying I am the big fish! I only catch mackerel and they are about 50p each, so it would not be worth doing it! I am going to urge from one small business owner, relating to all these fishermen who have all that expense tied up, I would urge other Members to throw out the amendment. Although I can see the benefits and the reason behind it, I would ask them to throw it out because we are going for that big fish, these big-scale part-time fishermen that are unlicensed.

3120 Thank you.

The Bailiff: Deputy Ferbrache.

3125 **Deputy Ferbrache:** Sir, Deputy Trott took us on a history lesson, which was very interesting, about his experience in relation to him fishing. One of the first Committees, in fact the very first Committee I went on when I joined the States in 1994, was the Sea Fisheries Committee, under the presidency of Deputy/Conseiller Ron Le Moignan, who asked me to go on it. I thought, why on earth has he asked me to go on it, I do not know much about fishing and then I realised after four or five years on the Committee I still did not know much about fishing. But it was an interesting experience.

3130 I can remember attending meetings which Deputy Trott, then as a fisherman, used to come along to those meetings and I was always interested then to hear what he had to say. Some things do change over history! (*Laughter*) In relation to where we are, what we heard from the very able Sea Fisheries officers last week was that if you were to bring in an amendment like this, do not bring in the Law. It will make it unenforceable.

3135 What I am surprised about from somebody with the experience, the genuine experience over 20 years, 30 years, whatever it was, for sea fisheries, from a boy to a mature-ish man, from Deputy Trott, was that he should be saying to the commercial fishermen, and it is a point made by Deputy

Taylor by analogy, that you have spent thousands of pounds on your kit, you are going out in really grotty, awful conditions and by and large you are making a living, that is all. Not a rich living, you are making a living. We want, because it is in our blood, it is in our ethos, it is in our culture, for the fisheries community to prosper. Well, not to prosper, to survive, really. That is what they are doing. Also, it is conservation.

Now the big boat that Deputy Inder made in one of his six or seven speeches that he has made this afternoon on the topic was that it just scooped up lots of fish and it did the three things. He is right. That did great damage to conservation. Therefore I am surprised that somebody like Deputy Meerveld should think there is any merit in this amendment. I do not like laws. I do not like bringing laws in.

Deputy St Pier in one of his almost weekly articles in the *Guernsey Press* now – and I hope that the other 37 of us will have the chance to write weekly articles in the *Guernsey Press*, it will make it much more interesting reading I would have thought and perhaps they will listen to that –

I give way to Deputy Taylor.

Deputy Taylor: Only a tiny point, but I think it is 36 if you will allow Deputy Roffey does have his own article as well. (*Laughter*)

Deputy Ferbrache: I think Deputy Roffey is only once a month but there we are. Deputy St Pier is appearing once a week at the moment. But in relation to that I wanted to speak before Deputy St Pier because I want him and I want Deputy Roffey to have the opportunity to tell me how this is going to be practical rather than makes them feel good. Because the Sea Fisheries officers, who do Sea Fisheries things, say it is impractical. It cannot be followed.

The best speech of all the 23 speeches, was Deputy Aldwell, who explained, really, the toughness of the industry over the last 20, 30 years. I am sure she is too young to have had all the experience that she says she had but in relation to all of that, it is a tough industry now. The profits have largely gone out of it.

Now I am going to vote against this amendment, but if the amendment is successful, I am going to vote against the policy letter, because the point is and the logic is there is no point bringing in something that is not enforceable. It would be unenforceable. That is what the Sea Fisheries officer said last week, so what is the point of bringing in an unenforceable law?

It might be as good to say, Deputy St Pier no doubt when he makes his speech, if he does, will be able to tell us how this amendment will be practical. Because there is no point us bringing in impractical amendments.

I am not giving way because Deputy Meerveld has made a speech. We have had enough people making more than one speech.

In relation to the principle, we have got the amendment proposed by Deputy Roffey, seconded by Deputy St Pier. We have got the first part of it:

subject to inclusion in the legislation of a power for the Committee by Order to provide for exemptions from any prohibition on the first sale or purchase of fish or shellfish, in respect of ...

I do not know what that means, I do not know the purpose of it. They will have to explain further. But this one really causes my head to spin:

To direct the Committee when exercising any powers to regulate the first sale and purchase of fish and shellfish under the Fishing Ordinance, 1997 ... to consider granting exemptions for low level non-commercial sales and/or purchases where practical and appropriate.

3180 Well I did not hear from Deputy Roffey in, as is usual, one of his very eloquent speeches, but this was a speech without substance because where did he say it would be practical. What is practical? What is appropriate? He should have given us some examples of that. Perhaps Deputy St Pier will give some examples of it and persuade me that the amendment is a good one.

3185 At the moment I am at a loss to see it. I do not like it. Deputy St Pier, in one of his weekly columns, said yesterday that this was a vanity project. I do not think it is a vanity project to protect the fishing industry. I do not think it is a vanity project to protect conservation. I do not think it is a vanity project to protect, as a Guernseyman as I am, our fishing industry, which has been with us for centuries and centuries.

3190 If there is a difficulty, and I fully accept what Deputy Trott said about the 1,000 kilos of fish and we would have to chuck it back –

I am not giving way ...

Deputy Inder: It is a point of order please.

3195 **Deputy Ferbrache:** If it is a point of correction then I will have to give way.

Deputy Inder: It is a point of order.

The Bailiff: What did you say?

3200

Deputy Inder: Point of order.

The Bailiff: Point of order.

3205 **Deputy Inder:** It has just reminded me. I am sorry, I have had a bit of a delay there, but I think Deputy Trott misled the Assembly. It is very important. What Deputy Trott said, and it is important because it may affect –

3210 **The Bailiff:** Deputy Inder, you get the ability to reply to the debate. You cannot raise a point of order about a previous speaker. You can only raise a point of order in respect of the speaker you are interrupting.

Deputy Inder: I was helping him out, sir.

3215 **The Bailiff:** You will be able to answer anything you want to on Deputy Trott in due course. Deputy Ferbrache to continue please.

3220 **Deputy Ferbrache:** I do not believe that Deputy ... it is not for me to answer ... Deputy Trott was misleading or attempting to mislead because if he is correct and he may well be correct about the 1,000 kilos etc., change that part of the Law. Change that. That does not attack this principle. Change that. What he said, I am sure it was accurate, but it was a nonsense.

3225 By that I do not mean he was speaking – on this occasion – nonsense. I do not mean that at all. But what I mean is of course it is an example which is silly. He could have sold them 20-odd years ago, if he were in that position today he would have to tell the people other than the few that they could take home they would have to chuck them all back into the sea. Change that. But two wrongs do not make a right. So, let us reject the amendment because it is not practical. Although I do not really like it, I can see the logic of it, the policy letter, because it does protect our fishing fleet.

Thank you, sir.

**Procedural –
Motion to continue sitting –
Not carried**

3230 **The Bailiff:** Members of the States, it has just gone 5.30 p.m., so strictly speaking we would be adjourning at this point but I am going to put to you a motion to see whether we at least continue to the vote on the amendment and then I might see who wants to speak in general debate. Those in favour; those against?

3235 *Members voted Contre.*

The Bailiff: I think that might be lost, so we will adjourn to 9.30 a.m. tomorrow morning, then.

The Assembly adjourned at 5.32 p.m.