



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Wednesday, 29th June 2022

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Present:

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

Law Officers

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

People's Deputies

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

Representatives of the Island of Alderney

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

The Clerk to the States of Deliberation

S. M. D. Ross, Esq. (States' Greffier)

Absent at the Evocation

Deputies A. C. Dudley-Owen, J. P. Le Tocq (*indisposé*);
Deputies A. Gabriel, G. A. St Pier (*absent d'île*)

Business transacted

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States of Deliberation

The States met at 9.30 a.m.

[THE BAILIFF *in the Chair*]

PRAYERS

The States' Greffier

EVOCATION

Billet d'État X

POLICY & RESOURCES COMMITTEE

1. Government Work Plan – Debate continued

The States' Greffier: Billet d'État X – the continuation of the debate.

5 **The Bailiff:** Mr Comptroller, are you in a position to advise the Assembly about the matters that were raised, in particular, by Deputy Taylor and Deputy Kazantseva-Miller yesterday afternoon? Do you want to find a microphone, then, Mr Comptroller? Otherwise other people will not necessarily hear you.

10 **The Comptroller:** Hopefully, I can be heard on this microphone. I am not sure that one quite worked yesterday. At least the Assembly had the benefit of listening to me. Others were spared that delight!

I think, really, I am in a position where I need to advise on the legal or constitutional matters that arise from the amendment. Rule 4 requires that the Procureur – and Procureur can mean Comptroller – and I think I can do that, hopefully that will assist Members.

15 Now I am not going to provide a detailed analysis of Guernsey's planning regime. I think yesterday Deputy Ferbrache and Deputy Kazantseva-Miller provided a very detailed summary of the history of the planning regime and some of the technical matters that arise in the context of planning. Broadly speaking, as far as I remember them, I agree with what they said.

20 Now, turning to the amendment itself, it is in the form of a direction, to a committee. Now there is nothing wrong with that but to my view, where the States do direct a committee it is then a matter for the committee – I am assuming here that the amendment is approved and forms part of a Proposition and the Proposition carries. If that were to be the case and the Authority is then directed to do what it is being directed to do, the Authority will have to decide whether it wishes to comply with the direction and whether it can properly comply with the direction.

25 Now, in relation to this matter, the issue that arises for the Authority, in my view, is whether on the basis it wishes to comply with it, whether it properly can. Now that I think is a matter, to my

mind, of whether the revised guidance set out in the amendment, which it would be required to issue, is consistent with the relevant part of the Island Development Plan.

Now, turning to the IDP, if I may, and I had a look at this last night – not all of it, it is 373 pages, but I looked at the provision to be dealing with affordable housing because this is what this is about. Paragraph 19.12.5 of the IDP says:

The affordable housing requirement is to be met by the provision of land for affordable housing development on the subject site.

So that seems to me to be the primary way of dealing with the affordable housing requirement, to provide land on the subject site.

Turning back to the Plan, it goes on to say:

However, the Authority, having regard to what is feasible in each case, will consider accepting the provision of units ...

– and just on this I presume that is units on the subject site –

... or in exceptional cases, off-site land or unit provision.

So that is what the IDP says. So turning back to the amendment, perhaps if we look at the current guidance, which is the current 7.2 of the supplementary planning guidance, which I have dug out, basically it starts off stating:

However we will, having regard to what is feasible in each case, consider accepting the following types of contribution in the following order of preference.

There is then a preference: (a) land; (b) provision of units; (c) off-site provision. That to me seems to reflect the requirements or policy, if I can put it, of the IDP, that provision of the Plan that I have just referred to, and it is consistent with it.

Now turning to the amended wording, I can see that perhaps that preference is not necessarily reflected in the wording. The wording would be that the Authority would be required or directed to issue starts:

However the applicant/developer can select between options a, b and c to meet the affordable requirement with the following types of contribution: a, transfer of land; ... b, provision of intermediate housing units, subject to the scheme described; ... and, c, off-site provision.

So I could see there would be an argument, but it is a matter for the Authority, that perhaps that is not quite consistent with the IDP.

Just to summarise, where I stand on this and my advice is this: there is nothing wrong with the amendment being put. There is nothing wrong with it being considered by the Assembly. If it is successful, if it is incorporated into the Proposition and the Proposition is carried, it then seems to me the ball is put in the court of the Authority and it will need to consider – i.e. you – whether it can properly issue the guidance it is being directed to issue.

I do not know if that helps, but that is where I stand and the advice I would give is that it would be perfectly proper for the Assembly to consider the amendment, debate it and adopt or not, as they see fit. But as I say, there is then an issue, a residual issue, a consequential issue for the Authority itself.

The Bailiff: Thank you very much, Mr Comptroller.

It may well be that there are further queries that arise during the course of debate about the advice that you have just given.

I am not going to call you, Deputy Taylor, because you have already spoken in debate but somebody else can raise any point you want the Comptroller to address, unless we get to a position where there is further clarification needed on the advice given. What you have not done,

Mr Comptroller, is actually refer to GP11 and the wording of GP11. Obviously, it is the policy that matters to the Authority rather than the commentary in paragraph 19.12.5. But the policy is set out there and Members can read the policy for themselves. If you wanted to it is on page 179 of the Island Development Plan.

Who wishes to speak next in debate on this amendment?

Deputy Dyke.

Deputy Dyke: Thank you, sir.

I would like to commend Deputy Ferbrache for bringing this positive amendment. I think, in the light of what the Comptroller has said, we can handle this on the Development & Planning committee. I think it is a good amendment. It is something that we can do quickly and, if you go back to the key issues, supply and demand, what is this amendment, if implemented, going to do?

Well, on demand, it will not do anything. Then you look on the supply side, what is it going to do? If it is attractive to developers, in the best case it will bring forward some developments and it does give them some options that they do not currently have. So, it is quite possible that it will bring forward some developments. At the very worst, it will not and so it will have no effect. But that means there is no downside.

So if you look at it from the supply and demand point of view, the only effect it could have is on the upside, in terms of bringing forward more homes. That is what we want to do, so I will definitely and enthusiastically vote for this amendment. Thank you.

The Bailiff: Deputy Gollop.

Deputy Gollop: Members yesterday said possibly much of the dialogue or the debate was people who were letting off steam, more than perhaps moving things forward. I am sure Members do not want to hear repetitious long-winded speeches, anecdotes and histories and all the rest of it.

But I do think the history of planning is related to this. I just had a thought that I kind of wish former Deputy and Education President, Mr Matthew Fallaize, was here because he would know what he was talking about when it came to the way we have evolved into this planning situation and I will come onto that in a minute.

But I do support the amendment, even though I am perhaps at variance with some of my esteemed ESS colleagues, because we need to acknowledge when things have not quite worked out. Yes, I know I do not want to send the message out to developers and other professionals in the property market that GP11 is history. But this amendment actually conserves GP11. It just makes it more flexible rather than abolition.

Yet it is by no means clear, even if the States direct or resolve to move in a certain direction, as Deputy Taylor reminded us yesterday, that things will happen quickly, because of the nature of the planning process.

I do think there are many reasons for the crisis, the emergency, or at least the difficult situation we are in with housing but that goes beyond the scope of this. What I think is important about this amendment, though, goes to the heart of the dilemmas with planning that we have. Because planning is both, especially when it became a standalone function rather than part of the Environment, perhaps, it is both a way of facilitating economic development and a way of strengthening conservation and there is a tension between the two on occasions.

One thing that perhaps occurs to me and Deputy Oliver may put me right on this – she probably will, actually – but during my time on the planning committee, both as a Member and as a President, we obviously worked hard on forward development and on looking at exemptions and at the open planning meeting framework, of which we look forward to the next few coming up, and we used to have guidance and advice from officers, we went through them with a tooth comb, responses to the development frameworks. But I do not recall often, if at all, ever discussing with officers or their advisers any proposals for GP11 sites.

120 So perhaps – and this is why I have come back to what the then Deputy Fallaize would have said – he reminded us on a few occasions that where we have got to with Planning, post 2007, is a strange place, because we have kept the oversight of politicians in the frame, having a committee, open planning meetings, DPA and to a certain extent Environment & Infrastructure being involved with planning policy, under the Strategic Land Use Plans (SLUPs). But although we have not,
125 politicians have responsibility when it comes to the open planning meetings and occasionally not deciding to have them, we are no longer really day-to-day involved with many of the crucial decisions. I think in Jersey and other places there is more of that.

So what one kind of wants is, supposing the amendment is passed, I do hope that when developers are dialogued with, and I think perhaps we have not spoken enough with developers
130 for the foreseeable, on all of the committees, and got a partnership going, but when they are approached I think it is helpful in some areas, not just for an officer to professional architect/surveyor/builder letter or discussion but for Deputy Oliver, Deputy Taylor, Deputy Kazantseva-Miller, Deputy Murray and Deputy Dyke to actually have the issues in the competence of the board and discuss and actually work with the officers to get these sites going.

135 You do not want to discover three months, six months later, that a dialogue that politicians are completely unaware of stymied a development. So I am basically saying, not just support this amendment but have a little bit more political intervention where appropriate and I hope that does not contradict anything H.M. Comptroller has said but I think that is within the guidance, and then to have, as fast as possible, have a broader look at the Island Development Plan.

140 Another thing that came out, I keep on repeating this, is Deputy Soulsby and Deputy Roffey rightly reminded us this should not be a hobby horse debate, it should be focused on prioritising resources. Well I think we have under-developed the prioritisation of resources to Planning. Planning is an economic enabler, it is crucial for maintaining the health and diversity and demographic mix.

145 I say to Policy & Resources, and every other Member, if for whatever reason the Development & Planning Authority and Environment & Infrastructure are short of the staff, either full-time or part-time, give them the resources or buy-in professional expertise consultancy. That is more important than keep on talking about recovery from COVID and that kind of thing in my view.

150 **The Bailiff:** Deputy Burford.

Deputy Burford: Thank you, sir.

Deputy Trott raised some very timely and pertinent points yesterday about the industry capacity to build everything that is coming down the pipeline already. Thus there is no need to try and
155 reverse-engineer the IDP now to crow-bar in on-the-hoof amendments to it. Additionally, the DPA has already stated, in Scrutiny hearings and elsewhere, that the whole issue surrounding GP11 and tariffs will be considered as part of the IDP review and not before. It will be considered in the round, taking all views into account and, vitally, assessing possible unintended consequences.

Many Members yesterday cited the laws of supply and demand and there was much discussion
160 on the supply side. But where is the accompanying debate on how we manage demand? We have to look at population policy in the light of its impact on housing, services and infrastructure or this issue will never be solved and tinkering debates like this will become a recurrent feature of this Assembly.

But to suggest, as has been done, that passing this amendment is the vital key to unlocking the
165 housing shortage is simply nonsense. I am very surprised to see this amendment being seconded by the President of the DPA, who knows that supplementary planning guidance does not dictate IDP policy, but rather the other way around.

I would be interested to hear from the President on how the DPA will seek to deal with this amendment, if it becomes a Resolution, and if the President about that process, I would mention in
170 passing the precedent has been set for removing oneself from a Proposition in the middle of a

debate, not least by the late Deputy, Advocate Roger Perrot, and failing that, sir, she can always vote against it.

Thank you.

175 **The Bailiff:** Deputy Queripel.

Deputy Queripel: Thank you, sir.

I listened very closely to what Deputy Kazantseva-Miller said when she spoke yesterday. As I recall, she said if this amendment succeeds we will be in extremely dangerous territory. And that
180 concerns me because we could be involved in all sorts of litigation, of course. She also told us when she spoke that when it was submitted to our Law Officers for advice they did not have enough time to consider the consequences of the amendment. I hope I got that right.

In my 10 years as a Deputy that is the first time I have ever heard a Deputy say what the response was from our officers. So I was really grateful she told us that. Because I normally assume – I have
185 to hold my hands up to this – seeing as it has been submitted to our Law Officers and there is no mention of what their response was in the explanatory note, then everything is okay from a legal point of view. But that was not the case in this instance.

We would not have known what the Law Officers said unless Deputy Kazantseva-Miller had told us and that is a major issue, as far as I am concerned. In future, I will be asking questions about what
190 the Law Officers have said in response to Propositions laid before them because, unless that question is asked, we have no way of knowing what the response was from our Law Officers. In the long term, I will be putting it to my colleagues on SACC that the response from the Law Officers be included in the Rule 4(1) information in future.

So we have a Member of DPA expressing real concerns and we have the President of the DPA, Deputy Oliver, seconding the amendment. She obviously does not see any problem with it, whilst
195 her fellow committee Member is doing her absolute utmost to alert us to all the dangers of supporting it.

I appreciate that it has been laid with the best of intentions but it sounds to me as though a planning inquiry will be needed if this amendment succeeds. And as I have already been told by the
200 DPA in answer to my Rule 14 and 11 questions, that could take 18 months to conclude and cost as much as £200,000. In that time, the review of the IDP will be well underway anyway so what is the point in supporting this amendment?

So I am going to take notice of what Deputy Kazantseva-Miller said yesterday and what H.M. Comptroller has told us this morning because it sounds as though, if this amendment is passed, we
205 will then be living in hope that we do not end up in the dangerous territory Deputy Kazantseva-Miller tells us we will do. So I am afraid I cannot support a live in hope amendment because, in the words of Creedence Clearwater Revival, I can see a *Bad Moon Rising*.

Sir, in closing, I ask for a recorded vote, please.

210 **The Bailiff:** Deputy Murray.

Deputy Murray: Thank you, sir.

I find myself in a bit of a dilemma, sir. I am certainly on record in my manifesto as saying that the IDP was not fit for purpose and I did not intend to end up on the DPA, as it happens. But I have.
215 And my opinion has not changed because if anything I now know more how inflexible it is, how difficult it is to make changes to it. Which surprises me. Even to the extent that this Assembly does not have the ability to actually overturn it. I think people tend to forget that.

Deputy Dyke: Point of correction.

220

The Bailiff: Point of correction, Deputy Dyke.

Deputy Dyke: This Assembly, by ordinance, could overturn ... oh, it is not working. The Assembly by ordinance can amend the IDP if it wishes to. Perhaps the Comptroller would ...

The Bailiff: Deputy Murray to continue, for now, but Mr Comptroller you are on notice that there is another question.

Deputy Murray: That is part of my dilemma, sir, because it is like a box of frogs here. You start talking to lawyers about anything and you do not get a straight answer! *(Laughter)* That is no disrespect.

But I am really concerned because I have a statutory duty on the DPA to make a decision as a consequence of what I think would be a very helpful amendment here but I could find myself *ultra vires* as a consequence of actually imposing that and I do not know what the ... will I end up in the pokey? I do not know, basically.

This is not an easy decision for us to make because we spent an awful lot of time yesterday recognising how serious our housing situation is and, given the inflexibility of the IDP, anything that would help is something that we would all welcome, there is no doubt about that. **(Several Members: Hear, hear.)**

But is there a legal basis for us to do this? What the Comptroller appears to be telling us is suck it and see. That concerns me because, well, fine, I am prepared to do that, but are the ramifications actually it is challenged in court as a judicial review? Where do we stand as an Authority? Have we overstepped our authority? Have we gone beyond the bounds of what we are actually allowed to do? I do not know.

And because I do not know I am now in a dilemma as to know how to vote on this amendment, which I seriously would like to see happen but I can only do it under the Law. I have to know if that is actually acceptable under the Law. If we have the discretion, that is one thing. We can exercise discretion without penalty. If we do not have discretion then I need to know and I really would like some guidance. I would like an answer, actually; not guidance. I would like an answer to that question.

Thank you, sir.

The Bailiff: I fear, Deputy Murray that when I go back to the Comptroller you will not get a direct answer to that question anyway, with the background knowledge that I have and Deputy Ferbrache has from the times that we have been in this courtroom on other matters. But we will come back to this, Mr Comptroller, in due course, because it is clearly troubling some Members as to what the position is.

Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

I think there is quite a straight forward answer because if we refer, as the Bailiff earlier directed, to page 179 of the IDP, under the actual policy of GP11, it is quite clear what the policy is and it does say, for the benefit of those who have not managed to look it up that quickly, it talks about the transfer of land and the conditions around that, and it goes on to say:

Where the provision of land is not feasible, the Authority will consider the provision of completed units or off-site provision in accordance with the scale set out above. The density, mix and type of units proposed must be consisted with all the relevant policies of the Island Development Plan.

And it goes on to add more detail to that. But it is very clear that GP11 sets out a pecking order and also the decision quite clearly rests with the Authority. So it is for the developer to make the case why the transfer of land is not possible and it is for the Authority to decide. Now, what this amendment does – and of course I think it has sparked at least quite a useful conversation – is several things.

It removes that pecking order, first of all. So it does not prioritise those options in the same way. It appears that its intent is to provide developers with an equal choice between transfer of land, the provision of intermediate housing units and off-site provision, so whichever the developer likes and I would stress the term developer is for the developer, under the terms of this amendment, to decide.

The Authority seems to have absolutely no say on that whatsoever. So that is the other thing that this amendment changes or attempts to change. I do not think it can. I will come back to that in a minute. So it takes away the DPA's autonomy, authority and flexibility with that regard. It cuts the DPA out of the equation.

And I think also what this amendment does and I am not sure if this is intentional or unintentional but it reduces options. When it talks about the provision of intermediate housing units, it appears to reduce options in that respect because the only option it appears to allow is the one that is set out in Amendment 2.

Now this raises another problem. So first of all there is a reduction or a narrowing of options in terms of what units could be provided on site but more importantly this scheme does not yet exist. We have not even debated Amendment 2 and ESS, in consultation with E&I and the DPA, we have not come back to the States with the detail of that scheme. So this scheme does not exist, what is being proposed here.

This absolutely does not align with GP11. So we have got the planning policy in place, that is GP11. What is being directed through this amendment is the issuance of supplementary planning guidance, which flatly contradicts GP11. It does not align with GP11. So that would be misleading. If the DPA were to issue supplementary planning guidance of this kind, it would be misleading to developers, because it would suggest to them that there are options there or a different way of approaching this, which is not supported by GP11 and, as Deputy Murray has said, the DPA is under a statutory obligation to come to their conclusions in accordance with the policy. Not the supplementary planning guidance, the policy.

I mean it would be a nonsense of a situation, I think, to issue supplementary planning guidance which does not align with the planning policy. And as Deputy Burford explained, these issues will be considered in the round. The DPA has already committed to them and actually I commend Deputy Oliver, if her intent was to hear the views of this Assembly and talk about some of these ideas, then great. But I think the DPA is in a completely untenable situation if this amendment passes, because they will be directed by this Assembly to issue supplementary planning guidance that is not reflective of or an alignment with the planning policy itself.

So I just do not see how this is in any way satisfactory. I think it is an interesting discussion but it directs supplementary planning guidance to be issued, including removing the pecking order, so the priority order, removing the autonomy of the DPA from the situation. I give way to Deputy Roffey.

Deputy Roffey: Does Deputy de Sausmarez also accept that the option that is being inserted into the supplementary planning guidance suggests that this can be exercised by taking somebody off the intermediate housing waiting list of the ESS and, at the moment, there is nobody on such a waiting list other than those on the GHA waiting list for partial ownership? Because the scheme outlined under section two or Amendment 2 has not yet been established, if somebody came to us and said, 'Can we have somebody off the waiting list?' it has not yet been established so it is completely cart before horse, if you like.

Deputy de Sausmarez: It is. I completely agree. In many respects this amendment is premature. I completely appreciate the intention behind it but it is premature. It is cart before horse. As Deputy Burford said, these are all considerations that we need to do things in the right order.

We are tying ourselves in knots with this and, although I appreciate the intention, it is an interesting ... very obviously as the seconder of Amendment 2, I am clearly very supportive of one of these but I do think it has a number of unintended consequences. It would put the DPA in a

nonsensical position and I just do not think, I certainly cannot support this amendment, much as though I support the intent behind it. I think it would just put us in a really quite extraordinary position and I think put the DPA, in particular, in a very tricky position, for the reasons that Deputy Murray outlined earlier. Thank you.

The Bailiff: Deputy Oliver.

Deputy Oliver: Thank you, sir.

I am going to have to say, this is me speaking, not the President of Development & Planning because I do not actually have the majority of my committee. So it is just purely me.

Is this putting the cart before the horse? Probably, yes. But we have a housing crisis and we need to sort that out. (**A Member:** Hear, hear.) Is this legally going to cause challenge to the difference between the IDP and the supplementary guidance? Probably, yes. But we have a housing crisis. Should we be looking at a clear preference for provision of land? Yes. But we have a housing crisis.

Could there be unintended negative impacts because the amendment seems to remove the option for land? Well, yes. But we do have a housing crisis. Would my preference be to wait until Amendment 2 has been investigated and we have found the findings and then we put this into the review of the IDP and then change the supplementary guidance? Well, of course I would. But we have a housing crisis.

Now, I think everything mounts up against this amendment and, probably, if I was talking as President, I would say do not do it. But we do have a housing crisis. Now there is still one question that I do want to ask the Comptroller, even.

I will give way.

Deputy Roffey: I thank Deputy Oliver for giving way. I think we all know there is a housing crisis and we want to tackle it as quickly as possible. What I am trying to understand and I am asking her as President of the DPA is how will this help? If this amendment is passed, in her view, what will take precedence at the DPA? Will it be the supplementary planning guidance or will it be the actual policy that that guidance is supposed to be illuminating and which would be actually a complete contradiction to it?

Deputy Oliver: I give way to Deputy Ferbrache.

Deputy Ferbrache: Does Deputy Oliver agree with me, looking at GP11, that there is no reference to nil costs and that in the current affordable housing SPG 2016 paragraph 7.2(a) that is the first time we see reference to nil costs?

Deputy Oliver: Was 17 point? Sorry.

Deputy Ferbrache: Sorry, the current planning policy. I will read to Deputy Oliver, sir, if I may, the current supplementary planning guidance, paragraph 7.2(a) under the heading 'Transfer of Land.' I will read the whole of it:

In the first instance, land for affordable housing should be provided on the subject site. The land would then be developed for affordable housing by the States of Guernsey or a registered housing association. Where land is to be provided, the percentage required of the developable area will be transferred to the Committee for Employment & Social Security Housing Association at nil cost.

That is what the planning guidance says. Do those words appear in policy GP11? My reading of it is that they do not.

Deputy Oliver: Deputy Ferbrache is correct.

Sorry, for goodness' sake. I give way.

Deputy Taylor: I am also very grateful for Deputy Oliver for giving way.

The question I would like to pose is, given we are in a housing crisis, if we have a developer who is chomping at the bit and it is a development that will be relevant to this amendment, being a development over 20 houses, so a very large development that we are desperately in need of, and there is any ambiguity about whether it could go to a judicial review, because of this amendment, it does not matter what the finding of that judicial review might be, because I understand we cannot get advice on that, but just the process of going through a judicial review might cause an unnecessary delay to one of these large developments? I wonder if she might comment on that, as a Member of the DPA that has been through a judicial process ... she could comment on the delays.

Deputy Oliver: Yes, there would be a possibility. However, a judicial review is very expensive. I will say that.

If I can get back to my original point, there is just one more question that I do have for the HMC. Where does it stand if the Authority in the States vote against it and the States vote for it to happen? It is still the Authority's decision, I am under the illusion. How will that work?

Thank you.

The Bailiff: Deputy Meerveld.

Deputy Meerveld: Thank you, sir.

I think that is probably the best speech I have ever heard Deputy Oliver make. She hit the ... obviously the key point is we are in a housing crisis. Again, I like to view things from a causation perspective and understand the cause before I start dealing with the issue. As I touched upon in a speech on the previous amendment yesterday, the IDP was meant to be reviewed after five years. It was meant to be reviewed prior to November last year but due to a decision of the previous Assembly and resource restrictions, it was deferred.

If that review had happened then we probably would not have six housing related amendments out of 12 to the GWP. We probably would have changes being made. As Deputy Murray pointed out, he is of the opinion that IDP is broken and I would agree, in many ways it is. It has many good elements but it has other elements that have simply not worked as anticipated, GP11 being one of them.

These things would have been addressed if that review had gone ahead. It is our failing as an Assembly, both current and past, for not having performed that review yet, that is contributing or exacerbating the housing crisis. So these amendments are being brought now as an opportunity to, hopefully, take some actions, to address some of the issues.

Just to address the speeches of Deputies Queripel, Murray and de Sausmarez, regarding the implications of the Assembly approving this amendment. And I stand to be corrected by H.M. Comptroller, but my impression of what he said – and my interpretation of what he said not that long ago – was that it is perfectly right for this amendment to be laid. It is perfectly right for this Assembly to consider it. This Assembly can approve it without breaking any laws and put it to the DPA.

The DPA would then, under their Authority, examine how it could be done. Effectively this Assembly would be indicating a desired direction of travel but the DPA authority would then look at whether or not they could do it under their current authority as proposed. Or, as per Deputy Dyke's suggestion, we have to bring in some other legislative vehicle to be able to deliver it, that would be up to the DPA.

This Assembly is being asked today, we have a housing crisis, this is a suggestion that may help address that housing crisis, not in its entirety but as a component of other measures and do we support it in principle? The DPA and their officers will receive that direction from this Assembly and then will come back to this Assembly, I am sure, if there is an issue with implementing it. But at least this Assembly will have made a decision on a direction of travel, a desire, and quite explicitly in the way things are structured in the amendment, and the DPA will come back to us.

Deputy Burford mentioned population management. Absolutely, population management is going to be a debate later this year and there is a very strong argument to say that we should be liberalising our population management regime and increasing our population, bringing in younger people with families to address the ageing population. But, guess what? We cannot, for practical reasons, because we have a housing crisis. There are no houses to put them in. So, again, unintended consequences of decisions we have made and the state of the market are limiting our options going forward.

Deputy Burford also implied that this was some magical bullet, a single solution that was going to address the housing crisis. Not it is not. It never was presented as such. It is simply one measure that may help free up the property market.

Deputy Roffey would say, 'Oh, this is completely new. We cannot go ahead with this because we have no precedent of how to implement it, etc. It is cart before horse.' Really? When we come to Amendment 2, I will be posing some interesting questions to him about the basis for that amendment.

Because, in the year 2000, the States' Housing Authority sold land at Grande Maison Road, St Sampson's for development for first-time buyers at prices linked to the lower quartile of the housing index. I know this very well because it was my father who bought that site with his investment partner and developed. Courtil Leonie is the name of the development, 20 houses, 14 flats, that were put under covenant to only be able to be resold at the same percentile of the market as the original buyers. Since then, those units have been bought and sold 44 times. This model has existed in Guernsey for 20 years and was originally initiated by my father, and those units were completed in 2002.

This was actually suggested, this idea of these covenants on properties, having properties sold and locked in at a discount against market for first-time buyers, was proposed by J. Meerveld & Sons and their investment partner when the IDP was under consultation in 2014. To the ESS Committee. But it was never taken up.

So the precedent is there. This is functioning. Yes, the details have to be worked out. The structure of the covenants will have to be agreed. But do not tell me it is impossible or that we have to have some giant review or we have to delay it and make it another decision first before we can get to that one. What we are trying to do with this amendment is have action now to address a specific issue we are facing. Not to address it as a comprehensive solution but put one more tool in the box that could help free up the market and get units delivered.

So, going back to the IDP. In the IDP in 2016, we were repeatedly assured, as an Assembly, when debating on 2nd November 2016, the implementation of the IDP. There was a lot of people raising concerns about the idea that an Island-wide planning inquiry was required to make any significant changes to the IDP. We were repeatedly assured that, no, we can make changes, incremental changes, between the five-year reviews, by amending SPGs. And this is the affordable housing SPG that this looks to amend. Exactly that process. We were assured we were there. But now we would have Deputies telling us, 'Oh no, you cannot possibly change those.'

Well that was built into a plan of how we were persuaded to support the IDP in the first place with assurances that it had a degree of flexibility for the Assembly or the DPA to make adjustments as we go. This is an adjustment that has been recommended on the back of another amendment we will discuss next and a structure that is being proposed to be introduced for the discretion of the GHA.

People have said GP11 is working. Well it has delivered zero houses, we have been told by developers it is blocking development and I have ... not necessarily blocking developments but developments are not proceeding because of the way that GP11 is structured and the fact they cannot preside them.

To give a specific example, quoting from the information my brothers have supplied, Cleveleys Vinery, there was an application to build 34 units there, submitted in the first half of 2019 over three years ago, and in that proposal they said they wanted to deliver 20 units of housing and, oh, 24 – I will get the exact number, but anyway – it is 20-odd units for the Open Market and a GP11

475 proportion as this type of scheme of locked-in, lower pricing, discounted against market for first-time buyers, pepper-potted in the development.

The officers' reply to them, which I have, said 'No, the GP11 is prioritised'. You have to give land. Only if you can prove there is a very good reason why you cannot give land can you move down the list. That development has not been proceeded with.

480 I have been told by my brothers and their partners to give an assurance to this Assembly that, if this amendment is passed, they will, in as short a time as possible, put forward a proposal that will deliver 34 housing units, with a proportion of them at the 75% ownership, under this plan. So we talk about generalisations, what will and will not work. I am telling you now, on behalf of them, that if this is approved, they will apply under it as soon as they can do so, as soon as the DPA has put it
485 into effect, and it is likely to be, or quite possibly be, the first site ever to deliver any housing under the GP11 provision. So this Assembly today can make a decision with a tangible deliverable against it.

Deputy Roffey, in his speech yesterday: 'Do not support this amendment. It is going to set a precedent for the GWP debate. We do not want to be reserving four days in future, we will have to
490 reserve 40 days for it, because policy will be done on the hoof of this Assembly.' At the same time as proposing another amendment, which just develops a development or policy leading to exactly the same thing.

But again, even if you say there is a difference between the GWP debate, and it should be done in a different way, prioritising simply what is in the work plan, well then half the amendments being
495 discussed over these days would be struck out. But also, to quote Deputy Oliver, there is a housing crisis. And yes, an emergency, if you take Deputy Moakes' view.

You have an exceptional circumstance here. That is why six out of 12 amendments to the GWP are trying to address the housing crisis in one way or another. So again, I do not think it is inappropriate to discuss this now, because again we missed the review of the IDP that should have
500 been done last year, when it would have been more appropriate, I agree. I do not think it sets a precedent. We have a crisis or an emergency to address and there is a lot of amendments alongside this trying to address different aspects of it.

It is not a silver bullet that is going to give us an immediate solution but it does contribute. We have a guarantee from developers that they will deliver under this policy, it will free up a
505 development that has not proceeded, they say, because of GP11 and its restrictive nature and the way that it is prioritised under the current Plan and if this amendment goes through and once it is implemented, they will deliver against it.

That brings me onto my last warning about unintended consequences. This amendment, I originally anticipated, would be debated after Amendment 2, an amendment that delivers exactly
510 the same structure, in fact it is almost copied from it, to allow the GHA to start building and selling houses. The GHA to date has only developed what is technically called in Guernsey, affordable housing, but I would call social housing, because even under the partial ownership scheme, they would only deliver properties for rental or partial ownership.

But under the partial ownership scheme, ownership remains with the GHA, the person in a partial
515 ownership scheme could technically participate in the value of that property and its appreciation over time but the ownership of the property was never transferred into their name. They can never raise a mortgage against it, etc.

The next Proposition changes the fundamental nature of the way the GHA functions and this is particularly highlighted by Deputy Roffey's speech yesterday, where he was trumpeting the
520 purchase of the data park. Well my first question on that is, why was it sold to the RED Fund in August 2019, for £1.6 million and then the States have bought it for £4.75 million, the GHA has bought it for £4.75 million, using funds from the States.

Anyway, that is one question. But actually there is a more fundamental issue here and ... I will give way to Deputy Trott.

525 **Deputy Trott:** How on earth would Deputy Roffey be expected to know? It was a commercial and private sector transaction between the vendor and the acquirer, nothing to do with Deputy Roffey whatsoever. Thank you for giving way, sir.

Deputy Meerveld: Yes, good point.
530 I mean I just checked with the Greffe, it is a recorded transaction, a public transaction. It is on the public record, the transfer, the purchase of the land by RED in August 2019, for £1.6 million. Anyway, that is not the main point here. The main point is ... I give way to Deputy Ferbrache.

Deputy Ferbrache: I am just following up the point made by Deputy Trott.
535 As part of HAG, I was involved with Deputy Roffey and Deputy de Sausmarez in the negotiation over that site and so somebody made money from it. The circumstances were different. What is the problem? If somebody paid £1.6 million X number of years ago, it has now been sold for £4.75 million, what is the problem? That is the capitalist system, which I thought Deputy Meerveld – and I – quite liked.

540 **Deputy Meerveld:** I agree with Deputy Ferbrache completely.
I have absolutely no objection to people making a profit. But I was going to go on to make two points. First of all, a property speculator, who does not build houses, has bought land for £1.6m and for £4.75m. Good for them, they have made a huge profit. But they did not have to give 30%-odd
545 of their gains or land away to the GHA or anybody else. They get to keep 100% of that profit.

Yet GP11 hardly treats developers the same way. A developer buys land, holds it for a decade or two, trying to get planning permission through to build on it, as I was explaining yesterday regarding the Balmoral site and then, when they get to that development stage, where they are not speculating, they are developing, they are going out and building houses and delivering them to
550 market, they are being taxed, effectively, 30% of the land.

Now this raises another issue. This is the second point I was going to make. I fully intended supporting the next amendment but will not do if this one is not passed. The reason being here is your potential problem. The GHA is changing; under that amendment it will change from an organisation that built properties to let, social housing, and is becoming a developer selling houses
555 into the market, with restrictions on them. But it becomes a developer selling first-time buyer houses.

It is a seller that has got governmental support and financing. It is a developer that would have the ability to use things like Proposition S5 in the IDP, to develop a site, like the data park, to convert it from industrial to residential. The reason my brothers did not buy it for £1.6 million is they knew,
560 as a private developer, they were very unlikely to get the change of use to be able to make it residential. But the GHA and the States of Guernsey, are much more likely to get that through.

Deputy Kazantseva-Miller: Point of correction, sir.

565 **The Bailiff:** Point of correction, Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: The IDP process is universal, whether you are a States applicant, GHA, or a private applicant. If GHA decides to use, to apply for change of use for the site, using gateway policy S5, they will be looked at in exactly the same manner as if it was a private developer.
570 The IDP plan does not afford preferential treatment to States' applications.

The Bailiff: Deputy Meerveld to continue.

Deputy Meerveld: I accept that point of correction. I said they did not think they were likely as
575 a private developer to get that change of use through and I think that holds true.

Deputy Oliver: Point of correction.

The Bailiff: Point of correction, Deputy Oliver.

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Deputy Oliver: We have just actually agreed the Grange under S5 for Queen's Road. So the private sector can get under S5 as well as the States.

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The Bailiff: Deputy Oliver, Deputy Meerveld. What Deputy Meerveld is saying, as he has just explained, is what his brothers thought at the time. It is nothing to do with whether or not there is a level playing field because clearly there is for any applicant for planning permission to the Development & Planning Authority.

Deputy Meerveld to continue.

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Deputy Meerveld: Thank you, sir.

No, the concern I have is the next amendment is likely to –

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The Bailiff: Deputy Meerveld, you are starting to talk about another amendment where you will have an opportunity to address Amendment 2 in due course, unless there is no debate on it. But what is the relevance to this particular amendment of what you are saying?

Deputy Meerveld: My apologies, sir. I am getting to that specifically now.

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What is the link between 2 and 12 and why would I have voted for 2 if 12 goes through and I will not vote for 2 if 12 does not go through? Right. You are changing the nature of the GHA into a developer of first-time buyer houses for sale, in ways that could be perceived to give them a competitive advantage. They will not be giving away 30% to themselves.

605

And if this amendment fails then you are actually saying, we are not going to give the same opportunity to deliver in the same way to the private sector. We are going to look at doing it for the GHA, but we are not interested in the Assembly. We have turned down a proposal to potentially open up the same gateway, the same methodology for the private sector.

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So, in closing, I ask Members, support this amendment. Is this amendment perfect? No. Will it need interpretation by the DPA on how to implement it? Absolutely. Does it address the housing crisis as a silver bullet? Absolutely not. May it, or in fact with the assurances from my brothers, will it deliver units to this market and free up sections of this market and potentially help address the housing crisis? Absolutely yes.

And to reject it would be sending a very different message, especially if the Assembly is then minded to support Amendment 2.

Thank you, sir.

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The Bailiff: Deputy Haskins.

Deputy Haskins: Thank you, sir.

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It is my understanding that the DPA can change the supplementary planning guidance by majority. If I may, I am going to read out paragraph 5 of GP11:

In assessing proposals, the Authority will have regard to the provisions of supplementary planning guidance, affordable housing, which sets out further advice about how this policy will be applied.

So I think my question would be to H.M. Comptroller as to how that can relate to this. I am noting that the Bailiff did comment that in relation to GP11 was not done in his advice this morning. The second part I would like to mention is the very last paragraph, which I think is quite pertinent:

The Authority will consider the imposition of conditions on grant of planning permission or entering into a planning covenant to ensure the provision of appropriate level of affordable housing.

625 So I think we might, as an Assembly, think that the appropriate level of affordable housing is not here quite yet. So again, I would ask H.M. Comptroller to comment on that; the implications of this amendment on that; whether that is achievable.

Now, 7.2, in the Proposition, so the change is, it has been mentioned by Deputy de Sausmarez, that instead of having the priority order and the Authority having that choice, it is moving over to the developer, which I could see is a problem. However, you are allowing the developer to choose, rather than the Authority, but if it is done in such a way and noting that the planning guidance can be changed by the Authority, if it is of the same overall net value, then I do not see the problem there. I think I would appreciate the comments from the Comptroller.

Thank you, sir.

Deputy Inder: Sir, just briefly.

There have been some good speeches and some less good speeches. I am just going to try something with Members of the Assembly. When we were all elected, we all came into this Assembly with certain credentials, certain manifesto ideas and certain desires. But when we actually took the pledge, we pledged to become part of this Government. So it is in this Assembly that we make decisions.

Officers advise but Government decides, That is the way this works. Now if we believe that the IDP is one of the lost tablets of Moses, I can tell you it is not. It is just a book written by people. Neither is it one of the five books of the Torah. It is neither Genesis through to Deuteronomy; and we do not read it with the Torah pen either. It is just a book.

One, I think it was Deputy de Sausmarez, spoke about policy. She is correct. Policy is just that. It is policy. Policy can be changed. Policy can be shifted. It can be entirely shifted. We are the policy makers, we are also the policy shifters.

There is no great risk here. This is a decision for you, as the elected Members of the Assembly. If you think this is a good amendment. If you think this will move the conversation on then please vote for it. If you want to just decide that you only have certain advice from certain officers, you can only apply distinctly to the Law and you just want GP11 to be, I do not know what the word is, but I think there is an element of, GP11, I do not know what it is. I do not know if it is the Philosopher's Stone or something like that but there are some people who are hanging onto this to the last policy in the world that it is going to save the planet. It clearly has not and it clearly will not.

Deputy ... I am not ... I will give way to you.

Deputy Gollop: I am not little Harry Potter looking for the Philosopher's Stone and, yes, there was, I think, perhaps on the board and to a certain extent advisers, we did want to see a continuation of Guernsey's history of mixed use development. You did not see that, perhaps, at Fort George, but you did see that in Oakville, where people of all kinds, and very famous writers and millionaires to people who are not so well off, all live together.

It was an idea and for lots of reasons it has not happened. But the point of order, whilst agreeing with Deputy Inder, and I am likely to support the amendment, I am getting less and less clear, if I can sneak in another remark and question to Her Majesty's very able Comptroller, as to let us assume this gets passed today, I am not clear in my mind whether it changes the policy more or less instantly or it goes to the DPA board of five Members, who by a majority may approve it or not. Or whether it requires a planning inquiry with an inspector as an intermediate States. Deputy Haskins made me think about this as well.

So that is my point. Whilst agreeing politicians should make decisions, really, and not officials. So I agree with Deputy Inder.

Deputy Inder: That is good.

Deputy Gollop, through you, sir, has introduced another Biblical reference. We have now got the planning inquiry acting as a finger of God, coming down on to Guernsey, telling us what we can and cannot do as elected representatives of this Assembly. I have never heard such –

Deputy Queripel: Point of correction, sir.

The Bailiff: Point of correction, Deputy Queripel.

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Deputy Queripel: Deputy Inder said Deputy Gollop introduced the planning inquiry. I actually said it in my speech this morning. So Deputy Gollop did not introduce the possibility of a planning inquiry.

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The Bailiff: Deputy Inder.

Deputy Inder: Sir, with the greatest respect, that is not a point of correction. I was clearly referencing somebody I had just given way to. I mean, if we are really going to play this game, we are going to be here for a long time.

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Anyway Members ... I am not giving way. I have had enough.
Your decision is yours. You were elected into this Assembly –

Deputy de Sausmarez: Point of order, sir.

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The Bailiff: Point of order, Deputy de Sausmarez.

Deputy de Sausmarez: Rule 17(1), sir.

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The Bailiff: I think in the context of what is being said by Deputy Inder, who is drawing to a conclusion, I gather, it is not really about relevance any more, at the moment; he is speaking to the amendment and urging Members to do what he is urging them to do.

Deputy Inder: Sir, I am quite used to 17(1)s and various others being used –

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The Bailiff: Then you will, of course, remember to address all your comments, Deputy Inder, through me.

Deputy Inder: Yes, sir, I will do.

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But I am quite used to people who do not like what I am saying using points of order to put me off. It has not worked last term, it will not work this term and it will never work in the future.

So there we are. You are elected Members of this Assembly. This is your decision and your decision alone. So here we are. You have an amendment in here that is going to sort for you part of the emergency crisis. It is going to move the conversation forward. Vote against it if you want to. I will not. I will be supporting it.

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Thank you.

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The Bailiff: Before I call Deputy Mahoney, the point that Deputy de Sausmarez raises, as a point of order under Rule 17(1) is something I referred to yesterday and I will simply remind all Members that when any Member is speaking they should try and avoid 'yous' and 'yours' which is referring to all other Members, but to refer to Members. Because everyone in this Assembly is a parliamentarian and the best way of speaking in the Assembly is always to have regard to the fact that you are addressing through the Presiding Officer, for all Members, in that way, rather than talking to them as you would in some other meeting.

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So it is just to encourage people, when they are on their feet, to try and remember to refer to Members rather than 'you' the whole time, please.

Deputy Mahoney.

Deputy Mahoney: Thank you, sir.

First off, I think I have to issue an apology to H.M. Comptroller, because I do not have a question for him to answer! (*Laughter*) So my apologies for that, as it seems to be the order of the day. I am minded to support this amendment and I really just have one question, which perhaps Deputy Ferbrache could address in his summing up.

For me, does this amendment have the potential to offer more choices and more options to the DPA? That is the thing that I would like him to answer, please.

Thank you very much.

The Bailiff: Well, before I turn to Deputy Soulsby and finally Deputy Ferbrache as the proposer of this amendment, Mr Comptroller, let us see if we can tackle some of these issues to assist Members. We will go back to what you said first thing this morning, I think, first. If this amendment carries, let us assume for a moment that it is approved, and then Proposition 1 as amended is approved and becomes a Resolution, as you said this morning, it directs the Development & Planning Authority to take action. (**The Comptroller:** Yes.)

If the Development & Planning Authority, having had advice, takes the view that it should not take action then what would it do?

The Comptroller: If I had to advise the DPA in that eventuality, I would suggest that it came back to the States and explain why it could not do what it has been directed to do. And possibly, if I can just go on from there, suggest an alternative or a modification, which perhaps it felt through which it could achieve the objective.

The Bailiff: Supplementary planning guidance, as I understand at least, is something that the Authority itself decides upon and published but we know from what Deputy Haskins read out to us that there is text within policy GP11 in the IDP that expressly refers to the fact that the Authority will take into account its published guidance.

If this amendment were approved and there was a direction to delete and replace that paragraph, we will call it 7.2, in the supplementary planning guidance, the Authority may have to consider whether there are other aspects of that supplementary planning guidance that consequentially need to be amended, so if one looks at the supplementary planning guidance, and frankly everyone should have been looking at the supplementary planning guidance to understand this, there are passages elsewhere that talk about the hierarchy to which Deputy de Sausmarez, aren't there?

The Comptroller: Yes, I agree.

The Bailiff: So the hierarchy question really arises when you look at GP11, to say whether policy GP11 requires a hierarchy or whether or not that hierarchy can be read differently by reference to the supplementary planning guidance. Just a minute, Deputy de Sausmarez, you will get your chance in a moment.

What, if anything, can you tell Members about the wording in GP11 and how that would have to be construed because, under the legislation, the Authority has to take account of those policies doesn't it? So when they are engaged they have got to be taken account of. (**The Comptroller:** Yes.) So the policies override the guidance, even with the incorporation of the reference to guidance?

The Comptroller: Sir, that is my view, that there is a hierarchy, the planning framework there is a hierarchy. And in that hierarchy the Plan comes higher up in the list than the guidance.

The Bailiff: Even with the cross-reference to taking into account the guidance?

The Comptroller: Yes.

The Bailiff: So, if it were felt that there was some inconsistency, which is the way it has been referred to, between what the amendment seeks to do in terms of the guidance, would the Authority effectively struggle to give effect to the direction that would be given to it.

785 **The Comptroller:** Sorry, if there was an inconsistency within the guidance itself?

The Bailiff: If there was an inconsistency between the supplementary planning guidance, which is supportive of the policy? So the policy is at a higher level. The guidance is designed to assist in the interpretation of the policy because that is what GP11 says, as Deputy Haskins has reminded everyone. So in terms of what gets considered and I suppose the simple question is could the supplementary planning guidance depart from the terms of the policy?

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The Comptroller: I think at the end of the day, no. It cannot be inconsistent, in my view, with what is in the Plan.

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The Bailiff: So, in terms of the policy, we are moving into a slightly different phase here, Mr Comptroller before I invite you to say anything if you want to, which is dealing with Deputy Murray's concern and to a certain extent Deputy Taylor's concern from yesterday. Let us have a hypothetical application that engages policy GP11 because it is for more than 20 units. That application has to be assessed in accordance with the statutory framework, including policy GP11, as read with the guidance, which should not be inconsistent with it, yes?

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The Comptroller: Yes.

The Bailiff: So the application is put in, at the moment, it would have to meet GP11 in the current wording, which is that you move through the steps in paragraph 7.2 in the supplementary planning guidance, whereas the amendment is trying to say it is a pick and mix choice for the applicant.

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Now, if the amendment were to carry and the supplementary planning guidance were to be changed, bearing mind the advice you gave earlier this morning, the Authority would be free to grant the application, if they thought that it was a good application to grant, having regard to the policy, having regard to the supplementary planning guidance.

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If the planning permission were granted, there might be a judicial review by somebody with a sufficient interest, who is not the applicant for planning permission, challenging the grant of planning permission. If the application were rejected then the applicant would have the opportunity to bring an appeal under the planning legislation. Those are the alternatives.

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So all the reference to judicial review that has been made, would be a third party bringing a challenge to a grant of planning permission. But there could be an appeal if the rejection was on the basis that, actually, there was something on the land itself that would enable you to do it. Because when you get to that paragraph in GP11, where the provision of land is not feasible, so the implication you have got to assess that, yes?

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The Comptroller: Yes.

The Bailiff: Okay.

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So in terms of what might happen to litigation, yes there is always going to be a litigation risk. There would be a litigation risk at the moment?

The Comptroller: Yes.

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The Bailiff: Changing the supplementary planning guidance will not necessarily increase the litigation risk, provided that it is not inconsistent?

The Comptroller: Correct.

835 **The Bailiff:** Deputy de Sausmarez, do you wish to pose another question?

Deputy de Sausmarez: It is just to clarify that point that you were alluding to earlier, sir, about whether the policy trumps the supplementary planning guidance and I just wondered if H.M. Comptroller would agree that the wording that Deputy Haskins helpfully read out explains that the
840 supplementary planning guidance on this issue sets out further advice about how this policy will be applied and I wonder if H.M. Comptroller would agree that this policy referred to is GP11 as set out in the IDP, so it is not about diverging from that, it is about how the policy as set out in the IDP will be applied?

845 **The Comptroller:** If I could answer that, I agree. That is the constraint on the power to issue the guidance.

The Bailiff: Thank you.

Deputy Soulsby, do you wish to speak to the amendment?

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Deputy Soulsby: Thank you, sir.

I think those last few minutes show why, whether agreeing to support this amendment or not, this is not the time to do it. I mean, I am not an expert in planning Law, although I have read the IDP front and back. I am not like Deputy Ferbrache, who has spent all his years defending people in
855 Planning, but then I do not know many people in this room who are and all we have is Deputy Ferbrache's word on an amendment, which has got no supporting evidence behind it and that really does bother me.

Because this is not a policy making debate. As Deputy Roffey, Deputy Gollop and others have said. Even if it was, there is no information behind this amendment. Zilch. There is nothing here. The
860 most information we had was a really useful discourse between the Bailiff and H.M. Comptroller just now, which really helped me actually, but did confirm my understanding of it.

It does not mean I do not have sympathy for what this amendment is trying to do. I do. I am sure everybody does. But that is not the point. We can all feel sympathy for something but not really have to support them. There is a right way of doing things and a wrong way. This is just not good
865 governance. I am really surprised, Deputy Meerveld, virtually every speech he has made in the last 20 months has been talking about good governance and how certain amendments are bad governance and we should be changing this and he wants to change how amendments come, etc.

He spends his life really excited about that. Not a word about governance in terms of this amendment, which is really surprising because it is not good governance. What we have here,
870 making changes in a very complicated area, just off the hoof, really, without anything for us to understand the context and what it means.

The thing with this amendment, and the amendment we have not yet debated, which this was alluded to, I think Deputy Inder was talking about, different from another amendment ... Well the difference to the amendment, which has not been laid but is one that very much plagiarises this,
875 the other amendment, which we might go on to debate, actually just seeks to review a specific type of housing.

It does not say, 'Right, all of a sudden, you agree this amendment, the wording in the supplementary guidance will change and Bob's your uncle, we can do things right now, without all the consequences of it.'

880 This is important. It is a critical point. We have heard the discourse between the Bailiff and H.M. Comptroller there and I think Deputy Queripel made a very important point earlier on, when he said we hear that the response of H.M. Procureur or Comptroller has been sought but we do not actually know what that is. I do think that is something that should be considered and I think it would be relevant to future amendments that we go through later in this debate.

885 But it is not just H.M. Comptroller and the Bailiff talking about this, but we have had clear information from those officers, working in this field, who know it backwards, know the IDP backwards, who say not only is the amendment premature but it seeks to go beyond existing policies. As Deputies Kazantseva-Miller and de Sausmarez have said, this is not so much because it is seeking to immediately create a new form of affordable housing, which we want to, but because
890 it is moving from existing policy, which gives flexibility for the Authority to consider the provision of units on a case by case basis and it goes against GP11 by proposing instead an equal choice for developers.

Not only that but it also seems to actually remove the option that currently exists for developers to provide affordable housing units on-site of any description as determined by ESS, in favour only
895 of an option of providing just those units, falling within a specific type of housing, which we have not yet set up.

So it is not quite as wonderful as we might think. So basically the Planning Office are saying this is fraught with difficulty and I was surprised that Deputy Oliver, as President of the DPA, should be seconding this amendment because it is all very well saying we have got a housing crisis, but just
900 by saying, 'Well if we bring in an amendment which will not do the job, that is fine.' It is a bit like saying, 'Well, at least it showed we tried to do something.' It does not make sense. I really struggled with that argument, actually, because I cannot see how this amendment will help.

I know Deputy Burford alluded to that earlier. It will not necessarily –

905 **Deputy Oliver:** Point of correction.

The Bailiff: Point of correction, Deputy Oliver.

Deputy Oliver: I did say this was not me as the President of the DPA and it was just myself,
910 because I do not have a majority.

The Bailiff: Yes, that is a valid point. It was something that Deputy Oliver did say in her speech but you can still express surprise ...

915 **Deputy Soulsby:** Yes I expressed surprise and I know she was not making her comments as President of the DPA, but by the same token she is still the President of the DPA and she will have more knowledge of this area than most people within this room and I think that is really what I was trying to get at. You cannot take the President out of the person, is what I was trying to comment.

But I was actually quite uncomfortable with Deputy Meerveld's comments when he was saying,
920 'If we vote for this amendment I can guarantee that these guys are going to start developing ...' a particular bit of land. I thought that was unfortunate.

Deputy Meerveld: Point of correction, sir.

925 **The Bailiff:** Point of correction, Deputy Meerveld.

Deputy Meerveld: I said they would put in an application based on this once it was implemented by the DPA.

Thank you, sir,

930 **Deputy Soulsby:** I think that is semantics. I think we know what Deputy Meerveld was trying to say.

He also said developers are not speculators, but builders. But that goes against exactly the problem that we are meant to be trying to solve here. I thought the argument for the amendment
935 was because nothing was being built. So I did not think that argument really did very well. But I do

think this amendment will not lead to more development as it will tie up the DPA in knots at times to work out what this means.

Frankly, I think, what I am concerned about is the DPA will be spending a lot of time trying to sort this out and we find that there is a lot of work goes on and we end up exactly where we were before. It will not make any difference because it cannot be implemented because it goes against policy.

So I would say this is not just a less-than-perfect amendment, it is a poor amendment. Not only that, I think Deputy Queripel quoted Creedence Clearwater Revival. Great band, totally agree. But I would also quote another great band, ELO, and one of their great songs, *Confusion*, because I think this will lead to confusion. I think it has caused confusion within this Assembly and I think now is not the right time to support it and I would ask Members to do likewise.

The Bailiff: Deputy Ferbrache, as the proposer of Amendment 12, to reply to the debate, please.

Deputy Ferbrache: Sir, we are now halfway through the second day, with my analogy of words, we have spoken about 40,000 words since we started yesterday and sadly so many of them have been negative. We have had Deputy Queripel showing his knowledge of music, Deputy Soulsby showing her knowledge of music. I would rather we put another brick in the road, really, and we actually tried to do something, going forward.

Deputy Haskins hit the nail exactly on the head, with his quotation on policy GP11. I am going to come back to that in due course. But I am very grateful to him for highlighting it was a thing. Deputy Queripel also mentioned Deputy Kazantseva-Miller in relation to her comments about big plans, etc. All I can say is this ... and, as a lawyer I could be wrong, but on 20th July this coming July I have been a barrister for 50 years. On 17th March 1981 I became a Guernsey advocate. I know a little bit about the Law. I do not know it all, there is no one that does. But I have spent most of my legal life not signing bits of paper but going into courts and tribunals and arguing things, sometimes tilting at windmills.

I am not tilting at windmills here. I am saying let us do something practical. Because of my veteran years, I have lived through a part of history. But even I cannot go back to this time but what I am reminded of is 15th April 1912, 11.40 the previous evening, the boat I have been on has struck an iceberg and it is sinking and it is now the early part of the 15th April 1912. The last lifeboat is sailing off and I am not on it. The seas are cold. I am going to die in about five minutes, once I have been into the sea. But I am told by somebody, when I say, 'Can I just cling onto the lifeboat?' 'No, because we are going to have a review. We are going to criticise in about two or three or four years' time the people who said there are not enough lifeboats.' 'Do not worry.' 'But I will be dead.' 'Does not matter, we are going to have this report and in 10 or 15 years' time we might actually do something about it.' 'But I am going to die.' 'Does not matter. Process, procedure must apply.'

Now what we heard in the helpful exchange between the learned Bailiff and the learned Comptroller. I forget, I am not in a court today. Between the Bailiff and Comptroller was that if this amendment is successful it is unlikely to add to the judicial risk, as it were. Because if an applicant is refused they have a right under the legislation to go before a planning appeals tribunal and if that application is dealt with there is then a right on a point of law, to the Law Court and then to the Court of Appeal. At the moment that has not been exercised but it can be.

A third party has the right of judicial review. That already exists. So to answer Deputy Mahoney's point, if the amendment is successful does it give choices? The answer is it undoubtedly does. Because what is the point, six years down the line, of having a policy that has not yielded a single unit of accommodation? I am Miss Torode, I would still be living with mum and dad at 30, I do not want to live with mum and dad at 30. I do not want another review, which is going to take another two or three years. I would actually like to get on with my life.

I am Mr Le Page, I do not have inheritance, as some Members of this Assembly may, I do not have inheritance, I have had to save to get £20,000, £30,000 for a deposit. I would quite like to buy a flat. I would quite like to be able to rent a flat at reasonable rates. I would quite like to be able to

get on with my life. 'Do now worry, we are going to have a review. We are going to have a report.' But I am still living at home with mum, or I am still living in a grotty flat. 'Does not matter, we are going to have a report. We are going to tell you in three or four years' time, we might do something. We will not actually do something because we have done nothing in the last six years.'

In relation to it and I do not want to digress too much, I have said to Deputy Roffey, I will say it publicly, I will support the next amendment and I fully accept the goodwill and the undertaking that Deputy Roffey gave yesterday. He is an honourable man and I know he will honour that, even if this amendment is not successful. But it really should be successful.

If this States wants to do something, do something. Do not just talk about reports. Deputy Meerveld highlighted the fact that we should have actually had a review of the IDP by last November. I think it is going to start at the earliest – I may be wrong and I can be corrected – in 2023. How long is it going to take? Eighteen months. What is it going to result in? Who knows what it is going to result in?

But I am Miss Torode, I am Mr Le Page, I will still live in the accommodation that I do not want to live in because the IDP are going to have a review. Nearly every single development plan that I experienced in 40 years as an advocate overran its time. We had archaic decisions had to be made because people did not have the policies, they did not have the flexibility to make a decision.

I am going to refer to various documents. Firstly, I am going to refer to the definition, we are told we do not have the scheme. Again, isn't that appalling?

Because when I look at section 2.1 and this is something I looked at the other night, between the cricket, but let me just say in relation to cricket, a year ago if England had been facing New Zealand, they would have had 270, 290 runs to get in each of the three innings, they would have played defensively, they would have said, 'Let us bat out the time, let us make sure we do not lose the match.' Instead, they went for it and they won three great test victories, because they grasped the day. They did something. They did not say can we have another review, can we just see if we can change this, can we choose later? They tried to do something. Can this Assembly please, sir, try to do something rather than look at its navel all the time?

Section 2.1 of the Land Planning Development (Planning Covenants) Ordinance 2011 deals with social housing and intermediate housing and it gives this definition:

Social housing means housing owned and controlled by the States of Guernsey or a registered housing association or other person and is generally reserved for households on low incomes. Intermediate housings is again owned or controlled by the States of Guernsey or a registered housing association or other person and can be offered on a basis that includes part ownership or similar schemes, mainly for households that do not qualify for social housing but cannot meet the full cost of renting or buying appropriate housing on the private market without some form of subsidy.

So we have had that definition, since that Ordinance came into force some years ago and if there is not intermediate housing in that time it is pretty pathetic and it shows that we still cannot get on with things. We pass ordinances, we pass laws, but then we do nothing to implement them. This is the chance for this Assembly to actually do something.

I am going to quote from four documents, firstly if I may. I am sorry I sound like Captain Oates now when he went out and he said he may be some time. Well I am going to be a little time but hopefully this Assembly can come in from the cold, which he unfortunately was not able to do.

Now GP11 says this, it is headed 'affordable housing'.

The Authority will require proposals for development resulting in a net increase of 20 or more dwellings to provide a proportion of the developable area of the site for affordable housing in line with the following ...

And it gives proposals of 20, 25 or 30 ordinary dwellings. And there were transitional provisions because it was envisaged that actually in the first two or three years of the lifetime of the IDP, some houses would be built pursuant to 20. None of those needed to be exercised because no houses were built.

Then it goes on after that:

In assessing proposals the Authority will have regard to ...

'Will have regard to ...' That means it has to consider.

... the provisions of the supplementary planning guidance ...

1035 Now what I do not understand, if you replace one supplementary guidance with another part of supplementary guidance, what is the problem? You are just saying have regard to this, rather than have regard to that.

Then it goes on, after those words, which as I say, I am very grateful to Deputy Haskins for drawing the Assembly's attention to those because nobody else had:

... which sets out further advice about how the policy will be applied. Where the provision of land is not feasible, the Authority will consider the provision of completed units or off-site provision in accordance with the scale set out above. The density mix and type of units proposed must be consistent with all the relevant policies of the IDP. Where the authority is satisfied the application of the policy, including provisions of the options relating to a mix of unit and type of tender, etc, would result in it not being viable to proceed with the housing development the above percentage requirements may be reduced. In those circumstances, the Authority will consider the circumstances of a particular proposal and require the maximum percentage of affordable housing ...

1040 That is what the policy says, materially. If I have missed anything out, materially, somebody could correct me. That is the first document. We have then got, in relation to the current supplementary planning guidance, at paragraph 7.2 under the heading, 'In what way can I provide affordable housing?' 7.1:

The affordable housing requirement is to be met by the provision of land for affordable housing development on the subject site.

1045 Then 7.2:

However, we will have regard to what is feasible in each case, consider accepting the following types of contribution in the following order of preference: a, transfer of land – in the first instance land for affordable housing should be provided on the subject site. The land would then be developed for affordable housing by the States of Guernsey or registered housing association. Where land is to be provided the percentage required of the developable area will be transferred to the Committee for Employment & Social Security housing association at nil cost.

That is where the nil costs starts to come in. And then there are the other provisions about provision of units off-site, etc. Then 7.3, the option by an applicant to meet the affordable housing requirement ...

1050 ... whether part of the subject site or alternative site must be fully capable of meeting the other requirements of the Island Development Plan, as further explained in the supplementary planning guidance.

In addition:

... we may not accept land or premises that would involve works, etc.

7.4:

The potential for the provision of a financial contribution towards affordable housing, in lieu of a direct provision of land or completed units is not currently possible.

1055 And then we go onto 'what type of affordable housing am I expected to provide?'

So we have got that and then we have got the proposed Amendment 12 in relation to that. I am not going to re-read the wording again but I am going to refer to that document because I have read it already and I am sure it is before people and they can read it themselves. Then it takes me back to the fourth document. The document we are debating. What is number one:

1060

To direct the Policy & Resources Committee to apply category 1 status to the following actions in the Government Work Plan:

Housing:

- i. Evaluate and implement actions to address private housing market capacity and affordability;
- ii. Evaluate and implement actions to address key working housing capacity and affordability;
- iii. Progress proposals to the States by December 2022 on housing need and on management of States' housing stock

Doesn't this meet some of those? Isn't that our number one priority? Because you say out there to Miss Torode or Mr Le Page, 'Just wait for another report. Wait for another discussion.' Or, 'We might have litigation. We might be scared. We might be ...' I would say to Deputy Murray, if I could say to him directly, do not have regard to the *status quo*, rock around the world, take a step forward. Just have a little bit – and I know he is a man of courage and principle – just have a little bit of that courage and principle. Just carry that forward. Do not be worried by the naysayers. There are too many naysayers in this Assembly. (**Several Members:** Hear, hear.) Too many people who say we cannot do things. Action this day.

The Bailiff: Members of the States, we come to a recorded vote on Amendment 12, proposed by Deputy Ferbrache, seconded by Deputy Oliver. Greffier.

There was a recorded vote.

Carried – Pour 20, Contre 11, Ne vote pas 4, Absent 4

POUR

Deputy Fairclough
Deputy Ferbrache
Deputy Gollop
Deputy Haskins
Deputy Helyar
Deputy Inder
Deputy Leadbeater
Deputy Mahoney
Deputy Matthews
Deputy McKenna
Deputy Meerveld
Deputy Moakes
Deputy Oliver
Deputy Prow
Deputy Trott
Deputy Vermeulen
Deputy Aldwell
Deputy Blin
Deputy Brouard
Deputy Dyke

CONTRE

Deputy Falla
Deputy Kazantseva-Miller
Deputy Parkinson
Deputy Queripel
Deputy Roffey
Deputy Soulsby
Deputy Burford
Deputy Bury
Deputy Cameron
Deputy de Lisle
Deputy de Sausmarez

NE VOTE PAS

Deputy Murray
Alderney Rep. Roberts
Alderney Rep.
Snowdon
Deputy Taylor

ABSENT

Deputy Gabriel
Deputy Le Tocq
Deputy St Pier
Deputy Dudley-Owen

The Bailiff: Members of the States, the voting on Amendment 12, proposed by Deputy Ferbrache, seconded by Deputy Oliver, was that there voted Pour, 20 Members; Contre, 11 Members; 4 Members abstained, 4 Members were absent and I will declare Amendment 12 duly carried.

Now the next amendment on our running list is Amendment 2. But you will probably have, not everyone will be aware that there is an Amendment 13 that has been submitted. What I am going to do is I am going to ask for Amendment 13 to be circulated, because Amendment 13 and Amendment 2 are similar but not the same. There is a motion to suspend Rule 24(1), which will be necessary as a precursor to Amendment 13 being capable of being debated. But in particular I want Deputy Roffey and Deputy de Sausmarez to see Amendment 13 first.

Members of the States the reason that I was pausing at that point is that now that you have got Amendment 13 in front of you, which has similarities to Amendment 2, I wanted to consider whether

or not there made sense in having the motion under Article 7(1) of the Reform (Guernsey) Law, 1948 put to see whether Amendment 13 is going to be capable of being debated or whether just to push ahead with Amendment 2.

1090 The decision I have taken, having consulted the proposer and seconder of Amendment 2 is that we will not get to Amendment 13 until we have dealt with Amendment 2, so we will see what happens on Amendment 2. We will then see whether or not Amendment 13 is needed. So, Deputy Roffey, the proposer of Amendment 2, to move Amendment 2 please.

Amendment 2

At the end of Proposition 1 insert the following:

"and to direct the Committee for Employment & Social Security, in consultation with the Committee for the Environment & Infrastructure, to report back to the States as soon as practical with proposals for a scheme aimed at promoting and facilitating home ownership of a percentage of those homes built on land acquired by the Guernsey Housing Association ('GHA') for future affordable housing developments and involving the following main features –

- i) relevant properties to be offered for sale to qualifying purchasers at 75% of market value,*
- ii) restriction on onward sale at any more than 75% of market value at time of sale,*
- iii) GHA to have first option to repurchase."*

Deputy Roffey: Thank you, sir.

1095 This is really a belt and braces amendment because the Government Work Plan is a relatively new beast and I worry that it can be a two-edged sword. It is great that it allows us to identify priorities, to which the resources of this Assembly should be applied. At least I thought, walking in yesterday morning, that that was really the purpose of this exercise.

1100 But it is a complex document and it would be all too easy to vote in a way which has unintended consequences. Now what we did not want was to accidentally de-prioritise something that was already in frame and we think can be extremely helpful in tackling Guernsey's current housing problems.

1105 The ESS have been discussing the scheme, which is outlined in this amendment, for some time now, and we are very keen that we do not pass any Resolutions today to deprioritise it and to delay detailed proposals coming back before the States. Now, it could be argued, I think, that passing the Propositions unamended would not cause that sort of delay but some of us could actually argue that either way and we want to put it completely beyond doubt. I will go into that a little bit more shortly but first I want to take a step back, not literally.

1110 I am not going to take two steps back and explain why encouraging home ownership in Guernsey is a good thing because I think that would be a waste of time, firstly, because I think Members are already convinced of that and, secondly, because we have set those arguments out very clearly in the explanatory note.

1115 So instead I am going to just take one step back and explain the genesis of this proposed scheme. Some people have asked did it come from ESS or did it come from the GHA. I can answer that unequivocally, it came from the ESS. We really wanted to expand Guernsey's affordable housing programme from its current limitations. At the moment it only has four tenures: social rental, specialist housing, key worker housing and partial ownership and we wanted to look to see if there was a way in which we could help those wanting to buy outright their own homes but who could not afford to do so in Guernsey's very expensive property market.

1120 Now, there is nothing particularly novel with that idea. The old States' Housing Authority had the mandate for both social rental provision and for helping aspiring home owners who did not have the resources to simply buy in the private market. Whether they always got the second part of that mandate completely right is another matter, which I am going to return to shortly.

1125 But the States of the day were in no doubt at all and nor, I think, should we be, that helping both groups, those who want to rent but cannot afford private sector rents, and those who want to buy

but find that unaffordable, that we should be able to give them assistance through the affordable housing programme.

1130 So having decided that this was a gaping hole in Guernsey's current affordable housing strategy, we thought carefully about how it could be addressed and soon it became clear that there were really only two ways to make house prices more affordable. The first would be to subsidise, to give money to purchasers to subsidise the purchase of properties at full market value. But sadly, as the excellent report to this Assembly from Mr Parr, some years ago, made crystal clear, all that those strategies tend to do is to stoke house prices even more.

1135 The second was to sell well below market value but with a covenant attached to prevent the first profiter from profiting on resale at the expense of the taxpayer. And that takes me back to what I think were the errors of the old Housing Authority. They did indeed used to build houses for sale to first-time buyers and they priced them right at the bottom of market expectations, indeed below market expectations, and they did that to make them more affordable.

1140 I think the most recent example, probably, is Le Clos des Pecqueries at the Passée. It served its purpose. It served its purpose once for the first buyer but as soon as those properties were sold on they were sold not at the bottom of market expectations but right at the top. And of course they were, that is human nature. Who would not if they were selling their property get what they could for it?

1145 So learning from the mistakes of our predecessors, we did approach the GHA because they are currently the principal developers of affordable housing in Guernsey with a different suggestion, that a scheme should be worked up involving selling houses well below market value to Islanders who desired to become home owners but were being priced out of our current market.

1150 But crucially, with a covenant attached to lock in that discount, rather than allowing the first purchaser to profit from it on resale. Now the first purchaser can stay there for the rest of their life. Their children can inherit it. They are fully owners of that property but if they ever choose to re-sell it then the benefit of that discounted price has to be passed onto somebody else who is on the list for intermediate housing, unless the GHA do not take up their first option, at which it can be sold on the Open Market but still limited to 75% of market value.

1155 Well they took that away and they came back saying not only was it possible but they found several similar schemes operating elsewhere and they all seemed to be working incredibly well. In fact we had one earmarked that is operating in Guernsey at the moment, by Deputy Meerveld, dating back many years.

1160 It is a departure from what the GHA have traditionally done. They will be building houses for sale, with strict conditions and covenants. Nothing that unusual about that. Housing associations elsewhere do that. Andium Homes in Jersey do that. What Deputy Meerveld's brother makes of the concept, I have no idea but I think there is nothing wrong in us doing; we have, as somebody has said several times this morning, a housing crisis and I think we should be facilitating people to buy their own homes and if it steps on the corns of a few developers – that is not the intention. I think there is still a huge market out there for them – this is helping a particular section of the public.

1165 Not only do they say they work very well elsewhere but they have gone so far, they have checked with the local mortgage providers who are quite clear that they are more than happy to lend on properties that are sold this way. So that is where the situation rests at the moment. We have got three-quarters of the way forward: all of the concepts are approved, the GHA board have approved it, my board have approved it. We want to do it. No one is suggesting it is a total solution but it is a part of the solution and it is actively in train.

1170 I make no apology for saying that the detail still needs to be worked on and that will be the next stage, to work up that detail and to bring it to this Assembly for approval or otherwise. That is what brings me back to this amendment because obviously to press on with finalising the details of the scheme and drawing up a policy letter, we are going to have to deploy some officer resource.

1175 Those resources are effectively allocated via this debate, the Government Work Plan debate. So we want to make absolutely sure that we were able to do that. Because if you look at Proposition 1

at the front of the GWP at the moment, there is a question mark about where this work would actually sit. Proposition 1 is the one that covers housing.

1180 Possibly under Proposition 1i but I think that is a grey area as it refers specifically to the private housing market and this is really a new, affordable housing tenure. Definitely not under 1ii as that relates, rightly, to the crucial work which needs to be done on key worker accommodation, and definitely not under 1iii because that relates to the Housing Needs Indicator and the possible stock transfer.

1185 So maybe under 1i but maybe not. Anyway the lead Committee on that work is E&I, rightly so, whereas the lead on expanding the affordable housing programme should be ESS. So we just simply want to make sure that a project, which is well underway, but still needs the details fleshed out, is not stopped in its tracks because that would be sending a very poor signal out to an Island that wants to see, as has been said several times this morning, tangible projects delivered, to help with the housing crisis and not just more reports.

1190 But I stress, the States will not be signing off for such a scheme if they vote for this amendment. Quite rightly, they will want to see the policy letter and the detailed proposals first. They would be irresponsible not to want that. But I just want the States not to choke off the process of bringing that report today. It should not be a long delay before the report comes. The heads of terms, if you like, of the scheme are already known. It is just a question of working through the detail and laying
1195 before Members and the best way to ensure that happens, to be completely sure that we are not deprioritising it, is to support this amendment today.

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

1200 **Deputy de Sausmarez:** Yes, sir.

The Bailiff: Thank you very much.
Deputy Queripel.

1205 **Deputy Queripel:** Sir, thank you.

I would like to be able to support this but I have the same concerns about this amendment as I have had about the previous amendment. I may be way off track here but those concerns were and still are: are we then entering the dangerous territory that Deputy Kazantseva-Miller said she thought we would enter? Is a planning inquiry going to be needed? Will a judicial review result at
1210 some stage? Will *ultra vires* issues arise, as cited by Deputy Murray when he spoke, etc.?

Deputy Roffey: Point of correction, sir.

1215 **The Bailiff:** Point of correction, Deputy Roffey.

Deputy Roffey: This does not change the IDP, it does not change GP11, this is talking about developments that are carried out by land already in the hands of the Guernsey Housing Association.

1220 **The Bailiff:** I am not 100 per cent convinced that Deputy Queripel is misleading the Assembly there, on the basis that he does not really understand what the position is. You are absolutely right that he is seeking some clarification in due course, which you have just provided, but Deputy Queripel to continue, please.

1225 **Deputy Queripel:** Sir, you are right, I am confused.com, as inferred by Deputy Soulsby when she spoke earlier on the previous amendment.

So, as I said in a previous speech, I am going to ask the following question. We are told under Rule 4(1), information, at 1c:

The proposition has been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications.

But we are not told what that advice was. So can Deputy Roffey please tell me what that advice was when he sums up? Because surely we need to know what the advice was in order to know where we stand legally. Otherwise we are then in the realms of confusion, as an Assembly, and not just me being isolated as Deputy Confused.com

So in closing, I ask for a recorded vote on the amendment, please.

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Sir, this is a good amendment, I am going to support it completely. I have told Deputy Roffey that. It is a good amendment, it is constructive. Because there is no one way of solving a housing crisis. This is a step in the right direction.

I am going to be very brief, it reminded me when I saw the amendment at first that perhaps Deputy Roffey has had this conversion and he is now, instead of Deputy Peter Roffey, he is Prime Minister, former Prime Minister Margaret Thatcher! *(Laughter)*

The Bailiff: Deputy Trott.

Deputy Trott: Sir, I shall be brief, because I think one of the most relevant aspects of Deputy Roffey's opening remarks were this is not original thought. This happens elsewhere and it works elsewhere.

Now, to use one of his favoured expressions, the devil is in the detail and when that detail comes back it will be interesting because there are issues around exactly who will fall into the category of qualifying purposes. It will not simply be first-time buyers, I imagine there will be others that could be caught within that category, and also of course who would determine the value? Would it be two independent valuations, would it be reference to a property index or possibly both and others? Who knows?

But what particularly attracts me to this amendment is not dissimilar to the comments Deputy Ferbrache made and that is that it is another tool in the box but it is a way of ensuring that we do not produce a scenario where suddenly we have a significant correction of house prices and with it the ensuing negative equity scenario that could emerge.

This protects that, as long as we do not over-egg it. It needs to be a tool, not an absolute fundamental, clearly. But negative equity is an issue in a market that has risen as rapidly and as extensively as our housing market has over the last three years in particular. So I do support it but I suspect there will be significant debate when the detail returns, hopefully later on this year.

Thank you.

The Bailiff: Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: I just have a few questions, sir, to Deputy Roffey.

The first one, why would anyone go for the partial ownership scheme if the scheme is available? Especially partial ownership, say, would be a similar portion say 75% ownership versus GHA or even versus you are either owning 75% of the property. I would see that there would be no incentive to go for the partial ownership project rather than this. So just to understand, just very early thoughts in terms of those dynamics and incentives.

Just from practical applications, is the suggestion that the affordable housing definition will effectively include a new category, which will be this scheme? So we have key worker, we have partial ownership, etc., will we have effectively a new category?

Thank you.

The Bailiff: Deputy Blin.

Deputy Blin: Thank you, sir.

1280 I convey the same sentiments, particularly of Deputy Trott. This is another way to increasing it almost to the Thatcherite days of owning your property. I would just like to know from the President, though, with this model of the 75%, who is going to bear the loss of the service from the funding of this? This is something that if you could reply on that to me, I would be a lot more comfortable. But I do, as I say, I endorse the concept that drives this, but those details I would need to understand.

1285 Thank you, sir.

The Bailiff: Deputy Inder.

Deputy Inder: Sir, just briefly.

1290 I thought the Guernsey Housing Association was effectively a developer for tenancies, some rentals. What I did not think is that if this goes through as described here, it is likely to be a competing developer for the rest of the developers on the Island. Think what happened with the email you got yesterday.

1295 Over the last couple of weeks, the Housing Action Group has, rightly so, looked at parcels of land of which it thinks it can turn into housing and effectively effect this fundamental need that we have in what is an emergency crisis.

1300 Now what I do not quite understand in here, is why didn't this come up as an output of the HAG? Because this is quite a fundamental action plan, why has it taken this? Those who are getting excited about this, I would be very careful because effectively yesterday, we got an email from the PR machine that announced that we have just bought the data park. Well we have just discounted it, if this goes through, by 25%. It has been immediately discounted by 25% because, under this, this will mean that future housing could be discounted at 25%.

1305 So we are then going to build a load of houses on top of it and then we are going to discount it again for 25%. This is an extremely dangerous amendment. What this, to my mind, is doing, is effectively making a dominant developer in our market, who has got access to money, access to land and access to capital and has the grace of the organisation.

1310 I would not get too excited about this because this looks like, to me, we are bringing in a cheap developer to immediately discount anything that we have bought, of which we will then, once the house is finished, there is a number on the door, we will go and discount it for 25%. What message is that sending to the private sector? That is basically saying, 'The Government is coming and we are going to under-cut you.'

I would be very careful about this. Do not get too excited but the vote on this will give Government the ability to under-cut all the developers, the real developers, who take real risk in this Island. This is not the solution some may think it is.

1315

The Bailiff: Deputy Gollop.

Deputy Gollop: Well, anything we do is dangerous, really, and it is dangerous doing nothing like we have done in the last few years in some areas too.

1320 I am very much going to support this. From what I know of the scheme, we have discussed it at ESS, and I have read and heard the various media issues. I have also looked at the letter from the developers. But I think we have got to do something. Only last night on Facebook, I know Deputy Inder says you cannot be a Facebook Deputy, but people were saying, 'Bring back the old days' when you would build on free plots and the States used to lend money to people to buy properties.

1325 Now, I nearly replied that the downside of that is obvious, because you just stoke up the market and far from helping people, you get them into greater debt and then maybe you have to go to money lenders or more higher rates of interest, because it is, ultimately, at least partially, a supply and demand issue.

1330 But this amendment is trying to be an equaliser because it is giving a hope for people who, for reasons given in the information, want their own ... When we had other kinds of Members here,

funny enough, the scheme Deputy Langlois referred at Les Pecqueries, I think it was done during Advocate, then Deputy Conseiller, John Langlois' era and we had stalwart Members in those days, like Roger Berry and so on, and they very much believed in popular capitalism and the culture of home ownership. They wanted to encourage it.

1335 We somehow went in a different way in the millennium era. We started this corporate housing programme and an assumption built into it and I often think the public and many candidates do not always understand it, but there was an assumption built into States' policy that we did not talk about, but was actually there, that it was better to encourage marginal people into renting rather than buying.

1340 Now I think that, in reality, is an undercurrent but perhaps we have seen the yield of that, we have gone down from a home ownership of 70% to 60% or maybe lower and maybe created more political tensions and socio-economic divides as a result. So, in broad terms, I support promoting home ownership and we have not seen here the amendment that has just been circulated yet, but actually, as a maverick, definitely not an ESS move, I might be minded at least to look at some of that because I am sceptical of the establishment position that social is social and everything is everything else.

1345 I think expanding ownership would be possible if we had the right delivery mechanism for property and, as Deputy Inder himself has said, part of that is probably looking at temporary housing and modular housing at least in the short-term to medium, or the States buying other properties.

1350 Deputy Inder just raised a point about the differentials of pricing and giving too much clout to a developer but haven't we spent the last two days complaining that developers have not been able to get on with things for one reason or another? At least if we have got a developer doing things that has to be positive, it follows Deputy Moakes' views about building more.

1355 And we do know these schemes work elsewhere. One of the reasons why I think it is too simplistic to just say it is an emergency crisis based on supply and demand is the example of somewhere like Whitby. Whitby is famous for its fish and chips and Count Dracula maybe going there but I heard a damaging news report about the town that four out of five of its properties are sold to second home owners and that has caused a crisis amongst hard-working, local people. So it is not just a case of supply and demand, it is a case of who buys and why they buy and how they buy.

1360 The advantage of this scheme is, whatever the details are, and they have marked up as Deputy Trott has identified, they will surely generally be first-time buyers without significant finance resources or last-time buyers or people in various health or other categories. It will be a specialised market and one area where I do side more with the Conservative view than the left view, the worst thing I hear in politics, I know it goes against equality and egalitarianism but when people say it is not fair, because referring to Deputy Ferbrache's interesting Titanic *My Heart Will Go On* analogy, if the States of Guernsey was running the Titanic evacuation, unfortunately they would not have got off anyway because the lifeboats were not going down fast enough, even though they did not have enough. That was another issue.

1370 You would have various officials and, especially, politicians going around saying, 'It is not fair she gets in the boat. It is not fair that he jumped in. Either you all go or you all stay on the ship until it goes down.' And we have had that mentality in housing, that it is unfair to give anyone the possibility of a capitalist advance or an equivalent situation because the other people in the next parish or next estate would not benefit.

1375 Well that actually stops us doing anything and sometimes it is like a lottery. We do not ban lotteries because there is a winner and 10,000 losers. We have to have a mechanism that is open and transparent and no jiggery pokery behind it but we have to sometimes choose a specific category who will benefit.

1380 This scheme, to have a scheme whereby, which has been generally well-received, that people can purchase 75% of a home but not make extortionate profits in a hurry, there has to be a way forward. I think we should just follow the mantra of action today and support that.

I give way to Deputy Trott.

Deputy Trott: Thank you.

1385 I am grateful to my friend, Deputy Gollop, for giving way, sir. I wonder if Deputy Gollop would agree with me that the Guernsey Housing Association is already the dominant developer of residential property in the Island and, further, whether he can recall the unique relationship that the States has with the Guernsey Housing Association and, in particular, the fact that, if anything was to go wrong with the Guernsey Housing Association., the assets of that entity are vested back into States' ownership.

1390 So in other words it is from that perspective, de-risked as a result of the sense of some of those that came before us, in ensuring that the States maintain that sort of golden share, if you like.

Thank you, sir.

Deputy Gollop: Deputy Roffey might wish to address this too. I will just say what I think I know.
1395 The Guernsey Housing Association was borne by the late and great Deputy Dave Jones who followed on the ideas of Deputy Roffey and other people, who wanted one. It was a model working elsewhere and after a few years of finding its way, we had a very able team who has delivered. The only fly in the ointment in the last few years, really, was the shortage of sites that were available, such as in the Fontaine and others.

1400 Personal view, and I have mentioned this at the board of its predecessors, which brings me to another point, that the last board did its best with housing but this board has been even more focused with it. I do not think the structure of government on housing, the issue there is not necessarily to have a housing ministry but to get the functions of housing in one group because we have had to work all over the shop. But that is a side issue.

1405 But the Housing Association, it has been doing its job, it has a good relationship with financial providers and with Planning and it is the main show in town for action. Now, privately, I would not mind a competitor housing association but there are arguments about scale. There are of course two other housing associations on the Island, traditional Sarnian model, which is more of a charity than a housing association in the UK sense, and also Housing 21, which was linked to the British Legion, where I actually live, in Rosaire Court, which has nothing to do with the GHA.

1410 So you could have other players in the field but the Housing Association ... yes there is an under-writ of the States being the owner and the projector of last resort. But this policy does not stop private providers looking at a different model. I remember Deputy Soulsby, in an earlier States, alluded to it yesterday, was looking at a different financial model, then all the consultants sort of said, 'Oh, no.'

1415 So, you know, there is nothing to stop the private sector, or charities, or other people doing their own thing and working on other models that might work.

The Bailiff: Deputy de Sausmarez.

1420

Deputy de Sausmarez: Thank you, sir.

I really just want to speak about one point and that was the fears expressed by Deputy Inder. I am first of all a little bit surprised, if he thinks this is such a terrible idea, why his amendment that is about to be laid includes all of the wording of Amendment 2, that we are discussing now. But
1425 anyway, he expressed a concern that this would effectively be some sort of bad form of competition with the private sector. I would like to draw his and other people's attention to the wording of little (i), which is that:

relevant properties to be offered for sale to qualifying purchasers ...

– and that phrase is really important.

1430 Now if Members would like to turn to the explanatory note, there is a heading saying, 'Who is it aimed at?' and this may help address part of the query raised by Deputy Kazantseva-Miller as well. It says:

It will be a very focused market. The GHA will not accept applicants who can clearly afford to buy on the general housing market.

And there are a lot of those people. I am sure, I very much hope people are aware how difficult it is for people in Guernsey to get that first foot on the home ownership ladder and this is an issue that particularly concerns me because I know, I was invited to speak at an IoD event a couple of months ago and the events started with a video reel of voxpops, essentially, from young Islanders, and it asked them about their future, their hopes and dreams, their aspirations, and I think 100% of them said they wanted to stay in Guernsey but they were afraid that they could not because of the cost of and accessibility of housing. It was the number one reason for our young people being likely to leave the Island.

This is an inter-generational equity issue. It is a future generations issue. It is a sustainability issue. This is why I feel so strongly about this. So I hope that that assuages the fears of Deputy Inder that this is not going into direct competition. It is basically broadening the housing market and making it more accessible to people who otherwise would not be able to access that home ownership market, which I think is very important and certainly worth supporting and I urge my colleagues to do so.

Thank you.

The Bailiff: Deputy Moakes.

Deputy Moakes: Thank you, sir.

I keep on saying it but I will say it again. We are in a housing emergency and we need more homes. I also believe in aspiration and I think that this amendment does bring aspiration for some people who perhaps otherwise would not be able to afford a house of their own. But having read Proposition, or I should say Amendment 13, I think actually it goes slightly further and given a choice I would vote for 13 over this particular amendment.

But I have got a very specific question here and I have mentioned this on a number of occasions in the past, in fact. I have spoken to people who have needed social housing at some point in their lives but they now feel trapped because their income and the amount that they can save is capped. Some have had to turn down pay rises or promotions because they would take them over the income cap. That is not aspiration.

I know the Committee for Employment & Social Security has suspended the income cap and that is welcome but it has only done so until the end of 2022. If either of these amendments become a reality, I think people need to know what happens when the suspension ends at the end of the year and also, given house price inflation, what is going to happen to the savings cap? Will that be raised as well?

So if the savings cap prevents people from moving into private accommodation because they cannot build a big enough nest egg that is inhibiting people's ambitions and that would be terribly sad with either of these two amendments. And it also means that the social housing that they live in cannot be reassigned to someone else who is also desperate for a home, etc. So it is just interesting to know will the savings cap be risen and will the income cap be extended out beyond the end of 2022?

Thank you.

The Bailiff: Deputy Dyke.

Deputy Dyke: Thank you, sir.

I am broadly in favour of taking steps to get people into their own homes. That is what they want and that is what we would like people to do. Deputy Moakes makes some interesting points of detail, which I assume will be dealt with in the full proposals that come back to the Assembly. Those are quite important points of detail.

I have one other point myself. I actually prefer Deputy Inder's Amendment 13, to the original number 2. Can we have some clarity, this is an either/or? If you preferred 13, and I will let Deputy Inder step in if he wants to, if you prefer 13 then presumably we should vote against 2 and vote for Amendment 13?

I share his concern that if we are not careful the public sector housing is going to be over-reaching and it is going to be buying up more and more private land. It already owns a lot, there is a big public sector land bank. And by doing that it is reducing the private sector housing and putting up the prices there.

So I very much prefer Amendment 13, so I think I am going to vote for that and vote against 2, but I will let –

Deputy Inder: Sir, it is not really for me, I am not the Presiding Officer and we have got a very capable one to my right but Amendment 13 has not got through the Rules yet and I would ask the Bailiff to give some advice on the consequences on voting for, of if this amendment is defeated, what happens to 13; if this amendment is successful, what happens to 13?

The Bailiff: To the extent that I can assist and H.M. Comptroller will potentially add to this, if Amendment 2 were to be approved by the Assembly then it is likely that Amendment 13 would not be put in the form that it is put because it would then need to amend Proposition 1 as amended. So you would probably end up with an Amendment 14 that sought to do that.

So this is the foundation if you like to the changes that Amendment 13, if it were allowed to be debated, or Amendment 14, if that is what comes forward, would build upon. If Amendment 2 were not to be approved and Proposition 1 therefore remained unamended in this way then it would be open to Deputy Inder, seconded by Deputy Helyar, to move the motion to debate Amendment 13 but there is no guarantee that that would be successful. So this is the only amendment that is currently in play, for sure.

Deputy Dyke is still speaking, Deputy Meerveld.

Deputy Dyke: Thank you, sir.

That is very helpful. I think I have now finished speaking so if we definitely highly prefer 13 to 2 then we should vote against 2 and vote for 13. I think the Bailiff has advised that if 2 is passed –

The Bailiff: I am not going to advise Members how to vote. If only I could! *(Laughter)*

But what I have just tried to explain to Members, for the benefit of Deputy Dyke, who is a continuum in this thing, is that if Amendment 2 is approved then it is unlikely that Amendment 13 would be moved with the motion to suspend the necessary Rule to allow it to be debated in that form. But there would be something else that could be brought forward that would modify the basic provisions that would be in Amendment 2 added to Proposition 1.

If Amendment 2 were not to be approved then it would be open to those proposing the motion and thereafter the amendment to move Amendment 13 or possibly to revisit it and tidy it up first. So if you do not approve Amendment 2 then Amendment 13 comes back into play. If you do approve Amendment 2 then it is likely that Amendment 13 would have to be progressed into Amendment 14 to amend the existing wording.

Deputy Dyke: Thank you for your patience, sir. That is all I have to say.

The Bailiff: Deputy Meerveld.

Deputy Meerveld: Sir, I would like to put a proposition to yourself or the floor, or to the floor through you, that we suspend debate on this amendment, to have a discussion whether we should suspend the Rules and bring Amendment 13 into play and then debate the two amendments side

by side, simultaneously. I do not know if that is acceptable or doable but it is an idea to get around this idea of having to vote one down before the next one comes into play.

1535 Thank you, sir.

The Bailiff: The difficulty with what Deputy Meerveld is proposing is that it is in my gift as to what order amendments are debated and voted upon. I have taken the view, as I explained at the outset that I will take Amendment 2 discreetly first because that is a valid amendment that was submitted in accordance with the terms of the Rules of Procedure and that struck me as being the most desirable way forward.

1540 There are issues with Amendment 13 in the terms of the wording of the amendment because when you compare and contrast them they are doing slightly different things because, when you turn over the page in particular, you have got something, the little (iv) in what would be Amendment 13 that could be brought forward and that is something quite different to just changing a few words in the body of the wording for Proposition 1.

1550 So if it were just the choice between those homes built on land acquired by the Guernsey Housing Association (GHA), which is in Amendment 2, and all homes currently managed or owned by the GHA and homes managed by the Committee for Employment & Social Security under its Housing Department function, which is the alternative wording in Amendment 13, but it has then dropped out the wording that follows it and it is all a bit meaningless as a result.

So it would have to be tidied up in any event before it really can be progressed. So that is why we are doing what we are doing and therefore I am not minded to put a motion to anyone because, as I say, under Rule 24(9) it is down to me to decide how we deal with amendments.

1555 Deputy Meerveld, do you wish to speak on Amendment 2?

Deputy Meerveld: Yes please, sir.

1560 As I said previously, my intention was to support Amendment 2 and I am happy, with the passing of Amendment 12, that I feel free to do so. I share the concerns, I think, that some other Members have expressed that we are changing the nature of the GHA and potentially creating a situation where it may be competing with private developers to service the first-time buyer market.

1565 I think we will have to see whether or not that pans out. I think again, going in line with a lot of the speeches on the previous amendment, we are in a crisis. We need to do what is required, so I will hold judgement on whether or not I have concerns the implications of the GHA effectively competing in the building and selling of units, as opposed to renting or reserving ownership in the partial ownership scheme.

1570 I, like several Deputies who have already spoken, prefer the slightly broader approach of Amendment 13, the draft Amendment 13, and will just recommend or put it to Deputies Inder and Helyar that possibly they may want to work up – rather than me having to be, to get to Amendment 13, vote down 2 and then have 13 laid – maybe a revised amendment that looks to add provision to Amendment 2 if passed, maybe worked up in the time that this is being debated and presented later in this debate.

Thank you, sir.

1575 **The Bailiff:** Deputy de Lisle.

Deputy de Lisle: Yes, sir.

1580 I just would like to know how many houses are being offered through this scheme. Because with a discount of 25% surely given the average cost of a property now, over £500,000, we are looking at about £150,000 discount on each property? Now that seems to me to be an awful lot for the taxpayer to bear. In fact, we are supposed to be, surely, lightening the burden on the taxpayer rather than increasing it. So I would just like to know how many properties are we talking about through this scheme and who is going to pay for it?

1585 **The Bailiff:** Deputy Haskins.

Deputy Haskins: Thank you, sir.

1590 Just one point of clarification first. Deputy de Sausmarez did say in a previous amendment that the Committee *for* E&I had been consulted. The full Committee had had the amendment shared with them.

Deputy de Sausmarez: Point of correction.

1595 **The Bailiff:** It is a bit difficult to know what you are saying is misleading or inaccurate but Deputy de Sausmarez, point of correction.

Deputy de Sausmarez: The specific wording was 'the concept had been shared,' as stated in the Rule 4(1) information. The concept, not the wording of the amendment.

1600 **The Bailiff:** Deputy Haskins, was that what you were about to say?

Deputy Haskins: No.

1605 **The Bailiff:** Well, it is a fair point of correction, then.

Deputy Haskins: Unfortunately, what I said was in the previous amendment Deputy de Sausmarez said that the Committee had been consulted. Not the wording of this.

What I wanted to do, bear with me, I am just trying to bring up the GWP.

1610 **The Bailiff:** It is interesting, when you sit down Deputy Haskins, I assume you have finished!

Deputy Haskins: Sorry, I cannot quite find my ... Sir, in 7.4 of the GWP it says:

In addition to this, the Committee *for* Employment & Social Security and the Policy & Resources Committee have continued to progress work exploring options for the States on the transfer of the States of Guernsey social housing stock to the GHA.

1615 But here we seem to be putting in a preference, a preference brought by Deputy Roffey as to how he sees this working. So for me, given all the comments that we have had earlier about we should not be doing policy, we should not be making policy in this debate or bringing in hobby horses, it seems odd.

1620 We were also told that there was not enough information in the previous amendment. Indeed, Deputy Soulsby criticised the previous amendment by the Chief Minister, for that very reason. Now it is my view that there is not enough information in this, bearing in mind we are directed to bring back proposals, but with 75% of market price. Why? Why 75%? I am sorry, I do not think that information is here. Why not 70%? Why not 80% or 73%?

1625 The other element that I think, I did mention this yesterday, a list of things that we should consider when thinking about housing action and that would be the effect, short and long, on the private housing market, the employment market, the local infrastructure, the entire Island infrastructure, the cost to the States and to Islanders, actions that are likely to be inflationary and the impact, for short and long term on the economy. But I do not see this information here.

So out of principle I cannot support this without that information.

1630 **The Bailiff:** Deputy Bury.

Deputy Bury: Thank you, sir.

I will be brief because I had not actually expected to need to speak on this. We are a day and a half in and, as Deputy Ferbrache has pointed out to us, perhaps not much action has been taken yet and, of course, everybody has widely recognised that we are in a housing crisis emergency, it is a number one priority and this is a lever, a tool that we can investigate, not creating a policy on the floor, contrary to Deputy Haskins' speech.

Create proposals based around this principle. That is the suggestion here, to come back with the detail that would address and give us a lever to help with the housing crisis. So we are not creating policy, it clearly states that it will be brought back to the States, so that is when the detail will be discussed.

But what I did want to stand up and address was just a point made by Deputy Kazantseva-Miller, or a question. I am sure that Deputy Roffey will respond to it in his summing up but actually, as I imagine, and it is a guess but if I was a betting woman, I am the only Member of this Assembly that is on the partial ownership waiting list.

Of course, I do all the necessary things within Committee in declaring that and do not get involved in any conversations about criteria. So I am on the partial ownership list. I live in private rental, so I know almost exactly the 50%-odd figure that Deputy Haskins mentioned yesterday about your outgoings and your rent and the difference, as I understand it, but will yet to be bottomed out, will be that for partial ownership, thankfully, you do not have to raise the large deposit and the large advocate fees that are required and that probably would not be the same in this case. It is literally the reduction of the cost of the house.

So those would be the differences in the schemes and therefore would capture different people. So I just wanted to address that and say to Members, from my personal experience of living this and therefore representing a proportion of the Guernsey population that we are trying to help, I would urge Members to support this and not let the factions of this Assembly, which do exist – let us address the elephant in the room – affect a good policy that would help the population of Guernsey.

And on that note, I would really like to express my thanks to Deputy Ferbrache, for being supportive and not allowing those personal games that seem to exist in this Assembly affect good progress for the people of Guernsey.

Thank you, sir.

A Member: Well said. Hear, hear.

The Bailiff: Deputy Oliver.

Deputy Oliver: Thank you, sir.

Whether you support Amendment 2 or Amendment 13, and this is as DPA President, I want you to support one of those because it would be completely ironic that we have just voted through Amendment 12, which is putting the cart before the horse and actually doing this, and we will need this piece of work to be done. So if you do not vote for two, please vote for Amendment 13 or Amendment 2, do not just leave us with nothing.

Thank you.

The Bailiff: Deputy Falla.

Deputy Falla: Thank you, sir,

I will not speak for long but as a Member of ESS, I am happy to discuss this around the Committee table and where I see value in this is that, as a Member of ESS, I often do question myself. We are doing as much as we can for social housing, but what are we doing to help the people stuck in the middle, just about the social housing access point? And actually that just above is getting bigger and bigger – people who cannot access private housing.

I think this does seek to in some sense broaden that scope and as has been said, this is a concept. What we are asking for today is really for Members of this Assembly to get behind further exploration of this idea and then it will come back and then, if necessary we can amend it and give it a full airing. But at this point in time let us just get behind it and explore the art of the possible.

Thank you.

The Bailiff: As no one else is rising, I will turn to Deputy Soulsby, as the Vice-President, to comment on this amendment, please.

Deputy Soulsby: Thank you, sir.

I will not speak for very long. I thought Deputy Oliver's speech made me chuckle. We are doing cart before the horse, as you say. Members have to vote for something or other: either what we have got now or what we might have in a few moments' time. But from a P&R point there is little of issue with this amendment. It is not seeking to change policy, we have had that policy debate. It is looking at just saying, 'Please can this work be done.'

It kind of fits in with an existing workstream really to consider the appropriateness of intervening in the market, so it can just be tagged along with that and may well have been included anyway. But I think this is useful to have it and now I think we should have it in here.

From a personal point of view, I like it. It is supporting first-time buyers which is where I think it will end up being targeted. And there can be proper planning around it. I know the alternative might be why do we not deal with existing housing stock but this actually plans for the future. There are other difficulties about taking social housing stock out of that social market, what do we then do to build up that social housing?

We also need to consider the amount of social housing we have in terms of what we believe we need and there has been work that has been done to say this is the amount of social housing we need. I think there is a Housing Indicator somewhere, which seems to have fallen by the wayside somewhere, in terms of how we should split any new developments between social housing and private housing.

I think the truth is that social housing has been slow over the years and we do need more. But in terms of this amendment it is absolutely fine from a GWP point of view and, personally, I like it because I think it is an intervention that could make a difference. So I will support it.

The Bailiff: And Deputy Roffey, as the proposer of Amendment 2, to reply to that debate please.

Deputy Roffey: Where to start?

It has been a bit weird in places. This is one of the few amendments before this Assembly that can lead in a relatively – not straight away – in a relatively short time to doing something really concrete about tackling the housing crisis in Guernsey and I agree with Deputy Bury in some ways. I try to avoid saying this and I have been trying to avoid saying it for the last 18 months but sometimes it feels that people's reactions to proposals are more to do with who is putting it forward than the substance of that proposal and I deprecate that.

I am not going to do that. I will support proposals from anybody in this Assembly, whether I disagree with then 90% of the time, whether I think they are the worst Member of this Assembly, if they say something that I think is good and progressive, I will vote for it and I ask all Members to look at this proposal in that light. **(Several Members: Hear, hear.)**

The second thing I want to say is whether or not we get on to debate Amendment 13, I think it is absolutely full of flaws that I will point out at the time but I may be outvoted on that. But, for goodness' sake, we do not even know whether we are going to debate that. Bank this. If you want to go further than this and extend it to flogging off our existing social housing stock, well that can be added on. But if you vote this down and then we do not do that, you walk away with nothing.

Even the amendment we just passed, I hope it leads to something constructive. But at the moment all I see is an instruction to the DPA to drop supplementary planning guidance that

contradicts their main policies in it. Maybe they will find a way through that. This does not apply in this case because what we are talking about here is a new tenure of intermediate housing, which will not need a change to the IDP in order to facilitate.

1740 So this, in itself, is a good scheme, and good scheme in principle, and move it forward. And I go right back to where I was with Deputy de Lisle yesterday. This debate is not about making policy decisions. I agree that Deputy Haskins, I think, is wrong in saying we are being asked to make a policy decision.

1745 This debate, this whole few days of debate is about allocating resources to do workstreams to allow us then to make policy decisions. So when we bring back the report, if you support this, and you say, 'Why 75%, actually I think it should be 70% or 80%?' it will be amendable. The logic for what we will be proposing will be set out in our policy letter, it will be able to be challenged. This is about prioritising this particular workstream.

1750 Before I get onto the – and I will finish by half-past, do not worry, sir, I know everybody wants their lunch, or around about then anyway – detailed remarks, I want to make a couple of general remarks about the advantage of this scheme. I, like everybody else in this Assembly, want to encourage those who aspire to owning their own home to do so. I want to do that for a lot of reasons. I do worry about our falling percentages of home ownership. I want to do it because I know a lot of people really desire to own their own home and if they cannot do it here, they will go elsewhere to do it and we cannot afford that loss.

1755 I want to do it because, as President of ESS, I know that older people who own their own homes, are far less of a draw on the system than those who have rent to pay because, if we are looking at Income Support, that rent has to be factored into their requirement rates. I particularly like this scheme because people will be aware that there are quite a few large developments to come forward, the Fontaine, Parc Le Lacheur, hopefully – I am looking at the DPA Members, the data park.

1760 I do not think it is healthy to go back to where we were in the 1940s and 1950s, in building large estates of one type of tenure. Now we have already moved away from that because those estates will have key workers in them, nurses, hopefully teachers, doctors, whoever on them. The actual new definition of key worker is going to be one of the priorities under the scheme. It will also have partial ownership on it and it will also have specialist housing sometimes, for people who have special requirements and hopefully this can be in place in time. It will be a limited number – how many I am going to get onto in a minute in reply to Deputy de Lisle – of people who have bought their own homes outright under this scheme.

1765 That is going to be a far more healthy mix, I think, in these developments than saying social housing is over here, private housing is in the clog down the road. I really do not think that that is good for the future.

1770 But, having said all of that about the need to encourage home ownership and facilitate it, I really get galled when people suggest that people who do not want to own their own homes are somehow not aspirational. They may have different aspirations but this characterisation that people – and some people are really happy to – rent even in the private market or if they cannot afford that, in the social housing market, they are Islanders like us and they are aspirational. They just have different aspirations.

1775 You know, Deputy Dyke yesterday: 'Everybody wants to own their own home, whatever that ...' No, they do not. Those that do, we must help them but I think this sort of pigeon-holing of people that are in social rental housing is really unfortunate.

1780 Now I will go through a few of the specific comments. Deputy Queripel: who will qualify and who will determine market value? Well, luckily, there is nothing new in this. This will be a second intermediate housing scheme. There already is one that exists and that is the partial ownership scheme and, under that scheme, the GHA have to assess, they will only take onto their books people who they believe cannot reasonably afford to go out and have a total private solution to their housing needs.

1785 Exactly the same would happen here. Likewise, when partial ownership properties are sold, people may own 60%, they may own 70%, they may own 40%, there is a system in place, a robust

system for getting the valuations on which people will get their capital appreciation on the element they earn, so we do not have to reinvent the wheel. All of that is in place now. The details of those, of course, will be in the report. We are not asking you to sign off on the detail of the scheme. We are not even asking you to approve the scheme, we are asking you to prioritise the bringing of the scheme to this Assembly.

Deputy Ferbrache, I thank him for his support but I am not sure about the Margaret Thatcher comparison! Clement Attlee, I think, is where I would like to go, but there we go, others may feel differently. As long as it is not Mr Putin, that is fine!

The question was asked why would people go for this scheme rather than a partial ownership? Well, I think there may be some overlap in where people choose to go but there are very significant differences. I think the partial ownership scheme is almost a misnomer. It is a route towards fuller home ownership and you do not pay rent on the bit that you own but it is actually a leasehold scheme. It is a leasehold scheme where you never actually become the owner of that property.

There are people, a lot of people in Guernsey, because of the tradition, just want to own their home. It belongs to them. This will mean an affordable way of doing that. But there will be people for whom raising that money, particularly the deposit will still be required by most borrowers. Deputy Trott knows where you can get 100% mortgage. Well, bully for him. I think they are quite hard to come by these days. Some of them will not be able to afford to do that and will prefer partial ownership.

Partial ownership allows you to come in at a very low level, perhaps 40%, and staircase up. This is a different scheme and all I can say is where both schemes work elsewhere, they both work well, they both have different segments of the market, albeit there may be some sort of overlap in the middle.

It is also, because you own your own, it can be your family home for the next six generations if you want. Partial ownership is just slightly different from that. It has to revert at some point to the GHA. And I will just say about the GHA, and we will go onto competition in a minute. I am sure it was not intended but some listening to this debate from outside will think that the States are under some kind of threatening, malevolent monster, but they have been a universal force for good in this Island. Since setting up – actually it was a bit of a wobble with the management early on, I think, and that got rectified – they have been an enormous driving force for good and I wish that States' Members would appreciate that.

I think the Island now does. Early on there were question marks: why are they getting all of these advantages and making this profit? They do not make profit, they are not a profit-making organisation. They are almost like an outsourced arm of Government. It is completely without the profit motive.

And that brings me on, in a way, to Deputy Blin, who says where will the subsidy come from? Well, a large part of it will be there will be no developer profit involved in the construction of those properties, because the GHA are not doing it to make a profit. So that enables, like it does with housing associations elsewhere, and indeed Andium Homes in Jersey – and I do not hear private developers in Jersey saying that is completely destroying their market – to operate this sort of scheme. So that is largely where it would come from.

Deputy Inder says if this goes through you are going to get ... Actually, if this goes through you are going to get a report, not any of the things that he said you were going to get. You are going to get a report, which would allow you to consider it in depth. Again, he was one of the ones that was worried about competing with the private market. Well it does not do that.

The GHA, if they have done anything over the years, have shown they have been incredibly cautious not to compete with the private market. They do not compete with the private rental market, they only take onto their list for people to go into their rental accommodation people assessed as being unable to reasonably afford to rent in the private sector.

They equally have a great deal of consideration for the financial resources of anybody going on their partial ownership scheme because they only want to help. They have got actually a limited number of properties. They do not want to be helping people who can well afford to do it by

1840 themselves. They want to help people who cannot afford to do it by themselves and exactly the same will be true of this scheme.

So it is not competing but we have to realise that there are people out there who just cannot afford to buy in the private sector and if we do not help them, they can afford to buy it in parts of England and they will be gone there because, as people have said, their aspiration.

1845 Are they a dominant developer? Well, I think they are doing pretty well at the moment, helped by the ESS. They are moving forward and I think that that is great. But to be honest the number of homes we need in this Island to tackle this crisis over the next few years, we need everything they can do and everything the private sector can throw at it as well. So, you know, the fear of they are getting too big for their boots, they are doing a bit too much to help people who cannot afford housing in Guernsey, I just think is a bizarre attitude, quite frankly.

1850 Really, the question from Deputy Moakes does not really relate to this debate but I can tell him we are currently reviewing that and it is a difficult balancing act for those people living in States' houses. Of course, we want them to be able to do well by themselves but at the same time we have to make sure that if they are doing incredibly well and can well afford to move elsewhere, that is what they should do because there are people out there who are not in that position who are waiting to come into States' homes.

Deputy Meerveld, again, was going on about competition with the private market. I think I have dealt with that. Hopefully, he can pass it onto his brother.

1860 Deputy de Lisle, how many homes? Well it will be assessed on a case by case basis. At the moment, for instance, developing the Fontaine Vinery. We have to make an assessment: how many should be key worker housing, how many should be partial ownership, how many should be social rental, and we look at, really, where the pressures are and we make that judgement together with the GHA as we go forward and this new tenure will be exactly the same. It would be a minority of homes on these developments but I think, if the demand is there, it should be a fairly significant minority because I think, actually, we want to be facilitating this to happen.

1865 Deputy Haskins, I think I have dealt with. It is not setting policy. It is prioritising the work which would lead to a debate where we set this forward. I promised to finish by half-past, so I probably should. I do not really want to refer to a forthcoming amendment but some people have said, 'Can I vote against this to vote for that?' Well, please do not do that. Please vote for this. If you want to extend it into the private sector ... Sorry, I give way to Deputy Queripel.

Deputy Queripel: Sir, I thank Deputy Roffey for giving way.

I was going to bring a point of correction but I thought he might have addressed my question before he finished his speech. It does not sound like he is going to. He made a mistake earlier on when he said I asked the question who will qualify. That was not me. Someone else must have asked that question. The only question asked was what was H.M. Procureur's advice when the amendment was submitted?

Thank you, sir.

1880 **Deputy Roffey:** Okay.

Well, I must be going barmy, I will look at the recording later because I got down Deputy Queripel as asking two questions. He did ask about the Law Officers' advice about who will qualify and how will value be determined. If I have got that wrong, I do not know quite how I have – I bet £1 I have not actually, if Deputy Queripel will take me up on that, but there we go!

1885 Sir, it really is quite straight forward as I say, it is us looking to bring in a scheme that is proven elsewhere. The details can be challenged, the details can be debated but this is, out of the whole Government Work Plan, one of the few things that will actually lead to some tangible results in a relatively short period of time.

1890 It would be absolutely perverse, I think, for anybody to vote against it. Please support it and then you can go home and have your lunch feeling that something positive and constructive has been done.

The Bailiff: Members of the States, we come to a recorded vote on Amendment 2, proposed by Deputy Roffey and seconded by Deputy de Sausmarez.

Greffier, please.

1895

Amendment 2:

There was a recorded vote.

Carried – Pour 30, Contre 1, Ne vote pas 4, Absent 4

POUR

Deputy Fairclough
Deputy Falla
Deputy Ferbrache
Deputy Gollop
Deputy Helyar
Deputy Kazantseva-Miller
Deputy Leadbeater
Deputy Mahoney
Deputy Matthews
Deputy McKenna
Deputy Meerveld
Deputy Moakes
Deputy Murray
Deputy Oliver
Deputy Parkinson
Deputy Prow
Deputy Roffey
Deputy Soulsby
Deputy Taylor
Deputy Trott
Deputy Vermeulen
Deputy Aldwell
Deputy Blin
Deputy Brouard
Deputy Burford
Deputy Bury
Deputy Cameron
Deputy de Lisle
Deputy de Sausmarez
Deputy Dyke

CONTRE

Deputy Haskins

NE VOTE PAS

Deputy Inder
Deputy Queripel
Alderney Rep. Roberts
Alderney Rep. Snowdon

ABSENT

Deputy Gabriel
Deputy Le Tocq
Deputy St Pier
Deputy Dudley-Owen

The Bailiff: Well, Members of the States, the voting on Amendment 2, proposed by Deputy Roffey, seconded by Deputy de Sausmarez, was as follows: there voted Pour, 30 Members; Contre, 1 Member; 4 abstentions, 4 Members absent and therefore I declare Amendment 2 duly carried.

1900

Before we rise for lunch, Deputy Inder, can I just check with you what you want to do about Amendment 13 now that Amendment 2 is carried? Is it likely that you will think over lunchtime about a possible Amendment 14?

Deputy Inder: I will be thinking about Amendment 14, sir.

Thank you.

1905

The Bailiff: Are you still likely to want to move the motion under Article 7(1) of the Reform (Guernsey) Law, 1948, to enable Amendment 13 to be ...?

Deputy Inder: No, I do not think I will be laying 13. It will be a version into 14.

1910

The Bailiff: Well, in those circumstances, Members of the States, rather than starting something else, and as it is nearly 12.30, what I would like to do is to take the opportunity before we rise for lunch to remind all Members that after we rise this afternoon at 5.30 or as close thereto as we can,

1915 there will be the Annual General Meeting of the Guernsey branch of the Commonwealth Parliamentary Association and I do encourage as many Members as are available and wish to, to attend that meeting because it is your opportunity to have your say in respect of branch matters.
But we will now adjourn until 2.30.

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

POLICY & RESOURCES COMMITTEE

Government Work Plan – Debate continued

[Amendment 1.](#)

To insert a new Proposition 13A, after Proposition 13:-

"13A. To direct the Policy & Resources Committee, in consultation with the States' Trading Supervisory Board, to carry out a review of:-

- a. the scope and specification of the proposed new Dairy and resulting estimated capital costs;*
- b. the potential funding options for a new Dairy; and to make recommendations in the next review of the Government Work Plan in June 2023 as to whether the Future Guernsey Dairy Project should be moved into the delivery portfolio."*

The Bailiff: Well, Members of the States, the next numbered amendment on our running order is Amendment 1, proposed by Deputy Roffey, to be seconded by Deputy Ferbrache.

1920 Is it your wish to move that amendment now, Deputy Roffey?

Deputy Roffey: Certainly, sir.

1925 So 30 in favour, one against before lunch. I will try and improve on that if I can. I certainly should be able to because this is not really a very far-reaching amendment. It does not seek, let me make absolutely clear, state support for building a new Dairy, although this Assembly has already given its support once for that and, as far as I know, that Resolution still stands.

1930 Neither does it seek to allocate funding for the project, even though if it eventually goes ahead it will undoubtedly need funding from some source. Nor does it seek to limit funding options for any possible new Dairy. So if Members support the amendment, they will not be committing to any cash coming from the Capital Reserve.

All it does is enshrine in the States' Resolution the intentions clearly expressed by P&R, in the Government Work Plan policy letter that over the next 12 months they – P&R – should review the project, together with the STSB, to look at possible cost savings and all the possible funding options.

1935 I have to say when we read that in the policy letter, we were very happy with that level of proposed engagement from P&R. So why the need for an amendment? Well, simply because warm words in a policy letter, no matter how sincerely uttered, butter no parsnips whatsoever. So we want a firm instruction from the States that this work should be done and, crucially, that it should be done in time for this Assembly to make a firm decision about the Future Dairy Project during next year's update of the Government Work Plan.

1940 Because, Members, time is of the essence here. I will explain why in a minute but first of all just a little bit of context. The STSB is not responsible for Guernsey's agricultural policies. We have no influence over them whatsoever. So it does not decide, it is not its role to decide, whether or not the States' Dairy is required. As it happens, both we and the farming community are 100% convinced that the States' Dairy is needed but that is just our opinion. Officially it is none of STSB's business.
1945 It is for others to decide whether a States' Dairy is needed or not and I understand the Committee

concerned has confirmed that longstanding policy quite recently. All completely out of STSB's hands.

So where do we come in? We come in because we just operate the thing. And it is as operators that the STSB, under its previous President, Deputy Ferbrache, came to this Assembly and made very clear that the current facility is at the end of its life and that it needs to be replaced ASAP. It was not just Deputy Ferbrache saying that, it was also Environmental Health. Now I must stress that the products coming out of the Dairy remain 100% safe and wholesome but it is becoming increasingly difficult and costly to ensure that that is still the case.

So Members can imagine that if the need to replace the Dairy was urgent two years ago, when Deputy Ferbrache convinced the Assembly that it was, then it is patently obvious that it is even more urgent today. So this amendment does, unashamedly, introduce the need for speed into the process. It does not commit in any way the States to deciding to build a new Dairy at next year's GWP. It does commit them to making some sort of decision over that question by next year.

Now, obviously, the STSB hopes that that decision will be to build a new Dairy. Probably at Brickfield House, and to realise the operational savings that will bring about of circa £1 million a year, which in turn would allow the Dairy to operate profitably. But that is a debate for another day. After the proposed review, the States may well decide there could be no new Dairy and we would have to plod on with the present facility.

Well, that would be myopic and would require massive investment in both the fabric of the building and equipment within the next few years, most of which will be a completely lost investment when the States, inevitably, is forced to replace this end of life facility after a few more years. So it would be a foolish decision but it would at least be a decision and it would allow us to proceed, clear that we were following the direction of travel decided by this Assembly, whether we agree with it or not.

Equally, the decision could be taken to overturn the current policy and just no longer maintain the States-owned and operated Dairy at all. Again, I think that would be hugely problematic to the future of farming in the Island to therefore maintaining our countryside. But that is a debate for another day.

All this amendment is about is the department mandated with operating the Dairy saying, Members, please listen to us. We are operating on a burning platform and we need a decision, a timely decision, on how we are going to move forward. We are not pre-empting what that decision is but we need that decision by next year because time really is running out.

As I say, all it does is embed, in an official States' Resolution, P&R's intention as expressed in the policy letter and therefore I hope it will prove uncontroversial.

The Bailiff: Deputy Ferbrache, do you formally second that?

Deputy Ferbrache: I do, sir, thank you.

The Bailiff: Deputy Soulsby.

Deputy Soulsby: Yes, sir.

I thought I would speak now and hopefully curtail debate but I do not think I have been very successful at that so far. Just to say that Policy & Resources do not oppose this amendment. It is not really necessary. I know Deputy Roffey put it the other way and said this was to make sure it is done because things can change but this is very much on the agenda anyway so for that reason P&R do not oppose it.

The Bailiff: Deputy Queripel.

Deputy Queripel: Thank you, sir.

In supporting this amendment I take the opportunity to say once again we rely far too heavily on other jurisdictions to supply us with essentials such as food and power. I urge colleagues to bear that in mind and support this amendment.

2000 I want to quote from the chairman's report, which can be found at the beginning of the Guernsey Dairy Accounts 2021, starting with the first paragraph of the overview, which reads as follows:

2021 has been another challenging year for the Dairy as it faced the continued disruption posed by the pandemic as well as ongoing difficulties arising from ageing plant and equipment.

2005 And I saw that ageing plant and equipment for myself when I was taken on a tour of the Dairy not so long ago. I was absolutely amazed at the dedication and commitment of the staff who work at the Dairy because they work in extremely difficult conditions.

2010 Somebody once said, 'Give us the tools and we will do the job.' It may have been the Chief Minister's great political hero, Sir Winston Churchill. Well, staff at the Dairy do not actually have the tools they need to do the job and it is only because of their dedication and commitment and their passion for the job that they get the job done. But that cannot go on forever. They will need to be given the tools to do the job at some stage in the not-too-distant future.

Another paragraph of the chairman's report portrays the passion perfectly, which is why I am going to recite it now:

The dairy industry provides a sustainable, farmed countryside and thereby protects the environment and biodiversity of the Island, so facilitating a healthy community, through providing a financially viable Guernsey Dairy and dairy farming business, the dairy industry protects and promotes our unique identity and rich heritage, ensuring our Island is strong and sustainable. The continued purchase of Guernsey milk contributes to the local economy and each litre purchased helps to preserve the Guernsey countryside, our traditional farming heritage and also safeguards the iconic Guernsey breed.

2015 Now, sir, having said all that, I am only too aware that the Future Guernsey Dairy Project was approved by the States in 2020 and that it was then placed in the pipeline category in 2021 and that whilst a long-term solution is being considered, the plan is in place to replace ageing equipment in the form of a sticking plaster and P&R will be working with STSB on a business case and this amendment seeks to formalise that intention and also, if other spending priorities permit, the Future Guernsey Dairy Project can be considered for inclusion in the delivery category at the next review of the Government Work Plan in 2023.

2020 I am only too aware of all that. I have read the explanatory note and I heard what Deputy Roffey said in his opening speech. But nothing is definite. We are still talking about ifs and buts and maybes and sticking plasters. There is still a lot of doubt in the air when what staff at the Dairy need is an absolute assurance that they will have a Dairy that is fit for purpose and a Dairy to be proud of in the not-too-distant future.

2025 Because passion for a job and sticking plasters can only go so far, as do promises and words of good intentions, of course. So this amendment is definitely a major step in the right direction and whilst it will not directly result in our actually getting a new dairy, it does betray a certain element of action this day and also provides a certain amount of assurance to staff working at the Dairy and members of our community that we are certainly giving the matter serious consideration.

2030 In closing, sir, I know how these things work. When an issue stalls it is very difficult to pick it up again. So with that in mind, I will end by saying we really cannot afford to keep kicking the milk can down the road.

Thank you, sir.

2035 **The Bailiff:** Deputy Gollop.

2040 **Deputy Gollop:** Obviously, we do not want a big debate on an issue that is pretty much supported. I will pick up on the two points Deputy Queripel made. Funnily enough, I was meeting somebody else through the lunch hour and they were really interested in the Chamber of Commerce

seminar two weeks ago, relating to food production in Guernsey, part of a series of events and there certainly is, amongst people, admittedly in some cases the more forward-looking or affluent members of the public, who are interested in regenerating single holding food production and healthier lifestyles and traditional products.

2045 I think we live in uncertain times, we have seen unexpected frissons with France over fishing and with eastern Europe over energy, perhaps, and I think to have as much internal food production as we can – it will never be 100% nor should it be – is commendable and necessary. It was an omission, in my view, that this was not in the Policy & Resources Plan and should have been. Interesting to see Deputy Ferbrache seconding this amendment because of course he successfully brought to the
2050 States, when he was President of the States' Trading Supervisory Board, a plan of moving forward and it kind of dropped out the bottom.

I would definitely support a new Dairy and I definitely support the conservation and continuation of the farming industry and culture and conservation that goes with it and I definitely support moving forward with this. There are such indications from the Dairy accounts of increasing
2055 administrative issues and problems with the ice cream and cheese and so on. But the good news is there has been an upturn in the consumption after a few years of decline, so we are perhaps exaggerating the reduction in the market and that is important to bear in mind too.

So there you go. I would quite like the vision of various people, including former Commerce & Employment Minister Mr Kevin Stewart, about, if possible, making this part of our tourism
2060 attractions that people and coach parties, or cruise parties, or children [in audible] could all go to.

So there I am, pretty supportive and pucker about it but there is a couple of minuses, a conversation we need to have and other speakers might enter the debate. The Dairy is to some extent no more than we would have for a large market town. It is minute in UK and let alone
2065 American or European terms. And yet what could be a £5 million to £10 million project – look across to Sark and Alderney on the much smaller scale, and they are both succeeding, as far as I know, with small scale farm linkages to dairies – suddenly ours have sort of let £5 million, £10 million, £25 million, now it is maybe £35 million and I do not understand this cost escalation.

We also need to ensure, Deputy de Lisle made an excellent speech – as he always does – yesterday, pointing out that when he was a boy, I was a bit rude about his vintage, there were 400
2070 farms in the 1950s and 1960s and now we are down to, what, 12 or 13? And Jersey are in the same position as well.

We need a way ahead for farming, which might involve planning and use of land, but the farming has to thrive for us to justify getting a Dairy in the first place. It is the farming and the land that is important and the Guernsey cow, not the Dairy. I just hope, even though I will vote for this
2075 amendment, that in the next nine months to a year there will be real thinking going on as to whether it is exactly the right package of us spending £35 million or even less than that and whether we need to work together with private partnership, with a business investor, with the farming community, with a co-operative, with a high net worth investor who wants to move to Guernsey, maybe some environmental organisation, but we find a way of making this work but not a really
2080 expensive, white milk elephant.

So that is my concern. So I support it but with reservations.

Deputy Burford: Rule 26(1), sir, please.

2085 **The Bailiff:** Okay.

So, Members of the States, will those Members who wish to speak on Amendment 1 please stand in their places? Deputy Burford, is it still your wish to put a motion pursuant to Rule 26(1)?

Deputy Burford: Yes, please, sir.

2090 **The Bailiff:** Very well.

In that case I will put the motion to you, Members of the States, that we curtail debate on Amendment 1, subject to hearing from Deputy Roffey. Those in favour; those against?

2095 *Members voted Contre.*

The Bailiff: I will declare that lost.
Deputy Inder.

2100 **Deputy Inder:** Sir, for those who will remember, I put in a set of Rule 14 questions, some moons ago. It was played somewhere through the media that they were supposed to be friendly questions to try and help out HSC over a requête; it was not true. I am a Member of this Assembly, I have had great concerns over the way that we procure capital expenditure over the years and those of you will remember, you have repeated over many a time, the Inert Waste Strategy, £30 million, we voted
2105 for, the arguments were £22 a tonne going in paid off in 15 years, we voted for that in great faith. A few months later, it was £40 million, a few months later it was up to £47 million, it was £65 million and now it is probably north of £80 million.

Actually this is all very exciting but unfortunately when it comes to the Guernsey cow we all get very emotional because the Guernsey cow is sacred. It is literally that. It is sacred, it is part of our
2110 heritage. But actually what we have heard through debate is emotion. We have heard emotion. Now what this is actually saying, if we look at 13A(a):

... the scope and specification of the proposed new Dairy and resulting estimated capital costs;

That says to me that effectively Policy & Resources are agreeing to put STSB under special
2115 measures. Now this is the job of STSB to have done this. This is entirely in the job. They are asking Policy & Resources, 'the scope and specification of the proposed new Dairy and resulting estimated capital costs'. When we voted for this back in 2018 or 2019, it was £18 million to £22 million. It is now £35 million. Now that was last week. I can guarantee you it is going to be £36 million, £37 million, £38 million.

2120 Now a real conversation has to be had about the state of the industry. If we are going to hold a price point, I think the price of a litre is around £1.50 at the moment – someone will get up and tell me it is £1.53 or something like that ... No? Well, it makes a change. – around £1.50 but there will be a price point that is acceptable to the public of this Island and if we cannot get those efficiencies and hold that price point into what is a reasonable business case we, like many other things, like
2125 possibly waste now, we are now going to be in a world of subsidy. We are going to have to subsidise the Dairy out of general revenue.

So a real conversation has to be had. What does preservation and conservation mean? It is just not about this building. It is not about the building and the £35 million – today's price – for what is largely a Euro-profile shed. I do not know what has gone wrong but again I am seeing it again and
2130 again. Every time Government goes through a capital process, either the roof leaks or the costs go out of control. Something has gone wrong.

I would ask Deputy Burford, as head of Scrutiny, to actually do a real PAC review. What is going wrong with the procurement because it is a busted flush? We are seeing this time and time again and it will never change until this Government gets a real grip of it, a real grip. There are problems
2135 here. They are deep, they have been going on for 15, 20 years. There is not a roof that we have put on in the last 30 years that has not leaked and there is no capital project that has not overrun or at least run up into its contingencies plan. It is always fascinating that the prices that we get back, the contingency plan is always eaten up exactly. Something is badly wrong and it needs to be dealt with.

2140

The Bailiff: Deputy Fairclough.

Deputy Fairclough: Thank you, sir, and perhaps picking up on a theme that both Deputies Gollop and Inder have already alluded to, I am likely to support this amendment but my attention was drawn to the explanatory note and, in particular, reference to paragraph 1.6.1 on – sorry – there is no page number, but I think it is appendix six of the Government Work Plan. I will just read that out if Members will indulge me:

STSB has approached P&R seeking a recommendation that the Dairy Replacement Project should be moved from pipeline to delivery. The Committee does not currently agree with that deliberation ...

– appendix six refers –

... and is working with STSB to review the detailed breakdown of the costs of the project and the forecast costs of maintenance for the next four years.

That just set some alarm bells ringing. I am concerned, this line in the explanatory note, third paragraph, which says:

... P&RC is now proposing to work with STSB to review the work that has been done in the development of the business case.

And I do wonder how much more work has to go into this project, the preparation of it, in order for it to proceed. My understanding, and this is just my understanding, is that a significant amount of time and money has been spent on this project already in the procurement phase. The accounts show, the accounts which we will be coming on to debate, show £250,000 in 2021, £149,000 in 2020. So that is £400,000.

I do not know, standing here now, how much further on we are with procuring this as a facility, so my question is, through you, sir, to Deputy Roffey when he is summing up, is that could he tell us exactly where we are in this process. I would be grateful if he would do that and, as I say, I am likely to support this but there are questions to be answered, as we have already heard from other Members.

Thank you, sir.

The Bailiff: Deputy de Lisle.

Deputy de Lisle: Thank you, sir.

I urge Members to support the amendment in relation to the review of potential funding options and the estimated costs of a new Dairy facility for Guernsey. Now the Dairy, of course, is integral to continued success of the dairy industry in the Island and, of course, that translates also into the preservation of the iconic Guernsey breed. It translates also to the continuance of the Guernsey countryside, its conservation, its upkeep, and of course as an example of self-sufficiency in food production in Guernsey.

It is also of course very important to the dairy producers on-Island and the continuation of the dairy industry as we know it. I would hope that in fact we do look at not only a new site for the Dairy but also the expansion of the existing site, perhaps taking some extension of the existing site, rather than utilising a totally new site for a new Dairy. So I would hope that that would also be a more economic way of facilitating the extension that we need to the Dairy and also the upgrading of the facilities and equipment there.

But the most important thing, I think, is to urge support for the continuance, really, of the Dairy, which is a matter of continuing, of course, our emphasis on dairy farming to supply the liquid milk needs of the Island but also some of the manufactured products, such as butter, which has very successfully entered the export market to the extent of providing almost £1 million per year with respect to income to the Dairy.

Thank you, sir.

The Bailiff: Deputy Dyke.

2190 **Deputy Dyke:** Thank you, sir.

I will be voting in favour of this amendment. I do not think there is any question that one way or another the people of Guernsey want to keep our cows, we want to have our milk and it is part of our heritage and that is just the way it is. But what is concerning me are these literally crazy figures. I had not heard the £35 million. The last one I was looking at was £28 million, which was

2195 ridiculous.

As Deputy Inder says, these are the most basic buildings you need. Obviously, you will need the equipment but we have that. I guess some of it may need upgrading but that is a different issue. I mean these things, I think, should cost a couple a million pounds (**A Member:** Hear, hear.) we should not be up past £30 million.

2200 So somehow procurement have to be told to work out the size of the building and do a fixed price contract with a contract for the building. There should not be cost overruns, it is so basic, it is ridiculous. So assuming that will be done then I will vote happily in favour of this amendment.

Thank you.

2205 **The Bailiff:** Deputy Blin.

Deputy Blin: Thank you, sir.

Well, I am just going to sort of follow in line with this. I think it is pointless urging everyone to vote for this; I think everyone will support this as the evidence is there, it is obvious that change is

2210 needed. However, it is going back to the same point that the Dairy ... I have been in communication with two sort of industrial dairy sort of entrepreneurial groups, they all say that you can build this dairy for between £2.5 million to £5 million because, actually it is based on what Deputy Inder was saying, it is the simplicity of something.

We are still losing, we are throwing away milk. We are not operating at the best of our capacity. The fact that just the last few months the cost of this Dairy has increased and we have seen

2215 £18 million, £26 million, now £30 million, £35 million, so it is a case of, yes, it is needed but, please, if there are options to look differently and decide what it is we want to do with the Dairy, because already, I used to be many years ago in the retail side, and you cannot even operate the cost of the fridges to sell the milk. There is nothing in there and yet there is this restriction, not restriction but

2220 self-imposed restriction, unlike Jersey where there is a restriction, of not selling other milk.

It is something very important to us but if it is about compensation, protection, that should not come with a price tag of £35 million. If it is about generating an amazing industry, which is going to export overseas, which is going to do maybe like Jersey, with even sending dry powder to overseas aid, if it is going to really enter into a market, that is a very different thing. We all know

2225 how popular the Guernsey cow is, we all know how it is really, wherever you go in the world, they hear about it.

But let us decide. We cannot go into another industry where the opening speech by the President is always that, you know, it is in a dire situation. It is true, I agree, the equipment is out of date, etc., as Deputy Queripel stated as well, the people are doing to the best of their ability. However, if we

2230 enter into a new one, let us also be sort of forward-looking to seek what exactly it is that we want.

I am just getting nervous, although I fully support this, I am getting nervous that we are going to sit one day in the Assembly hearing about an increased cost, £40 million-£45 million, etc., and we still have not decided is it just conservation/protection and keeping a small industry for the Island. Why not outsource some of this, get an operator come in and operate with their parts. Let

2235 us not get too involved in overspending when we are already limited on our monies and everything else.

Thank you, sir.

The Bailiff: Deputy Vermeulen.

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

I have had a few conservationists tell me, you know, we should not have too many cows, they are bad for the environment, they give off methane and I have heard from Deputy Roffey that they are pouring 400,000 litres of milk down the drain each year. I have heard it as high as a million litres of wastage. So those things concern me.

2245 Building costs, now Deputy Fairclough mentioned in two years of scoping, £400,000 was spent by the States' Trading. Sir, not so long ago I built 7,000 square feet of commercial building for £400,000. It was built locally, put up very quickly, it would have made a fantastic dairy. So I wonder if Deputy Roffey could just explain that building cost of how much it is per square metre because I cannot, as somebody that has got experience of putting up commercial buildings, I cannot quite reconcile those figures.

2250 Granted the equipment going inside is likely to be expensive. It is specialist machinery. But as a pure building cost it scares the life out of me, sir. So I would like to see that. Deputy Gollop mentioned about Sark and they have built a splendid little dairy, which I saw this weekend when I was in Sark, actually, and it pushes tourism, you have got a little machine you can pay and take your Sark milk away with you.

2255 I also wonder if the money would not be better being given to farmers and get them to actually come up with an alternative solution for the Dairy. Perhaps they could run it themselves. I do not know if that is being looked into or if the money would go further. But £33 million to me sounds a little bit high.

2260 Thank you, sir.

The Bailiff: Deputy Leadbeater.

Deputy Leadbeater: Thank you, sir.

2265 I was not going to speak. It was Deputy Vermeulen who brought me to my feet. I just want to answer what I think the figures are because when you have got a dairy of the kind of scale we have got, it is going to need to be built to a high specification, good manufacturing practice, because it is manufacturing food products, so everything goes up. So the costs go up.

2270 I know the equipment is very expensive but the consultants that you need to have to achieve GOP certification are expensive as well. So, unfortunately, when it comes to food preparation and the standards involved with GOP certification, the costs are going to be expensive.

The Bailiff: Deputy Mahoney.

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

2280 This is a question for Deputy Roffey, please, when he sums up, if he could. I believe, and it was a reference by Deputy Fairclough, that P&R had rejected this and go away and do better and if he could, I think when these numbers were queried at P&R, when £35-point-whatever-it-was was brought to us, I remember the conversation went something along the lines of: 'How much of that is building and how much is machinery to put in it?' And I am thinking, and I may well be wrong, which is why Deputy Roffey can I hope clear it up for me, that the equipment was £11 million to fit inside it to do everything that needs doing.

2285 So that leaves £25 million unaccountable for a big tin shed. So perhaps he could just clarify I have got that number vaguely right. Also, Deputy Soulsby noted, right at the very start, that P&R were not opposing this and she is absolutely correct under the committee system P&R do not oppose it, but I just wanted to, for the record, state that that was by majority that P&R voted in favour.

Thank you.

2290 **The Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: Let me say this because I know Deputy Inder just made a comment about, 'I wonder if STSB are on special measures'. No, they are not. I have got every confidence in the people that run ... both the officers and the politicians, and a non-elected politician, if you know what I mean, members of the STSB.

I am very interested to hear that somebody could be building it for £2 million or £2.5 million or £5 million but can they please, this afternoon because we have got the technology, transmit that to Deputy Roffey's officers so they can look at it instantly? Because where have they got that information? Just chucking out figures like that on the hoof is not responsible government in my view.

Now Deputy Mahoney is absolutely right, when we looked at it, £35 million was a 'goodness me', an intake of breath, figure. I think he is right about the £11 million for equipment. I am not quite sure, I cannot remember. But we were given those figures at the time.

So what this proposes, let me just step back. Deputy Vermeulen talked about his trip to Sark this weekend and he looked at their lovely little dairy. We are not Sark, we are not Alderney, we have got a much bigger dairy industry in Guernsey. We have got to protect it. I do not want cheap English milk. We have already got pretty grotty English bread in our supermarkets. I want us to protect our dairy industry. It is part of the fabric of our Island and the Dairy was on its last legs two or three years ago, so it is on its last, last legs now. It is running on air, really, if I can say that in relation to it.

It is a project that we should develop and, in relation to that, it seems to me, if we have joined up government, that that site is ideal for use by Health & Social Care. They could use it to build nursing accommodation, MSG, whatever they will, do something positive with it, which I am sure they will do.

Move the Dairy to the Brickfield – at one time there was going to be some idea it would move down the north of the Island, I reckon that person might be on something we are going to talk about in the next debate – but in relation to that, that is where it should be. It should go there as soon as it practically can. It should go there as cheap as it possibly can without being ... because you can be pennywise and pound foolish.

It will cost many millions, whether £35 million, which is the figure that we saw, £35-and-a-bit million, actually, that Deputy Mahoney referred to, or something less. So this is what Deputy Roffey proposes and I very much am grateful that he wants me to second it, because it says that rather than the suspicion that the STSB is going off on some gold-plated proposal, that the STSB and P&R together look at the scope and specification of the proposed new Dairy and the estimated capital costs and its potential funding.

Now I think its reasonably priced as it can be and I will take a little bet with Deputy Dyke that it will be a fair bit more than £2 million. If he is right, I will give him a pound, if he is wrong he can give me 10!

Thank you very much.

The Bailiff: Deputy Murray.

Deputy Murray: Thank you, sir.

I am going to support this but I would plead with P&R that we look at this round. If you take this in isolation it could be quite damaging because it is going to be expensive, to whatever extent we end up with at the end of the day and I think it has got to be invested in properly. I am not going to propose what kind of opportunities that you might be able to do with it. There are many, I think Deputy Blin is quite right, lots of opportunities for us to do that. But my concern is that we will take another issue before us in isolation and the larger picture in terms of its contribution or whether in fact it even should be contributing to our future economic success I think has got to be part of that.

We have to be realistic about this. Even though it is a sacred cow, excuse the pun, you know, nobody wants to lose the local dairy industry but there is an issue about what we can afford, which

is what we are dealing with here today. So I would plea that you actually take it not just in isolation but in the broader picture.

2345 Thank you.

The Bailiff: Deputy Matthews.

Deputy Matthews: Thank you, sir.

2350 I am going to support this Proposition. Of course Guernsey needs to keep its dairy industry. It is iconic for the Island and it is something that we need to support. The only other thing I was going to add is something I think Deputy Ferbrache has already mentioned, which is that the location of the Dairy would be absolutely ideal, it is right next to the Princess Elizabeth Hospital, for Health & Social Care to make use of this part of the campus, so very much needed purposes like key worker housing, of course, we are very short on all sorts of other uses that we could make of that site where it has become available and I am sure that will be looked at or can be looked at following our proposals for the Dairy.

Of course I ask you to support the amendment. Thank you.

2360 **The Bailiff:** Deputy Trott.

Deputy Trott: Sir, I feel as if I need to make a brief comment, I think, about the first debate on this, which was led by the able President of the STSB, Deputy Ferbrache. He may recall that when he brought proposal to the rebuilding of the Dairy to the States, five Members of the States opposed it. It was that left-wing sort of cohort, sir, which we know as the previous Policy & Resources Committee. And we said it for exactly the same reasons as many of my friends in the Guernsey Party are saying today.

2370 That is, despite the iconic nature of the Guernsey breed and the countryside management that is undertaken by the farmers, £25 million was a quite extraordinary sum of money for a dairy, and you may not be surprised, sir, to hear me say that I think £35 million or £36 million is an even more extraordinary number. But there we are, sir. Perceptions and reality are often somewhat different in politics and there, my friends, is a classic example.

The Bailiff: Deputy Meerveld.

2375 **Deputy Meerveld:** Thank you, sir.

I was not planning on speaking on this but actually Deputy Matthews' comments prompted me to stand up because, yes, I will be supporting this amendment. I share people's concerns over the price involved but, as Deputy Matthews pointed out, it is a prime location that will be very good for essential workers, particularly near the Hospital.

2380 And I just thought I would add the observation that we have just been informed we bought a very large industrial estate. It is not very close to where we keep our cows but we have got 16 acres of land that now could actually be utilised, potentially, for a dairy.

Thank you, sir.

2385 **The Bailiff:** Deputy Helyar.

Deputy Helyar: Having listened to Deputy Trott, I just thought I would stand and say a few words in support of Deputy Roffey, actually, because he is in an invidious position. We all accept that the environment needs to be looked after. We all accept that the dairy industry should be protected. The real question is at what cost and clearly we do not know what that is. Because we are pouring a vast amount – as Deputy Parkinson said yesterday – a vast amount of its production is going to waste. There may be things that can be done about that but let us not get into the weeds on it.

2395 I do think we need to know the real value of the support that is being provided to the industry and it is not just in terms of capital but in terms of what is being produced and what we are paying for that. The difficulty, which I think Deputy Roffey has from an STSB perspective, is that STSB of course is not a maker of policy and spending that much money, in the same way as the Future Harbours debate, spending that much money is a policy in itself. It becomes something, it creates its own gravity and drags things towards it.

2400 The reason that this amendment has been brought in with the support of P&R and STSB working together is to make sure, when this does come back, that we have pulled all of the drain lids up and had a thorough look. Because that is what needs to be done. We need to make sure that when we do make this decision, really, it has had some very critical views taken of it and we understand when we move forward that we are making a decision that will cost money. Because it will cost money. Because looking after the environment does cost money.

2405 It has benefits and unfortunately a lot of those benefits are very intangible but they mean a great deal to the public. I grew up, my grandfather was a dairy farmer and, also coincidentally, the Deputy Greffier's, our grandfather was a dairy farmer so I was very lucky to grow up on a dairy farm and I am very much in support of keeping that traditional part of the industry functioning. A herd of a size which is large enough, in terms of its gene pool, to be able to continue into the future. But that is going to cost money and we need to make a decision about it in the sure knowledge of what that cost is. So I support the amendment and I would ask all other Members to do the same thing.

2410 Thank you.

2415

The Bailiff: I turn back to the proposer of Amendment 1, Deputy Roffey, to reply to the debate.

Deputy Roffey: It is gratifying that it seems to be almost universal support for the idea of looking at the best way that we can provide a new Dairy. I do have to just correct one or two perhaps misunderstandings here. There is not a great deal of milk going to waste and being poured down the drain. In fact, there is no milk being poured down the drain. There is *no* milk being poured down the drain.

2420 What is happening is there is a relatively small proportion of the intake of liquid milk, which, because you can never get absolutely even production or even sales throughout the year, is not required for liquid milk sale. For a relatively small percentage, all of the cream is extracted to make by-products and what is known as white water, what is left with all the cream taken out, a small amount does have to be disposed of.

2425 I have to tell you, even with a new Dairy, which will help in this respect actually because the preservation, the chill factor, as everything, would be far better, there will always be an element of that and you will not find a dairy anywhere in the world that does that. It would be a standalone. Maybe if they can network in a larger community and actually share the milk around saying, 'We do not need it today, you can have it,' yes. But in an insular situation you will never find a solution.

2430 The only way we can avoid that is by having times where there is not enough milk for the Guernsey people to buy because it is one or the other. You either need little bumps in the system or you are going to run out from time to time. So I think it is important to clarify that.

2435 As far as the existing site being used for Health & Social Care, absolutely. I think we have been saying all along the line it is an absolutely prime site that that should be used for that. Although I do seem to recall, maybe in Deputy Ferbrache's day or maybe Deputy Parkinson's day, that the Dairy was forced to buy the site from the States in order to re-depreciate it.

2440 So I hope that when it is handed over the reciprocal happens. I am quite happy to put the proceeds for the buying back into the cost of the new Dairy. Of course I would not expect to be able to keep it but I do think that fair is fair, because that is actually what happened. But absolutely, it would be stupid, I think, not to use that site as some kind of health-related activity, whether it is key worker housing, whatever it is, or actual new health facilities.

2445 I can tell Deputy Meerveld that, of course, although we went through an exhaustive site selection process, that will be part of the thing that will be reviewed during this year. He was saying maybe it

should go down in the data park, I think he was saying. Actually I think it would be far better off to put a utilitarian new States' headquarters down on that park, give up valuable sites like Frossard House, that could go for high rise building, give up most of the office block at Edward T. Wheadon House. All we need in Town is a small area, because we do need to include space for the public, and I think that would be a far better use, personally. I will give way.

Deputy Meerveld: I thank Deputy Roffey for giving way. The data park purchase does present an opportunity and I would definitely be supportive of any of the creative thinking about how we can utilise it and do things differently and move things around in the way that Deputy Roffey is suggesting.

Thank you, sir.

Deputy Roffey: Maybe, moving just slightly off the point here, Deputy Queripel talked about our dedicated staff. Yes, I know we are in a very long debate but could I just indulge Members by saying that actually, within the last two weeks, we have had 50% of the Dairy staff off at one time with COVID and the others actually were working 16-hour shifts, driving the tankers to collect the milk, doing the processing, servicing the milk retailers. I just want to put on record they were exhausted and I just want to put on record how grateful I am to them for their dedication.

Deputy Soulsby said it was supported but may be unnecessary. I know where she is coming from but we have got history here, I think. I think, as Deputy Gollop said, we were quite surprised when the States had approved the new Dairy not to see it in the first capital plan in the Government Work Plan, but we were told, 'Do not worry, you can still progress it, you can still take it forward, do all of the planning.' Which we did and then I kind of think we felt like suckers because at the end of that time we were told, 'Yes, but you still cannot take it forward unless you are going to take a lot of things out.'

I think we are just once bitten twice shy. I am sure there was no intent or purpose to try and undermine the project but we did feel that we did need some certainty that over the next year this work would be done and the States would be in a position to make a decision. That brings me to Deputy Fairclough's point. He is right. More than £400,000 has been spent in the normal way in working up an outline business plan. We have engaged with absolute experts in the field called NIRAS, who I think have done a very impressive bit of work on scoping and costing and so, being an outline business plan, that is why we were able to say, 'Please can we move it into the delivery stage?'

P&R did not reject this project, as Deputy Mahoney suggests, they rejected the idea of moving it into the delivery stage in this Government Work Plan and we accept that. And actually what we also accept is people being shocked at the price that has gone through. Because I tell you what, we were fairly shocked at the price that came through.

But, and if we can get it down in any way whatsoever, and I do not regard it as special measures, I am not too proud to have a second set of eyes looking across a project. I think that is how we work collaboratively to try and get the best value. I do not think we need to be precious about these things.

But I think that Deputy Leadbeater was right to an extent, that this is a really specialist building. Any food production building has to have really specialist finishes and, unfortunately, what has happened with the stainless steel of this world and everything else over the last couple of years is that inflation has been absolutely massive. So it is going to be a difficult decision because, even if we do manage to get the costs down, it is not, as Deputy Ferbrache says, going to be a few million pounds, it is going to be a very large sum indeed.

But, really, discussing whether it is £35 million, 'Will you do it for £25 million?' is premature. What this is asking is let us see how much we can value engineer it down. Let us see whether there are other funding sources. Let us look at all of those things over the next year to gather the two committees and have an informed debate next year.

Deputy Inder was quite right about the price of local milk. He said there will be a point at which the price cannot go any further. I think we have pretty much reached that. I reckon we are on the ceiling and the reason ... price, I can tell you why is Guernsey so expensive. Two reasons: direct taxpayer support to the farmers is about one third of the real value that it was 20 years ago. It is absolutely one third. For the environmental work that they do, we pay £1 million a year. Twenty years ago it was £2 million a year. If that had kept pace with inflation it would be actually about £3.1 million, £3.3 million. I cannot remember the exact sum. So, less than a third we are paying out.

Even 20 years ago what we were paying our farmers for their environmental work was a fraction of what all the other countries around us are paying. So not only do they have to put up with, quite rightly, the DPA insist on keeping all our ancient hedgerows, we have got tiny little fields that are not ergonomic working practices, but the direct support is minuscule. And that is why it has to come from the consumer. The money has to come from somewhere. I think we are absolutely at the ceiling there.

What I would say is what has been identified is, yes, it is going to be a very expensive facility, probably, but it can probably save just north of £1 million a year in running costs because the current Dairy is incredibly inefficient. That is not a criticism of the workers it is just the fact of the way the building is.

So yes, I think that has answered Deputy Fairclough about where we are. Deputy de Lisle talked about extension. One of the problems, Members, is that trying to maintain the working of the Dairy while trying to create a new facility on the same site is incredibly difficult. We did look at maybe building next door. The landowner did not want to sell and that is absolutely their right. That might have been a way of doing it but that did not turn out to be an option. But trying to redevelop what is a quite constricted site, I think it would add cost, actually, trying to work around the ongoing operation of the Dairy. I think it is far more practical to have a new site to go into.

Deputy Dyke says we have the equipment. Well, no we do not. That is the whole point. We have been putting off and putting off investing. That is why it is reaching a crunch point. We have invested in a few things. I mean we have got a new butter packer. It is saving us quite a lot of money. It also packs the butter more nicely than it used to. That is fine, because that was mobile. That will be able to be taken out and put in.

But the big things, the whole milk processing, not only are they almost worthy of scheduling, they are actually designed for that building and they are just not transferable. So that is why we want a decision before we have to start spending a fortune on replacing some of that because it reaches critical failure.

Deputy Blin was talking about throwing away milk, I think I have answered that. Yes, I could answer lots of points but I know I am talking about preserving natural grass in the Island here. I know Members want to get on to discuss other forms of grass, so I think I will end it there and I think, with one exception, people said that they were in favour of this.

All I will say is we will go into this with open eyes. We are not a sort of fortress at STSB. We are not trying to say, because we have done this work ... I think it has been done thoroughly but we absolutely accept that the result is quite shocking for some people and we want to make absolutely sure that we have gone through all of the different options and there are different options for the funding streams, for instance. We could have higher revenue subsidies for farmers, which would perhaps make the Dairy more profitable and would therefore not need to have so much capital input. There are all sorts of ways of looking at it but the work needs to be done and I invite people to vote in favour.

The Bailiff: Deputy Queripel, recorded vote, is it?

Deputy Queripel: Yes, please, sir.

The Bailiff: Very good.

2550 I wondered why it was not part of your speech but never mind. So we come to the vote on Amendment 1, proposed by Deputy Roffey, seconded by Deputy Ferbrache, and we will have a recorded vote, please, Greffier.

*Amendment 1:
There was a recorded vote.*

Carried – Pour 32, Contre 1, Ne vote pas 2, Absent 5

POUR

Deputy Fairclough
Deputy Falla
Deputy Ferbrache
Deputy Gollop
Deputy Haskins
Deputy Helyar
Deputy Inder
Deputy Kazantseva-Miller
Deputy Leadbeater
Deputy Matthews
Deputy McKenna
Deputy Meerveld
Deputy Moakes
Deputy Murray
Deputy Oliver
Deputy Parkinson
Deputy Prow
Deputy Queripel
Deputy Roffey
Deputy Soulsby
Deputy Taylor
Deputy Trott
Deputy Vermeulen
Deputy Aldwell
Deputy Blin
Deputy Brouard
Deputy Burford
Deputy Bury
Deputy Cameron
Deputy de Lisle
Deputy de Sausmarez
Deputy Dyke

CONTRE

Deputy Mahoney

NE VOTE PAS

Alderney Rep. Snowdon

ABSENT

Deputy Gabriel
Deputy Le Tocq
Alderney Rep. Roberts
Deputy St Pier
Deputy Dudley-Owen

2555 **The Bailiff:** Members of the States, the voting on Amendment 1, proposed by Deputy Roffey, seconded by Deputy Ferbrache, is as follows: there voted Pour, 32 Members; Contre, 1 Member; 1 abstention, 5 Members were absent at the time of the voting, therefore I declare Amendment 1 duly carried, so we will insert Proposition 13A into the Propositions.

We now come to Amendment 10 proposed by Deputy Taylor. Is it your wish to move that amendment now, Deputy Taylor?

2560 **Deputy Taylor:** It is not, sir.

The Bailiff: Was that a yes?

Deputy Taylor: It was a no, sir.

2565 **The Bailiff:** It was a no, you do not want to move the amendment?

Deputy Taylor: For the third time, no, sir.

2570 **The Bailiff:** Thank you very much indeed.

Then we will skip over that one and come to Amendment 9, which does come back into play now, so Deputy Prow, are you ready to move Amendment 9?

Deputy Prow: I am, indeed, sir.

2575 Thank you, sir.

[Amendment 9.](#)

If proposition 14A is not carried, to insert, after Proposition 14B ii):

"iii) the Policy & Resources Committee to provide adequate cross-committee resources to support the scoping of this work to ensure that the exercise does not impact on the progress of current priority actions being delivered or result in a need to reprioritise action and that the resultant schedule of work and resource requirements reflects cross-committee needs."

The Bailiff: I invite you to do so, then, please.

2580 **Deputy Prow:** Sir, I think, as the amendment before this was withdrawn, for point of clarity I think I will read the amendment. This amendment refers to Propositions 14A and 14B. So I think there will be a considerable amount of debate around Propositions 14A and 14B in general debate so I do not want to stray into that debate. I think it is important that I actually read what the amendment says. It says:

Deputy Prow read out the amendment

2585 So, sir, that is what I would ask Members to concentrate their minds on. The Home Affairs are actually putting forward that Proposition 14B, if successful, after the general debate, will impact greatly upon Home Affairs, their services and the Justice Framework. HSC have clearly stated that there will have to be cross-committee initiative. It will go beyond Health and involve many other stakeholders, including P&R and Education.

2590 Sir, in isolation, Public Health cannot do this as HSC have indicated that they will in 1.27 of the policy letter provide its recommendation on whether to proceed or not, together with the terms of reference and the timescale for the review, outlining its objectives and its benefits and its resourcing requirements, for consideration against competing areas of policy by the States. So that is a reference there, sir, to the relevant section in the policy letter.

2595 The Committee *for* Home Affairs' concern is therefore that what the scoping exercise must not be limited to is Public Health's timeframe to review objective and benefit from a Public Health perspective, resourcing requirements from a Public Health perspective. This would be a completely flawed approach, sir, in our opinion.

2600 HSC acknowledge at 1.26 that this work will impact on Home, they reference the Justice Framework, P&R, Economic Development, Education, the Third Sector, the community. So can it be appropriately scoped and resourced and the requirements assessed by Public Health alone? Surely, sir, this would be silo working at its worst.

2605 I would suggest that this is the core of this particular Proposition. What is really clear from the lead-up to this debate, and there are differing views, different evidence and the Assembly must be led by the evidence but not just the evidence from one interested party or one vocal group. Home Affairs has previously told the Assembly that the Government Work Plan will inform the Justice Action Plan. Additional recourses will be required if 14B succeeds, if there is not to be a detrimental impact on the phasing work through the Justice Action Plan, potentially beyond 2023.

2610 Sir, I think the case for this amendment actually can be drawn out of the Government Work Plan policy letter and I think the easiest and quickest way to get the point over is to refer to those sections of the Government Work Plan. At 1.8 it says:

It remains the case that the States need to identify their priority actions to use their resources to best effect. The Policy & Resources Committee identified this in the stage 1 policy letter of 12th February 2021 – “The ambition of the new Assembly is prodigious and cannot easily be met, so the reality is that it will be making difficult decisions.”

Sir, I go onto 1.9:

Completing actions which have the most potential benefits for our community and economy and taking a proportionate approach that reflects the Bailiwick's scale and size, is increasingly important in the States' decision-making. Where Committees are proposing new work, the Policy & Resources Committee is considering how such work can be managed given the overall picture.

I go on to 1.10:

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The States must use their Plan to focus on what is a priority and to deprioritise or remove actions from the GWP where the resource, funding, implementation requirements and benefits are not yet clearly identified.

At 1.11:

Actions yet to be scoped, for which there is no resource at present and it is anticipated will commence in the next term. However the sponsoring Committee may scope the necessary work and submit to a future GWP update to accelerate the work, if competing demands and capacity permit and if the States support the next stage of the work.

Sir, at 1.25:

The review of the legal status of cannabis in this political term remains an objective of the Committee for Health & Social Care, notwithstanding it recognises that this would require detailed consideration of various political, reputational, and commercial aspects and comprehensive engagement with the community.

2620

I will repeat that, sir:

... this would require detailed consideration of various political, reputational, and commercial aspects and comprehensive engagement with the community.

Sir, I urge the Assembly to support this amendment.

Thank you, sir.

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The Bailiff: And Deputy Vermeulen, do you formally second Amendment 9?

Deputy Vermeulen: I do, sir, yes.

The Bailiff: Deputy Bury.

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Deputy Bury: Thank you, sir.

Well, here is something that I did not expect to happen today. It feels like Members of the Home Affairs Committee are asking for 14B to be given category one status in the Government Work Plan and considering Deputy Prow's well-known views on the matter, that seems quite a bizarre turn of events.

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No actions other than those detailed in Propositions 1-10 are being given this level of resource and that runs through pages and pages of the Government Work Plan. Everything that falls under priority three and four, if I have got it correctly, is not being allocated central resources from P&R in this way. So I think probably the intention behind this is to over-egg the level of resource required at this time and I do not think that HSC, by majority, have underestimated that but the work that is being proposed in 14B is not the full extent of a full review of the legal status of cannabis.

2640

What is being proposed in 14B is the scoping work and, as Deputy Prow alluded to, our Public Health team at HSC have advised that they would have capacity to look at this in quarter one of next year and so that is why HSC, with the scheduling of controlled drugs firmly within its mandate,

2645 took the opportunity to legitimately ask the States, as part of the refresh process, to consider that scoping piece of work.

While Deputy Prow has said that it will extend far and wide, etc., what is quite handy is that in the supporting report to the amendment that now has not been laid, that work has practically been started. In fact it was the one thing that I liked about that report. Essentially the scoping work is
2650 creating a list of questions, not answers. What questions would we need answered? And lots of those questions were posed in that report. So it does seem that some people did have some time to start the scoping work and it could be drawn on to take forward.

So I think, sir –

2655 **Deputy Taylor:** Point of correction, sir.

The Bailiff: Point of correction, Deputy Taylor.

Deputy Taylor: Scoping work has not been carried out but the non-punitive approach group,
2660 under direction from the States as of the last Government Work Plan debate last year, was carrying out that work and that is the finding, it is not a scoping exercise.

The Bailiff: Deputy Bury to continue please.

2665 **Deputy Bury:** Thank you, sir.

As I said, I am not going to speak to this for very long. I do not actually think, within the confines of the GWP resource allocation and hopefully Deputy Soulsby may confirm this if she chooses to speak, this does not fit with the criteria of allocating resource. Only those top 10 actions, as reached in Propositions 1-10 would receive such and there are, I do not know what the number is, but
2670 possibly hundreds of other work streams that will be completed outside of that allocation of resource.

Thank you, sir.

2675 **The Bailiff:** Deputy Vermeulen,

Deputy Vermeulen: Sir, just in closing, I would urge, there is no harm in this amendment at all and I would urge Members to support it, put their differences aside, as has been mentioned before and get behind this. I think Home do a pretty good job, they look after the safety of the Island and the people that live within it, so that is our remit. Yes, I would just urge everyone to support this
2680 and look forward to a quick vote.

Deputy Inder: Rule 26(1).

The Bailiff: Are you seeking to invoke Rule 26(1)?
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Deputy Inder: I am, sir, 26(1).

The Bailiff: Can I invite those Members other than Deputy Soulsby and Deputy Prow, who get the opportunity to speak anyway, who want to speak on Amendment 9 to stand in their places
2690 please? Is it still your wish, Deputy Inder, to move a motion pursuant to Rule 26(1)?

So the motion is that debate on this amendment be curtailed, subject to the usual opportunity for the Vice-President and the proposer of the amendment to speak on it. Those in favour; those against?

2695 *Members voted Contre.*

The Bailiff: I will declare that lost.
Deputy Kazantseva-Miller.

2700 **Deputy Kazantseva-Miller:** Thank you, sir.

I think Deputy Bury has actually hit the nail on its head. This amendment is completely a red herring and trying to make an elephant out of a molehill. I think really Deputy Vermeulen said it is an innocent amendment; it is not an innocent amendment. We desperately know as a States that we are desperate for resources. We are especially desperate for those resources to lead the priority work that needs co-ordination across the States.

2705 So Deputy Vermeulen's comments about innocence of this amendment is completely false because this will be taking away potentially resources because resources they would be using would have to be allocated from elsewhere while they do not need to be. I think 14B clearly states that the Committee *for* Health & Social Care, with being the mandate of their Committee to deliver on this piece of work, they know that they can deliver on this piece of work within the Committee resources in Q1 next year.

2710 So this is really a red herring. I do not see, really, the need for a vote for this but, more importantly, it has the potential to signal that we need to take resources away from more important projects where they do not need to be because the Committee *for* Health has identified that they can do it within the resources they have. So it is completely a red herring and I do not think it needs to be voted through.

Thank you.

The Bailiff: Deputy de Lisle.

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Deputy de Lisle: Sir, I do not see this as a red herring at all. I can understand the concerns of Deputy Prow because just with one winery, the Heches Winery in St Pierre du Bois, the Douzaine have had so many complaints of the new business with respect to cultivation of cannabis in the rural area. The neighbours' complaints are odour issues, night lighting, increase in crime, increase in traffic –

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Deputy Leadbeater: Point of correction, sir.

The Bailiff: Point of correction, Deputy Leadbeater.

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Deputy Leadbeater: There are no growers in Guernsey cultivating cannabis under light.

The Bailiff: Deputy de Lisle, please, to continue.

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Deputy de Lisle: I can only say of the complaints that the Douzaine has had, sir. The increase in crime has led to several visits, actually, of break-ins by the Police in that particular area.

The Bailiff: Break-ins by the Police? *(Laughter)*

2740

Deputy de Lisle: Break-ins attended by the Police. Twice already and I think there was another issue the other day.

2745 But also, I think if one takes a look at other police forces, for example in Kent, they seem to have a real problem with regard to the retail aspects of this particular product. So I think that is something else that is engaging the police force in Kent quite considerably. So there is an issue here, it will require some resources. Obviously, we are just dealing with one particular area here and that has already consumed resources from the Home Affairs.

Thank you, sir.

The Bailiff: Deputy McKenna.

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Deputy McKenna: It is the first time I have spoken, sir, in a couple of days, *Monsieur Le Bailli*, and I just wondered how much would this scoping exercise cost the Health & Social Care and how many civil servants would be diverted away from their day-to-day activities? The reason I ask that is because I know that Health & Social Care have got a huge mandate, Education, Sport & Culture, they have got a huge mandate, Home Affairs have got a huge mandate.

2755

So I know we could not spare any officers at Home Affairs. I know Education certainly could not. I would have thought, *Monsieur Le Bailli*, that Health & Social Care would have been more concerned with a 2,300 – Deputy Brouard will agree with me because he said it before – we were concerned in November, we both go in at 1,700, it is now 2,300 of our community and we say community, our grandparents, our mums, our dads, our families, our friends, our aunts and uncles, our people of the Island who are suffering – 2,300 needing surgeries.

2760

There are 70 vacancies in mental health. That is job vacancies, not people who actually require assistance. So Health & Social Care are under a huge amount of pressure. Deputy Brouard has got a huge mandate because also, as all Health will confirm, if you go to the Hospital, the De Sausmarez Ward, Giffard Ward, Carey Ward, Le Marchant Ward, they are full of our families wanting to get into the nursing home, care home, residential home.

2765

Now the reason they cannot: the care homes are not full, they are working at half capacity because they cannot get workers. What I am saying is Health & Social Care are under a huge amount of pressure and I would have thought they would want to prioritise our community first before they start looking at other things.

2770

That is all. Nothing to do with this debate. And I would fully support the President of Health & Social Care and I am sure my good friend, Deputy Prow, I think a wonderful man who we have got in charge who has looked after this Island for over 30 years protecting our community. So I would say Home Affairs will give full support to Health & Social Care if they want. Anything we can do to help with the orthopaedic surgery list, anything to do with trying to increase the job applications to mental health if we can do anything to recruit in the –

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Deputy Bury: Rule 17(6), sir.

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The Bailiff: Rule 17(6). In what context are you suggesting that Deputy McKenna is straying away from the relevance of this matter?

Deputy Bury: Sir, Deputy McKenna is talking about areas of HSC's mandate that this amendment has absolutely nothing to do with.

2785

The Bailiff: I think in terms of talking about resources that might be needed and whether this amendment should be supported, I will give Deputy McKenna a little bit of latitude but it does need to be focused, on whether or not to insert a (iii) into Proposition 14B, please, Deputy McKenna.

2790

Deputy McKenna: In that case, sir, I will bring it to a conclusion because obviously I and my friends have got plenty more to say on this, if it does stray further in debate because ... I think I will leave it there, sir.

Thank you.

2795

The Bailiff: Okay.
Deputy Parkinson.

Deputy Parkinson: Thank you, sir.

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Our job in this Assembly is to represent the people of Guernsey and, in the context of this debate on the Government Work Plan, to reflect the priorities of Islanders in terms of what the States should

be doing in the remaining three years of our term. There are a significant minority of people who are concerned intimately by issues related to our drugs laws and in particular with cannabis.

I should say, before I go any further, that I have no personal interest in this matter. As far as I know, I have never consumed cannabis in my life and I have no plans to do so but there are important public issues related to the subject of cannabis, which do deserve our attention and these include, of course, the resource implications for the States.

Now other speakers have spoken of the workload of Home Affairs and of the Committee for Health and Social Care but our current legal position on cannabis and our sentencing policies relating to it impose considerable costs on the States of Guernsey in terms of enforcement, legal process and of course keeping people in detention, which is extraordinarily costly, as we all know.

So it is not a cost-free decision to say, 'Well we are just not going to look at this.' The *status quo* costs the Island, the States of Guernsey, a lot of money. But more importantly than that it damages a lot of lives. It criminalises a behaviour which, in many other jurisdictions, is not criminal, and it imposes prison sentences on people who will carry that stigma, in terms of employment and even travel opportunities, for many years, possibly the rest of their lives, so that, for example, they may be prevented from visiting the United States of America, should anyone wish to do so.

So these are important issues of our criminal justice system and what is right and proper, the right and proper way to treat the consumption or supply of cannabis. I have been on the record for many years now and I do not mind repeating it here, if Members are willing to bear with me, that I think the supply and consumption of cannabis should be legalised and regulated. In other words, put on the same footing as alcohol.

I understand there are concerns around the strength of cannabis that can be consumed and so on and so forth, just as there are around the strength of alcohol that can be produced and consumed legally on Guernsey. I do not think it is beyond the capabilities of the States, which has long regulated the supply and consumption of alcohol to come up with a sensible regime for the supply and consumption of cannabis and I think it would be infinitely preferable to legalise and regulate this substance and remove a huge amount of costs from the States of Guernsey in draconian enforcement processes and sentencing and to avoid the destruction of opportunities and really life hopes of many people, many of whom are young people, by these draconian laws.

We recently had an example of a mother of very young children who was sentenced to three years and four months in prison and this is not just a sentence on her but it is also a sentence on her very young children, who have done nothing wrong. So I think a review of our policies in relation to cannabis –

Deputy Prow: Point of order, sir.

The Bailiff: Point of order, Deputy Prow.

Deputy Prow: I believe Deputy Parkinson is straying into general debate. We are talking about resources for a Proposition that, if successful, is a very narrow argument. I have been very careful in what I have said, I hope sir, to keep the debate around the issue of resources, the consequences if 14B is successful, sir.

Thank you.

The Bailiff: Yes, Deputy Parkinson, I was struggling to understand whether you might have been making a speech on Amendment 10, that was going to be proposed by Deputy Taylor, which would have removed that option. It is still going to be there as an option in Proposition 14, with the either/or that is there. So that speech about the rights and wrongs of which piece of work should be done is there. This is about Amendment 9, which is about resources, so please can we concentrate on that?

Deputy Parkinson: Thank you, sir, I accept that I need to get back on topic.

2855 So, I just strongly feel that, even as a matter of resources, this should not be perceived simply as an issue of what Home Affairs or Health and Social Care might have to put into delivering a particular Government policy now. It needs to be seen in the wider context that this is an area of policy, which already consumes a great deal of resources and where we can, where I believe, a lot of resources are wasted and, as a Government that is interested in cutting down on waste, we should have another look at these issues.

2860 **The Bailiff:** Deputy Brouard.

Deputy Brouard: Thank you, sir.

2865 It is really thanks to Deputy McKenna that I am getting to my feet. A lot of this debate, the whole of this debate is meant to be about resources and the prioritisation of resources and I am sure we are going to have at least 38 different variations of where the resources should be put in. From my personal point of view, I do not think we should be investigating the legalisation or decriminalisation of cannabis at this time. I think it will take a huge amount of resource to do so and I am not sure that we would like the answer when we get it back at the end, either.

2870 So I am in a bit of a dilemma with Deputy Prow's amendment, because it is asking for the resources should it go ahead. I probably would not want the resources if it did go ahead. That is my particular dilemma.

2875 I am also, and I think it plays into what Deputy McKenna was saying, the alternative of reviewing the Medical Officer of Health's role and looking at the scope of that work is also a very big operation and, again, at this time, I would like much more to be focused on some of the screening programmes that we have got going, looking at the backlog, how we can do things differently to look at the present situations.

So in my view, if both 14A and B failed, I would be quite happy sleeping at night because I would have the resources focused elsewhere but this will be in your hands and that would probably be part of the main debate.

2880 I just would like to quickly pick up on a couple of points from Deputy Parkinson. I think there are a few myths and I think Deputy Prow will bust them later. As far as I know there is nobody in our local prison system who is there because they have had a small amount of cannabis in their possession. They may well be there because they are drug dealing, they may well be there because they have been in a fight or some other issue has turned up and drugs were part of it or drugs were found on their possession but there is no one having a criminal record for having a very small amount of cannabis –

Deputy Leadbeater: Point of correction, sir.

2890 **The Bailiff:** Point of correction, Deputy Leadbeater.

Deputy Leadbeater: Everybody gets a criminal record for being prosecuted for possession of cannabis. Regardless of if they go to prison or not, they have a criminal record that stays with them for their entire life.

2895 **The Bailiff:** Yes, that is a fair point.
Deputy Brouard to continue.

2900 **Deputy Brouard:** I think the point that I was making is that the Police are not arresting people just on that basis. It is usually there is another issue that has caused them to be into the justice system.

Deputy Leadbeater: Point of correction, sir.

2905 **The Bailiff:** Point of correction, Deputy Leadbeater.

Deputy Leadbeater: Deputy Brouard was right when he says that there is little or few people in prison these days that get sent to prison for possession of small amounts of cannabis. But for him to say that the Police do not prosecute people for possession of small amounts of cannabis is incorrect, just the courts deal with it in a different way rather than sending to prison.

The Bailiff: There is only one prosecuting authority and that is the Law Officers of the Crown, so Deputy Brouard to continue.

2915 **Deputy Brouard:** Thank you, sir.

I think I have reached where I needed to say. So I am in a little bit of a dilemma whether to support Deputy Prow to give more resources to something that I do not particularly need to have looked at at this present time or whether to allow him to have the resources that it can be looked at. So I will carry on listening to the debate.

2920 Thank you, sir.

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: This is a very narrow point. We are going to debate Proposition 14 in due course and no doubt there will be a fully-fledged cannabis debate. I can see that coming. We have already had the speech from Deputy Parkinson in that regard. There is no doubt he will seek to build upon in due course.

Deputy Brouard, also, I have got to say fell into the same error. This is a simple issue. If Proposition 14A is not carried they want extra resources. It is not going to get priority in my view. I am not going to support the amendment. We will have the debate on Proposition 14 in due course. This is a very narrow amendment: should they get extra resources? I do not know where those extra resources would come from, by the way, but the answer to that should be no.

The Bailiff: Deputy de Sausmarez.

2935 **Deputy de Sausmarez:** Thank you, sir.

Touching on what Deputy Ferbrache has just said, my first question is actually a procedural one. I do not actually understand the way that this amendment is worded because it says 'if Proposition 14A is not carried ...' to insert after Proposition B ii) the following. I mean I do not understand the need for the first one, two, three, four, five and six words. Procedurally I do not understand how that works, procedurally.

I would have thought that the amendment is really just asking us to insert the little (iii) after little (ii) and then it comes down to when we vote on the substantive Propositions whether or not Members choose to support it or not.

2945 But my second question, I suppose, I do not know if anyone is available to answer it because it is really more of an issue around Home Affairs and of course it is Deputy Prow who will be replying to debate but I think when Deputy McKenna got to his feet, I think it struck me, never having served on HSC, as a bit of an over-simplification to say that, you know, we should not be doing this because, actually, we need to be focusing on reducing the orthopaedics list or getting people off the wards.

2950 To me, the resources required for these bits of work that are referred to in Proposition 14 are entirely different from the resources required to do the kind of work that Deputy McKenna was suggesting. So I think that is an unhelpful over-simplification in my understanding of the issue.

2955 Again, my question that possibly Deputy Soulsby can help to address when she replies or speaks in response to the debate on this amendment is where Deputy Ferbrache took us, which is if Members do choose to first of all insert this Proposition into 14B, what would be the real world impact of those resources? Where would those resources come from and where might those

impacts be felt? I understand its intent, the problem that Deputy Prow seeks to address with this, but I am keen to understand more clearly the ramifications of that decision.

Thank you.

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The Bailiff: Deputy Gollop.

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Deputy Gollop: I was not going to speak on this but I think it is necessary. But Deputy Parkinson on one side and Deputy Ferbrache on the other are confusing me. Because Deputy Ferbrache kind of says, 'I do not believe in this, it should not be a priority.' I think that for many people, especially perhaps more alternative people in the community and younger people this is an important issue. But the –

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Deputy Ferbrache: Point of correction.

The Bailiff: Point of correction, Deputy Ferbrache.

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Deputy Ferbrache: I did not say what Deputy Gollop has just said. I said let us have the debate later on. I did not say what he just said.

Deputy Gollop: Apologies if I have misunderstood but I got the impression that Deputy Ferbrache did not want extra work prioritised to this to the extent that the amendment and Deputy Prow calls for, should it be approved.

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But I think, as others have said, it is a very limited amendment. It is not about the philosophy, it is not about health issues, it is not about the environment, it is not about case histories. If the Assembly at the end of the day decides to vote for this, this will ensure that the job is done better and does not affect adversely other important areas of Home or Health, and it brings in the Committee for Economic Development as well and it adds a boost to Policy & Resources.

So I support the amendment without the ... I give way to Deputy Ferbrache.

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Deputy Ferbrache: I am glad and I am grateful to Deputy Gollop.

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Can Deputy Gollop tell me, because as President of P&R I do not know where they will come from, where those resources exist? Can he detail them rather than just say find them? I would like to find a money tree. I would like to find lots of things. Would Deputy Gollop tell me, with some degree of precision and accuracy, not just airy fairy fluffy comments, where these resources will come from?

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Deputy Gollop: We will just have to maybe slightly reduce the enormous contribution we are making to the Moneyval work. I mean, perhaps, you could lose 5% of that and that might be enough.

The Bailiff: Deputy Taylor.

Deputy Taylor: Thank you, sir.

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I am going to start with quoting 1.24 from the Government Work Plan policy letter as I believe this gives a good, honest appraisal of what is potentially on the table here with 14B. Now it reads:

It was agreed that exploration of decriminalisation or legalisation would not be included as part of the NPA work, preferring a phased approach in order to make progress. In reaching this decision the NPA Project Board considered the wider Bailiwick context including the developing Justice Framework, and the cannabis industry and its Memorandum of Understanding (MOU) with the UK Government which makes any review of the legal status of illegal drugs, and cannabis in particular, a complex area of policy.

Not my words, not the words of *Top Gear Magazine*; that is the words of the Government Work Plan. It seems that resources is a bit complicated in 14B. Now in an email copied to all Deputies this morning, Deputy Matthews told us:

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The modest proposal from the Committee for Health & Social Care is to extend the existing the legal and regulated regimen for cannabis from medicinal purposes to cover recreational use as well. Further, a media release printed in the *Bailiwick Express* stated: 'HSC do not want to decriminalise any drugs as is being intimidated.'

Now, apart from having reached the conclusion before conducting that review, the issue here is that the alternative to decriminalisation, other than maintaining the *status quo*, is legalisation, creating a legal framework or regulatory framework which of course would impact heavily upon resources outside HSC.

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But Deputy Bury wants to simultaneously tell us that no resources are required outside of HSC. That Home Affairs are requesting 'adequate' resources is akin to applying category status to 14B. Well, which one is it? We are told that it does not require any resources outside of HSC but in asking for resources, you know, just in case, to do that would be to apply a huge, big status category to it. You cannot have both.

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Now, I hate to go on but there clearly is confusion surrounding resource allocation. Deputies Leadbeater and Bury have made media reports by the *Bailiwick Express* and I am paraphrasing again, it is just HSC; which is true of the Proposition in its original form but the policy letter says, and I apologise because I am going to read this here, 1.25:

The review of the legal status of cannabis in this political term remains an objective of the Committee for Health & Social Care, notwithstanding it recognises that this would require detailed consideration of various political, reputational, and commercial aspects and comprehensive engagement with the community.

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Community but apparently no other political committees. It also then states in 1.26:

The work to consider a regulatory framework would likely require the additional involvement of the Committee for Home Affairs in relation to the Justice Framework; the Policy & Resources Committee will be engaged through its external relations mandate; and the Committee for Economic Development in relation to the cannabis industry.

It then goes on to tell us in 1.27:

Subject to other demands associated with any potential future waves of COVID19 ...

– blah de blah –

... that it would utilise its limited capacity within Public Health Services to scope the project in quarter 1 of 2023. The Committee would then bring forward through the 2023 GWP refresh its recommendation on whether to proceed, or not, together with the terms of reference and timeframe for the review ...

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– now this bit is important –

... outlining its objectives and benefits, and its resourcing requirements, for consideration against competing areas of policy by the States.

So will HSC be outlining the financial merits of such a change? Would their scoping exercise comment on the regulatory framework or assume the resource requirements of other committees, whose mandate crosses this complex policy area? The answer should be no, not if it does not fall within their mandate.

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So I do not think it is unreasonable to suggest that 14B will have resource implications for other committees, in particular Home Affairs, as this amendment seeks to address. Indeed the original Proposition from which this review has come specifically directs the joined up working of Home Affairs and Health & Social Care. We agreed that last year. What has changed in the last 12 months?

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Sir, in closing from my speech, I am going to say that Deputy Leadbeater himself said in a recent media release that Germany are budgeting for 10 officers and lawyers to expedite their adult

cannabis use legislation. Europe's largest economy with a population of some 83 million, are now allocating 10 people to carry out the work that HSC believe they can scope out in quarter one of next year without dipping into anyone else's resources. I will not say what I think of that.

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The Bailiff: Deputy Leadbeater.

Deputy Leadbeater: Thank you, sir.

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If we are quoting from media releases, I will quote some of Deputy Taylor's. I had quite a long speech prepared for Amendment 10, which I was going to tailor to Amendment 9 but I think I will use bits of it when we come to general debate. I do not believe that this is going to be resource hungry. I really do not.

3050

I think the scoping will identify what resources are needed going forward. It is not going to consume a massive amount of Home Affairs' time, of Economic Development's time, of P&R's time. Public Health have told us that they have the resources to scope out, high-level scope out the work in quarter one of 2023. I think Deputy Bury has said that, other people say that. It is on record. I can keep saying it and saying it but no-one will take any notice, certainly some of you will not.

3055

Deputy Taylor, on a recent post when we were talking social media, there was a thread going on in the *Guernsey Press* web page where he was getting accused of going back on what he said during the election campaign stuff and he was trying to justify his stance on Amendment 10 and I am not talking about Amendment 10, but he talked about resources. Deputy Taylor said: 'We do not have the resources to achieve it without major sacrifices elsewhere, i.e. tackling domestic abuse and sexual violence.'

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So this is what it has come to. It has come to chucking things, sensitive topics like domestic abuse and sexual violence and scaremongering and saying Home Affairs will have to stop this if HSC want to scope this work. Now that is scraping the moral barrel. That is totally unacceptable to use really sensitive topics like domestic abuse and sexual violence to justify the resources. I am not giving way. To justify Home Affairs who will have to deprioritise work in that area if HSC want to high-level the cannabis work. I am sorry but I cannot let that go unchallenged because it is simply not true.

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Thank you, sir.

Deputy Vermeulen: Point of correction, sir.

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The Bailiff: You cannot have a point of correction once somebody has sat down, Deputy Vermeulen.

I do not see anyone else rising to speak on Amendment 9, so I will turn next to Deputy Soulsby, as the Vice-President, to speak to the amendment, if she wishes to do so.

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Deputy Soulsby: Thank you, sir.

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I will not be very long but I think it is important for some clarification here. I was surprised that after Amendment 10 was withdrawn that Amendment 9 was continued. It is not logical to me and I will properly explain my logical argument, hopefully. But really this amendment, it is just a lack of understanding about the GWP for me and I think Deputy Bury really got it in a nutshell, in terms of what it is seeking to do. It is going against the whole process that we have in place.

I will just re-read what I said in my opening speech:

The Committee is under Resolution to explore with the Committee *for* Health & Social Care ...

– that is P&R –

... the potential to scope the requirements and impact of the review of the Public Health Law and to advise the Assembly through the policy letter what other work identified by that Committee would not progress if it was prioritised. Consequently, you have ended up with a binary choice for the Assembly to insert either 14A or B into the GWP

framework. Neither are category one actions so the work, in any event, will progress only where there is capacity, unless the Assembly directs otherwise.

3085 And this has generated the difference of opinion between Committees and that is exactly why we are asking Members to make the decision now.

3090 So really, what the Committee for Home Affairs are asking to do is kind of give the resources to do work for actions that are not even category one. So treating them like a category one action, I would say why do Home Affairs want to do that just for this piece of work when they clearly have made clear from the amendment withdrawn and the report produced that they do not want to look at this at all. So I am struggling to understand that.

But if Members really do want the work done and they think it should be a category one action, they should clearly support this amendment. I will not give way to Deputy Taylor, he has had a chance to speak already. I am really also seeing a report that looks like quite a lot of the scoping work was already done by that Committee.

3095 So these are not priority actions. I think we need to make this clear to Members. These are not priority actions. We have not done this with other actions that are not category one. In fact we are just resourcing, making sure that we can resource category one actions. We have had other things added, so we need to think about what happens on the back of that when we get to the end of all this but these are not category one actions, we have not set resources aside for any other category two and three actions to give them more priority, otherwise they would be in category one. So it does not make sense on that basis.

3100 Deputy de Lisle's comments, I do not think they are really relevant to this work but again I emphasise this is not about category one priority actions. Deputy McKenna, I think I agree with him very much, from a very different angle, and what resources should be prioritised for HSC. Well P&R have already prioritised millions of pounds for HSC to deal with the orthopaedic backlog. Not just orthopaedics but other operations as well that have been impacted. And they are different from the resources that would be needed to scope this work. Orthopaedics work clearly need orthopaedic consultants and nurses and care assistants and a number of other people, not Public Health staff. So completely different people we are talking about.

3110 But what is relevant is, in terms of resources and Deputy de Sausmarez referenced this, what resources and where do we get them from? I mean we are talking about resources and we are meant to support, to provide adequate cross-Committee resources, whatever the other resources are, but this will be fundamentally Public Health. This is a public health issue, I think all of us agree with that now and it will be Public Health staff involved. But where are we going to get them? That is the point and that is the whole issue we have got. It is balancing resources in different places and this is not a priority so Public Health will be doing other stuff. Something else will have to give.

So it really is, where do we get those resources from both saying, yes, we will prioritise here, what else will give? It is quite possible, we have not done the work to know what those will be but clearly we know resources are tight so something else will have to give somewhere.

3120 So Deputy Gollop, I really struggle with his comment about Moneyval. This actually boils down to the same thing. We think resource is money but it is not, it is people. So he says let us just give some of the resources we need for Moneyval and give that for this work. But it is preposterous. It is a completely different set of people. I do not know if we want our Public Health staff to be ... have we any Public Health staff working on Moneyval? I would hope not. If we do I think we will try now to make sure they are doing Public Health but the last I looked we had have got our external relations team and other teams working on it. I do not think that was a particularly valid comment.

3125 But I think Deputy Taylor's speech really did demonstrate the confusion that I think has been in place from the Committee. Yes, I totally agree with him, the review into cannabis will be complex and I think Members should be in no doubt that that work will take up quite a lot of resources further down the line. But that is not the decision we are asking Members to make today. We are asking them whether they believe that later on, in the Proposition, we should scope cannabis work of updating the Public Health Law and what this does is say, 'Well, we will give you the resources to

do the cannabis stuff.' So possibly, potentially, we could get more resources and Public Health resources in and do both. I do not know if that is quite what Home Affairs had in mind.

3135 So I do think it is not the amendment to have now after Home Affairs have withdrawn Amendment 10, so I am surprised by it and –

Deputy Prow: Point of correction.

3140 **The Bailiff:** Point of correction, Deputy Prow.

Deputy Prow: It was not Home Affairs' amendment, it was Deputy Taylor and Deputy Mahoney's amendment.

3145 **The Bailiff:** I think that is a fair point. It is not a Committee-looking amendment. So, Deputy Soulsby to continue, please.

Deputy Soulsby: Sorry, I did mean about this amendment. Why Home Affairs would want to lay this amendment after the Taylor amendment had been withdrawn and that is what I was trying to get at. But anyway, I would say to Members, as much whether you believe that we should be looking at the scoping work on cannabis or not this does not fit into the Government Work Programme process and if we do do this then I think we will get into more deep water and make it all rather confusing when we are trying to give a bit of clarity and certainly what we were trying to do in this whole process this time is to be able to focus on those priority one actions.

3155 Thank you, sir.

The Bailiff: Deputy Prow, as the proposer of Amendment 9, to reply to the debate, please.

Deputy Prow: Thank you, sir.

3160 I will try and be as brief as I possibly can and I will try and confine my remarks to the actual amendment that is before us. Sir, Deputy Bury and Deputy Soulsby have made some similar points so I will try and deal with those together.

I think there is some accusation that the case has been overstated and this is some sort of reaction to Proposition 14B, or an overreaction. Nobody in this Assembly could possibly get an impression that the Committee *for* Home Affairs is or wants to treat this as a top 10 priority. But what this Proposition 14B will do is impact on our resources in delivering some of the actions that come out of the Government Work Plan.

3165 There is absolutely no appetite in the Committee *for* Home Affairs for Proposition 14B. That, I think, has come across through what has appeared on social media and debates that go on in that forum and in the *Press*. I think that is a bit of an unfair muddying of the waters.

Now on the point that cuts across to something that Deputy Soulsby said, that there seems to be some confusion in the Government Work Plan process by the Committee *for* Home Affairs. I would like to think that the Committee *for* Home Affairs in the update statements that I have given to this Assembly are an absolute supporter of the Government Work Plan.

3175 Yes, we have really got our heads around it. If you think of the Justice Framework, by example, we have made sure that we have embedded all the actions that we need to have through that piece of work into the Government Work Plan. We have worked at a political level and we have worked at officer level to do that.

3180 To do that you really have to understand the process. I think one of the points around the understanding and the idea that it is not logical to lay this amendment, I think that was blown out of the water completely when the only Proposition that appears in the Government Work Plan that takes an either/or is this Proposition 14. As soon as you introduce an either/or and you give the Assembly a choice, you have to then look at the consequences of that and that is simply what we are doing.

3185 What the amendment says is to ensure that the exercise does not impact on the progress of current priority actions being delivered. I do not think that that is massively controversial. What it is saying is we are asking Policy & Resources, in the resourcing of this, that they note that they ensure the exercise does not impact on the progress of current priority actions.

3190 It does not, never did, raise this to priority one status. It does not appear in the amendment. It does not appear in anything I said in my speech. It is just analysing the consequences on resources of 14B.

3195 So working on through my summing up, sir, I hope I have dealt with Deputy Kazantseva-Miller's accusation over reactions and red herrings. I have referred back to the amendment and I thank Deputy de Lisle. He disagreed with that and I completely thank him and endorse all his comments and I think he has answered those questions.

3200 Deputy McKenna, I think he makes a very powerful point. When we are talking about resources, whether it is a priority one or whether it is not, whether it is in the planning and scoping work, there are enormous, massive pressures. Business as usual that goes on. I completely respect Health & Social Care, the President, all the Members of Health & Social Care. I sat on Health & Social Care under the Presidency of Deputy Soulsby. I completely understand the pressures that they are under and I completely support them.

3205 What I am saying and what we are saying is that if 14B is to be successful it will impact, it should impact, on the Committee for Home Affairs and other Committee Members. Just to say this will just be Public Health and Public Health alone, to me, flies in the face of the whole ethos of the Government Work Plan, which is joint working. If you just leave Public Health to scope something that is going to involve other Committees, the Justice Review, Education, P&R and other Committees, Home Affairs, if you are going to leave them completely to scope this by themselves that does not, to me, fall into the spirit of the Government Work Plan.

3210 And if we are confused by the Government Work Plan, Deputy Taylor has referred to section 1.26, where HSC have acknowledged that this work will impact on Home. They reference the Justice Framework, P&R, Economic Development, Education, Third Sector and the community. So how can it be properly scoped and resourced by Public Health alone? It cannot be, in my view, sir.

3215 So moving on, sir. Deputy Parkinson, I think he did stray well into general debate but in the ambitions of Proposition 14B I do not understand the argument he is making and I am making my response around resources. Is the legalisation of cannabis, is that going to include drug trafficking offences? Because that is the focus of Law Enforcement. There is this myth that Law Enforcement are arresting and they are concentrating on the possession of cannabis. It is just a myth.

3220 And that it is people ending up incarcerated in our prisons just for the possession of cannabis is another myth. If anybody is misunderstanding the situation, I think it is Deputy Parkinson. Drug trafficking, I hope, offences are not within the scope. That is where the majority of Home Affairs resources go and the resources in the Prison and probation, tackling crime at that level. Unless somebody in HSC who is a proponent of 14B can tell me otherwise or advise me otherwise, that is my clear understanding.

3225 He spoke also about reflecting the priorities of the electorate and I agree with him. That is an absolute. He spoke about that includes the impact on resources so that is the point. The point is around this is a Government Work Plan, where do we put our resources? Whether they are the resources to scope something or to actually get on with it.

3230 That leads me neatly into Deputy Brouard. I completely agree with everything he said about that and I can actually see the dilemma that Deputy Brouard finds himself. But the dilemma is not caused by the Committee for Home Affairs. It is caused by the fact that we have got an either/or Proposition.

It will have resource consequences. I completely understand his nervousness. I do not want to do this. I liked his comment around we scope it, we do the work, and come back to the Assembly and we might not like the answer anyway. But this will start a process of scoping if 14B is brought forward. So thank you for that.

3235 Deputy Ferbrache, of course, he is always right and always reminds us – he is nodding in agreement (*Laughter*) – on this I will preface that by saying in this particular case, but he is right to

remind us: where will these resources come from? Well, it is a very good question. All I am saying, all Home Affairs is saying is, 'Hmm, 14p has an impact.' If you are going to do the scoping properly you need to involve all the stakeholders. Just leaving it to Public Health, it is flawed, You should not do that.

So Deputy Ferbrache's point is a powerful one. Where are these resources going to come if we are going to swap them around from Home Affairs, from Education? Very good point. I am struggling to give him a proper answer to his question.

Deputy de Sausmarez made some technical points around the amendment. Yes. As far as I can see, perhaps H.M. Comptroller may be able to assist Deputy de Sausmarez better than I, but as I see it, the intention would be if Proposition 14B is successful (iii) is just slotted onto the end of it and Policy & Resources will make of it what they make of it. To support the scoping of the work to ensure that the exercise does not impact on the progress of current priorities. Things like, say for example, the Justice Framework.

So, sir, I think, I hope I have done justice to Deputy Soulsby's summing up and, with no further ado, I ask the Assembly to support the amendment.

Thank you, sir.

The Bailiff: Well, Members of the States, before we come to the vote on Amendment 9, I want to take the opportunity to remind all Members that devices that can make noise should be switched to silent. If I hear – whether it is in the Public Gallery or whether it is within a Member's bag or pocket – devices going off, I will cause H.M. Sherriff to take action in relation to that and it is customary, as you know, that if your device does go off during the course of a States' Meeting that you can be invited to make a contribution to the charitable fund. In this case, we will put it to the Bailiff's Disaster Relief Fund, which is still open at the moment and doing very well – so thank you all very much! *(Laughter)*

The voting on Amendment 9, proposed by Deputy Prow, seconded by Deputy Vermeulen. I have not heard a request for a recorded vote and therefore I am simply going to put it *aux voix*: those in favour; those against?

Some Members voted Pour; others voted Contre.

The Bailiff: I think I will have a recorded vote on that basis, because it is always tempting for those who come second to shout that little bit louder, so one is never quite sure. So we will have a recorded vote on Amendment 9, anyway, to try and split the *aux voix* vote.

Greffier, please.

Amendment 9:

Carried – Pour 17, Contre 15 Ne vote pas 2, Absent 5

| POUR | CONTRE | NE VOTE PAS | ABSENT |
|------------------|--------------------------|----------------|-----------------------|
| Deputy Gollop | Deputy Fairclough | Deputy Oliver | Deputy Gabriel |
| Deputy Haskins | Deputy Falla | Deputy Brouard | Deputy Le Tocq |
| Deputy Helyar | Deputy Ferbrache | | Alderney Rep. Roberts |
| Deputy Inder | Deputy Kazantseva-Miller | | Deputy St Pier |
| Deputy Mahoney | Deputy Leadbeater | | Deputy Dudley-Owen |
| Deputy Matthews | Deputy Parkinson | | |
| Deputy McKenna | Deputy Queripel | | |
| Deputy Meerveld | Deputy Roffey | | |
| Deputy Moakes | Alderney Rep. Snowdon | | |
| Deputy Murray | Deputy Soulsby | | |
| Deputy Prow | Deputy Blin | | |
| Deputy Taylor | Deputy Burford | | |
| Deputy Trott | Deputy Bury | | |
| Deputy Vermeulen | Deputy Cameron | | |
| Deputy Aldwell | Deputy de Sausmarez | | |
| Deputy de Lisle | | | |

Deputy Dyke

3275 **The Bailiff:** Members of the States, the voting in respect of Amendment 9, proposed by Deputy Prow and seconded by Deputy Vermeulen is as follows: there voted Pour, 17 Members; Contre, 15 Members; 2 abstentions, 5 absentees and therefore I will declare Amendment 9 duly carried, so we have inserted a (iii) at the end of Proposition 14B in the event that you get there.

[Amendment 3](#)

In Proposition 15, to delete the full-stop and substitute therefor:

"with the exception of the ninth Resolution listed, which shall remain extant."

3280 **The Bailiff:** Now the next amendment on our running order is Amendment 3. Deputy Roffey, is it your wish to lay Amendment 3 now?

Deputy Roffey: Yes please, sir.

3285 Just in case anybody has not cross-referenced it, I will explain what the Resolution, which is proposed for rescission, is, which this amendment seeks to retain. It comes, I think, from an SMC report on in-work poverty, carried out a few years ago. At the time the SMC proposed a suite of specific actions to seek to reduce in-work poverty in Guernsey. But in the event the States voted for an amendment from the then P&R, which wiped out all of those proposals and instead replaced them with a general responsibility for P&R to lead on this work and to work with ESS to tackle in-work poverty.

3290 At the time, I seem to recall SMC warned that it could result in nothing at all being done and if this rescission goes ahead then, frankly, it rather looks as if that might have been proved right. But that is not the only reason that ESS is proposing this amendment. We also think – and I know it is not the intention – but I know we really do think that this rescission will send out an appalling message to our community at the height of a cost of living crisis.

3295 Now we fully accept that P&R are or were the lead Committee charged with this action but I have to say I was surprised as a junior partner that we were not consulted before the proposal was contained in the Government Work Plan to rescind this particular work stream. I do take the point that efforts to tackle in-work poverty will now take place within the context of the GWP. After all, everything does, these days.

3300 But the creation of the GWP did not constitute year zero and many of the previous decisions and policies of the States remain valid and stay in place in this brave new world of the GWP and certainly tackling in-work poverty should be near the top of that list.

3305 So we simply invite Members to retain the previous Resolution and I can assure the Assembly and P&R that ESS very much look forward to co-operating with P&R as they take the lead in this very important task.

The Bailiff: And Deputy de Sausmarez, do you formally second that amendment?

Deputy de Sausmarez: Yes, sir.

3310 **The Bailiff:** Thank you very much.
Deputy Falla.

Deputy Falla: Thank you, sir.

3315 The Resolution in question specifies preparatory investigations of policies successful in breaking poverty, with a specific focus on generational fairness. Members, we are in a relatively wealthy Island. Times are getting more difficult yet we are still relatively wealthy. But there is too much poverty in Guernsey. Any poverty is too much but due to the economic situation and circumstances that are regularly reflected by speeches in this Assembly, it is only getting worse and much worse for some.

3320 Members will know from inboxes, and as an ESS Member I also receive phone calls from people in desperate circumstances and these are not people who are not trying their hardest to help themselves. These are people working hard to make ends meet and the ends are too often not meeting.

3325 The P&R rationale for proposed rescission is that 'co-ordination of policy reviews and new policy development is now driven through the GWP'. That is a pretty open-ended reason. What message does that send out to members of this community who are doing more than their bit, working hard in employment but living in poverty. It almost sounds like a Marie Antoinette response.

3330 Some of the difficult circumstances in which Guernsey people are living were touched on in amendments around the housing crisis yesterday. But to illustrate the point, I have been given two case studies by Guernsey Welfare, anonymised, but with permission of the individuals concerned. Case study one: a single parent with three children. The parent works and earns £2,500 a month, receives £765 in a combination of maintenance and Income Support, which includes Family Allowance. So the total monthly income, £3,265 does not sound too bad.

3335 Rent is £2,400, almost all of the monthly earnings. Other essential costs, including electricity, heating, car insurance and petrol, as we know all of which are going up. The car is needed to drop children to school and to get to and from work. Phone, internet, contents insurance, TV licence, etc., come to £416, leaving £449 a month for food and other costs, including clothing.

3340 Case study two: a couple with one adult child who recently started work. Parent one works full-time during the week and at the weekend, bringing home £2,000 a month from both. Parent two works part-time bringing home £450 a month but has a disability which limits the type and amount of work that can be done. The adult child pays £600 board. Total income: £3,050. Does not sound too bad.

3345 Rent is £1,850. Other essential costs include electricity, water, etc., as before. Leaving £682. However this family is also paying off £692 in debts and loans, which have accumulated as they have struggled in the past to keep their heads afloat for some time and they are not entitled to Income Support or any medical assistance. As you can see, this leaves them in a deficit before even purchasing food.

3350 Sir, I understand that we are not just sweeping this under the carpet totally but I just really feel strongly, as Deputy Roffey has already said, that we need to send out the right message to the less fortunate members of our community, to our neighbours. The case studies above are just two of the reasons why I think investigation of policy, successful and breaking policy, should not be rescinded.

Thank you.

3355 **The Bailiff:** As no one else is rising, Deputy Soulsby, do you wish to comment on this amendment?

Deputy Soulsby: Sir, yes, briefly.

3360 Everything that Deputy Falla just said, totally resonates with me. I totally understand what he means and, yes, we do need to do more – absolutely do need to do more. Clearly I would expect that to be something that could be at the forefront of the work that Deputy Falla himself and his Committee at ESS would be undertaking now.

3365 I mean they have, they are the ones with the pivotal role, here. Indeed Proposition 4 is right in their area of work, improve living standards, review minimum income standards, initial focus on Income Support and Winter Fuel Allowance. And I know there is more behind that as well and develop proposals and funding options for long-term care.

I know there are other elements in terms of E&I, the Energy Policy and electricity, in terms of how people improve their insulation at home and other work like that that might really go some way in being able to tackle in-work poverty.

3370 I am a bit disappointed with this amendment really because, like the Dairy one, it kind of shows a bit of a lack of trust, which I find disappointing. I am sad that they feel that they have to have this

amendment because otherwise they do not think that work will be given priority; but clearly, aspects of cost of living, in-work poverty run right through the GWP. I know Deputy Roffey said, 'Oh yes, but there might be more stuff.' Well of course there might be more stuff but the GWP is about linking actions with resources and as we already know we have probably got more actions under category two and three which are not already resourced.

So really what was attempted here is not to get rid of cost of living as an issue or in-work poverty and I really hope that that impression is not given elsewhere in that. That is absolutely not what P&R want, certainly not from my point of view. As I have said, on a number of occasions both within here and outside, and the media that I do, the real focus that I want to see is on the impact on our cost of living.

That is not the issue. The issue here was a tidying up exercise. It was really our officers being efficient and saying we do not need a separate amendment on in-work poverty because it runs through this whole document, which is what we should be looking at in terms of what we are doing and what we resource.

I do not mind if this passes. I am probably quite happy to support it, if it gives more assurance but, really, in the scheme of things and what we are trying to do, this amendment is not necessary but I can totally understand why ESS might want to bring it back so it is at the forefront of people's minds and is specific in an amendment.

Thank you, sir.

**Welcome to
Stephen Twigg, the Secretary General
of the Commonwealth Parliamentary Association**

The Bailiff: Members of the States, before I turn to Deputy Roffey, we are privileged and honoured to have in the Public Gallery the Secretary General of the Commonwealth Parliamentary Association, Mr Stephen Twigg, and I would invite Members to give the Secretary General the customary welcome to this Meeting of the States. *[Applause.]*

POLICY & RESOURCES COMMITTEE

**Government Work Plan –
Debate continued**

The Bailiff: And now I do turn to the proposer of Amendment 3, Deputy Roffey, to reply to that short debate.

Deputy Roffey: I did hear somewhere on the media this week that Darth Vader was back and Deputy Soulsby, I think, basically said, 'I find your lack of faith disturbing.' It is not so much a lack of faith, it is a fact that this Assembly, they were faced with, okay it was not in its present incarnation, were faced with a set of specific proposals to try and tackle in-work poverty. They said no, let us give it to P&R to lead on and we will charge them with co-ordinating that policy response.

To rescind that Resolution now, it may be seen as a tidying up exercise by P&R, I think sends out entirely the wrong message because it has never been more important. Deputy Soulsby quite rightly says that actually quite a lot of work in tackling in-work poverty and Proposition 4 here falls with my Committee. We will, when we come with our Uprating Reports in the autumn, we will indeed be referring to the Guernsey living standards work that is being done. We will be proposing things to try and reduce in-work poverty.

3410 I was interested to hear Deputy Falla's two examples because actually Deputy de Sausmarez and I took part in a workshop recently with some really hard-working people from large families who were being incredibly poorly impacted by the limitations of our benefits system in Guernsey and that is exactly the type of poverty trap that we will be trying to address when we come forward in the autumn.

3415 But it should not just be ESS. It is a matter for the whole of this Assembly to tackle in-work poverty and P&R are the co-ordinators of policy in this Assembly. And actually they are also the keepers of the purse strings, aren't they? So actually having them involved in the process can be quite useful at times and particularly actually some of the levers may be tax-related as well.

3420 So, I ask Members not to send out the message that we are rescinding our previous Resolution on tackling in-work poverty and keeping it off the table. It is not a criticism of P&R, I understand it was seen as a tidying up exercise. I think the optics, unfortunately, are very different to that and I ask Members to support this amendment.

The Bailiff: Members of the States, we come to the vote on Amendment 3, proposed by Deputy Roffey, seconded by Deputy de Sausmarez.

3425 Deputy Queripel, surprise me!

Deputy Queripel: A recorded vote, sir, please.

The Bailiff: Alright, we will have a recorded vote on this one.

3430 Greffier.

Amendment 3:

Carried – Pour 33, Contre 1, Ne vote pas 0, Absent 5

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

Deputy Dyke

The Bailiff: Members of the States, the voting on Amendment 3, proposed by Deputy Roffey and seconded by Deputy de Sausmarez is as follows. There voted in favour, 33 Members; against 1 Member, 5 Members were absent at the vote and therefore I declare Amendment 3 duly carried.

[Amendment 8.](#)

At the end of Proposition 17i. add:

"subject to replacing the figure 382 with the figure 432, where it appears in relation to the recovery action entitled 'Enhance domestic abuse services in line with the updated domestic abuse strategy (including a Sexual Assault Referral Centre (SARC) three-year pilot)' in the 6th row, 4th column, relating to 2022, of the table headed "Keep the Island Safe and Secure" in Annex 3 of Appendix 8"

And To insert a new Proposition 11A after proposition 11:

"11A. To direct stakeholder Committees to commit the appropriate operational resources required to establish a pilot Sexual Assault Referral Centre (SARC)."

The Bailiff: We will move next to Amendment 8 if, Deputy Prow, you are ready to lay Amendment 8 and wish to do so.

Deputy Prow: Thank you, Mr Bailiff, and I am ready.

Sir, right from the outset of the Government Work Plan process and from the beginning of this term, in pursuance of its strategies tackling domestic abuse and sexual violence, the Committee has put in place workstreams to establish a Sexual Assault Referral Centre, known as a SARC. I thank Policy & Resources most sincerely for their complete support and the inclusion of these strategies and for the SARC pilot's inclusion in all the Government Work Plan policy iterations. Having said that, sir, I am still expecting a ticking off from Deputy Soulsby, when she sums up!

I am also extremely grateful for the overwhelming support of this Assembly. (**A Member:** Hear, hear.) The Committee, in recognition of the importance placed in this initiative by them and by Members, has appointed Deputy Sue Aldwell as their lead on the Domestic Abuse and Sexual Violence Strategy and, as a consequence of the ongoing work, the Committee for Home Affairs has submitted this amendment for the 2022 Government Work Plan, requesting an additional £50,000 to kick-start the pilot scheme for the Sexual Assault Referral Centre.

Sir, importantly, this amendment would also direct stakeholder Committees to continue to commit the appropriate resources required to establish the SARC as a cross-Committee working will be essential to the success of this pilot. The Committee has written to all the stakeholder committees, advising them of our intention to formally request through this amendment, sir, that commitment. Again, sir, the Committee thanks all the officers of those Committees already working hard to progress the SARC.

In conclusion, sir, establishing a SARC is already a priority workstream in the Committee's Domestic Abuse and Sexual Violence Strategy and, under the Government Work Plan, will get its initial funding in 2023. Whilst scoping requirements for the SARC have commenced, this amendment would allow work to establish the services to begin this year, supporting the preparation work required for the launch of the SARC next year.

Sir, the money will go towards resourcing support and training costs. Sir, I very much urge all Members to support this amendment and, sir, could I beat Deputy Queripel and ask for a recorded vote?

Thank you, sir.

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

Deputy Aldwell: I do, sir.

The Bailiff: Thank you very much.
Do you wish to speak straight away?

3475 **Deputy Aldwell:** Yes, please.

The Bailiff: Very well.

Deputy Aldwell: Thank you, sir.

3480 I am delighted to second this amendment to ask for additional one-off funding to facilitate this training of staff for the pilot of a Sexual Assault Referral Centre (SARC). I recall back in October 2020, after being newly elected into the States, sitting down with Deputy Prow for coffee, wanting to join Home Affairs and we spoke about the Justice Review and the Domestic Abuse Strategy and the high priorities, which included SARC and so I can assure the Assembly, please be in no doubt, that
3485 it has been a main priority even before the Committee was even elected.

I was disappointed not to be elected to Home Affairs in that election, especially being the only female who stood, wanting to take up the challenge. But I also recall my speech was pretty appalling! (*Laughter*) I was thankful to have a chance to stand again and I had written a much better speech but was elected unopposed, so it was wasted!

3490 I was extremely pleased to join Home Affairs last September when the seat became available and I have been able to use the knowledge gained from Education, Sport & Culture, with the work carried out right across our school committees, which incorporates prevention of domestic abuse and sexual violence, we share the sexual health and relationships, the Drug and Alcohol Strategy and the Youth Commission, who have all presented in Committee meetings but who have been
3495 very generous with their time, giving me the opportunity to meet up separately to have one-to-one conversations, which has given me an insight into the work encompassing safeguarding and the problems our young people face today.

Starting right from the age of four, our children are being taught the basics of a good friendship and how to be a good friend, progressing through all age groups, teaching students about all the
3500 aspects of respectful relationships, teaching students how to keep themselves aware and safe. Safer have also launched Your Best Friend campaign for 13-24-year-old people to empower them. Safer report that 40% of young people are in an abusive relationship, One in three women will experience domestic abuse and one in six men in their lifetime, which is shocking.

Which is why early intervention is crucial by education. In joining Home Affairs, I have been
3505 fortunate to have the opportunity of meeting those who work on a day-to-day basis with offenders, victims, from Probation Service, prison and police officers, FPAS and Sarnia project are programmed for domestic abuse perpetrators and Safer and Witness Support, along with the independent domestic violence advisers and talking to understand what individual parts of the jigsaw puzzle they play.

3510 I also represent Home Affairs on the Children and Young People's Board, working on the Children's Law, which has given me an understanding of the tribunal and court system and the opportunity to meet up with professionals, from judges to social workers, to teams from the Child Services, who deal with safeguarding, as well as attending a four-day brainstorm, with numerous professionals, which has been invaluable.

3515 I have taken every opportunity to understand all those who are involved in the action plan to prepare, prevent, protect and pursue. Speaking with the co-ordinator from the Jersey SARC, which was set up in 2018, she explained setting up a SARC was not just about finding premises for a pilot but we also need to find a special person, a co-ordinator, to bring together a whole team of professionals to provide training and take the pilot forward.

3520 This is also the reason we ask for a one-off fund to get the project started. I have been informed by officers that they have been looking at a property yesterday and have put together a draft job description for our co-ordinator role to be approved by the advisory group.

Domestic abuse and sexual violence, as we know, will not be solved by a SARC. If only. But it is a safe place where those who have been violated, whether adult or child, can receive full support from a team of knowledgeable professionals in a welcoming, safe environment, whether through the Police route or self-referral, and is the first step in the victim's wishes to prosecute or not but to allow the healing to begin.

Please be in no doubt of my commitment and that of the Committee *for* Home Affairs' commitment, of taking the SARC forward and I know this Assembly fully supports this project and I ask them to support the extra funding.

Thank you, sir.

The Bailiff: Deputy Gollop.

Deputy Gollop: [Inaudible] excellent speeches and it is [Inaudible] significant interest in the media and from community groups that this Sexual Assault Referral Centre is moved ahead as quickly as possible and indeed Deputy Prow has given the commitment on several occasions.

But it was gratifying to see that I think there is inter-Committee co-operation here with Health & Social Care and Education because I know Deputy Aldwell and other senior members of Education were doing some conference where there were speeches about how to minimise bullying and create more respect at an early age and a hero/heroine culture, which hopefully will lead to, if we follow examples elsewhere, to minimisation of these problems because it will be proactive as well as reactive.

The only kind of mystery to me about this amendment, which it stands alone, was I think Deputy Aldwell cleared this up but it was not particularly clear why it could not have been included in the programme. But presumably the £50,000 is a one-off, as Deputy Aldwell explained, but more significantly will accelerate the programme, meaning that instead of perhaps being put back to 2023-24, it will happen sooner rather than later. Unfortunately, wearing another hat, I have been slightly disappointed with the Government Work Plan that it has not prioritised, perhaps, the homelessness agenda.

But on this occasion, the SARC is clearly going to happen and I think there is enormous demand from the community and probably the Law Enforcement agencies to see action here.

The Bailiff: As I do not see any other Member rising to speak on Amendment 8, I will turn next to the Vice-President of the Policy & Resources Committee, Deputy Soulsby, to comment, if she would.

Deputy Soulsby: Thank you, sir.

Can I just start out by saying how pleased I am to know that there is a Committee that really does take domestic abuse seriously? It is a breath of fresh air. I mean, over the years, it has been not the case and it has been harder to get any action on that front, which has led to individual Members – I know Deputy Burford here as well and others – trying to get action in terms of domestic abuse services and the Sexual Assault Referral Centre. I am very pleased to hear, particularly Deputy Aldwell, saying how much it really is a priority for that Committee and I praise them indeed for that.

In terms of this amendment, I mean Deputy Gollop is completely wrong. I do not know why he was talking about homelessness either. We have spent the best of the part of two days talking about housing. This is not about homelessness, it is about the Sexual Assault Referral Centre. But he is wrong. It will not speed things up.

I am saying to everybody, you know, happy for you to support this amendment, as I will and P&R will but it is not necessary. The officers and the Committee have been advised that this money would already have been provided under delegated authority from P&R through what was agreed last year. So from that point of it, aspect of this amendment, it is not needed.

In terms of 11A, well that will be down to individual stakeholder Committees to commit those resources. I am sure those Committees, and Health & Social Care being a key one, will be quite

3575 happy to do so. But as I say that does not sit with P&R. But, as I say, I have got no problem in supporting this amendment but really it is not necessary in the scheme of things.

Thank you.

3580 **The Bailiff:** And the proposer of Amendment 8, Deputy Prow, to reply to that short debate, if he wishes to do so.

Deputy Prow: Yes, sir, very briefly.

3585 I would like to very quickly reply. I thank Deputy Aldwell for her absolute commitment of more support to the domestic abuse and sexual violence piece of work that is going on and I thank her for an excellent speech. Again, Deputy Gollop, I thank him for his support and in particular I am glad he picked up and acknowledged the cross-Committee working that is involved and the acknowledgement that the Committee for Home Affairs are cross-Committee players. I certainly thank Deputy Soulsby and P&R for their support and I urge all Members of this Assembly to support the amendment.

3590 Thank you, sir.

The Bailiff: Members of the States, once again, there will be a recorded vote, this time on Amendment 8, proposed by Deputy Prow, seconded by Deputy Aldwell, so over to you, Greffier, please.

3595

Amendment 8:

Carried – Pour 34, Contre 0, Ne vote pas 0, Absent 5

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

The Bailiff: Members of the States, the voting on Amendment 8, proposed by Deputy Prow, seconded by Deputy Aldwell is that there voted Pour, 34 Members; there were no Members voting against or abstaining but 5 Members were absent and therefore I declare Amendment 8 also duly carried.

3600

[Amendment 11.](#)

To insert the following Proposition:

"18. To direct the Policy & Resources Committee to amend, as follows, its process in leading policy planning for the preparation of the Government Work Plan (GWP) to be considered by the States of Deliberation at their Special Meeting on 20th June 2023:

a) Continuing to require each Committee of the States to review the priority to be afforded to its current commitments and deadlines for established actions as directed by the Assembly in the GWP 2022;

b) Having established its baseline programme of work, each Committee of the States should also identify any new work that engages its mandate that it determines should be a priority for government in the coming year giving due regard to the States' overall policy objectives, which for the avoidance of doubt should include consideration of the extant Resolutions of the States that have already established new matters that engage its mandate having evaluated their current priority in the context of the strategic direction established by the Assembly;

c) Having received all new requests for prioritisation, every States' Member shall be provided by the Policy & Resources Committee, for their individual completion and return, a method of indicating, by means of an arithmetical, hierarchical scoring system, how each Member voluntarily wishes each of the individual items submitted by Committees of the States to be prioritized, in order from top (i.e. first) to bottom, so that such priorities can be collated into a combined, representative priority 'List'; and

d) Having received all responses, the Policy & Resources Committee will evaluate the resource requirements to service this List with due regard to the established GWP framework already in delivery in order to lay before the States of Deliberation an affordable and achievable phased programme of priorities. The Policy & Resources Committee will publish the scores of each States' Member (or if none, any null response) shall be published such that the media and public have ready and transparent access to openly observe the priorities of individual States' Members and Committees prior to any debate on the GWP; and

e) Having invested in this highly consultative further round of prioritisation, the Policy & Resources Committee should seek views of the Committees of the States on establishing the GWP 2023 as the programme of work to conclude the current political term, notwithstanding the publication of monitoring reports and a final handover to the next Assembly in mid-2025, and bring necessary proposals to amend the States' meeting schedule for the remainder of this term for consideration by the States of Deliberation at their Special Meeting on 20th June 2023.

The Bailiff: Now the penultimate amendment is Amendment 11. I do think that we ought to get cracking at least to get Amendment 11 in play now. Why I say that is the penultimate amendment is that Amendment 14, which is a variant on Amendment 13, has also been circulated and, before everyone leaves, can I invite them to take a paper copy of it with them, so that at least it can be thought about overnight.

3605

But Deputy Helyar, are you ready to lay Amendment 11 now?

Deputy Helyar: Yes, sir.

3610

The Bailiff: I invite you to do so.

Deputy Helyar: Thank you, sir.

Before I start substantively, sir, I would like to pay tribute to Deputy Soulsby for the work that she has put into putting together the Government Work Plan and also her team from the SLT. This is really splendid work. I think the focus of debate that we have had so far over the last couple of days, the fact there has been some co-operative behaviour in terms of withdrawal of amendments and changes to and so on I think shows that there is some discipline now in the process. I think that is to be applauded.

You know, with all of these diverse opportunities and priorities that we have, it is very much like herding cats and it is a very large and complex document and one that is, I think, one of the problems with this, it is actually quite difficult to amend in the greater scheme. It is relatively easy to chop small parts off but, as Deputy Soulsby said in her introduction to the debate, it is not perfect. Nor will it probably ever be. It needs to be a continually moving document, one that we live with, one that we chop bits off and add bits to as we go.

So comes, really, the genesis for this amendment. Before the election, a long time ago it seems now, I had a look at the manifestos of some of the old hands, as I would call them, some of the former Members, at their manifestos. Of course they say very little because there is a trick there, isn't there? The cynic in me would say you say nothing because you know how difficult it is to achieve anything as an individual and I certainly accept that now, having been in place for a while. When we moved the clock forward and we first started the Government Work Plan process, we went through a scoring process and I think none of us have been in, certainly the new Members, have been in our roles really long enough to understand just how broad and deep the Plan and all of the priorities of the different working Committees is.

I think on a day-to-day basis, we do trust one another to get into the weeds on the things that we do on a day-to-day basis because we have to. We cannot, all four of us, do absolutely every job that is necessary and that is an important part of the process.

That scoring process ended up then being turned into a small committee, which again Deputy Soulsby chaired and the attempt there was to select a group of Deputies with a broad range of different interests, Committee representation, party affiliations and so on. In fact, Deputy Bury in the last GWP debate referred to some discomfort in the way that the process had worked because it felt a little bit difficult because it is difficult to separate the paradox that we have as a legislature, where we have our own views about subjects, and cannabis is one of them and that is one that will be coming up, I am sure, in general debate and we have been talking about today.

We all have our own individual views and then we have views, sometimes majority views on a Committee basis, and those sometimes are different from one another. This is where I found a problem, this years, in terms of the process. Because if we all sat down and wrote down our list of priorities and we had to rank them in order, I am pretty sure, if I bet on it, every single one of us would have a different list. They would probably have most of the same things on it but they would all carry a slightly different priority.

Of course, we run a consensus system. We run a consensus system across the majority from the Committee perspective and we run a consensus system when those things that we decide in Committee hit the tarmac in this Assembly and all of the Members have to consider whether they should receive priority and indeed the resources that are required.

Because ultimately the 40 Members of the Chamber – or 39, this month at least – are the ultimate arbiters of what goes forward. But this time, sir, it was a great disappointment to me that after committees had submitted their priorities, Deputy Soulsby's team sent out a survey of all Members and only 17 contributed their personal views to the priorities contained in the Work Plan.

Sir, this is the basis for this amendment. I do not think that is good enough. **(A Member: Hear, hear.)** We are looking at spending £650-odd million of public money and the public in my view, sir, has a right to know what our individual priorities are. It is in the best interest, surely, of governance and transparency that we all get the opportunity to score our views across the whole piece and that that forms part of, not necessarily the entire governing part of, but it should be something that we are able to reflect on individually and it should be something in my view that the public should be able to see.

3665 Because if we go back to our manifestos, I am sure there are many things that we are voting on now we have not even thought of or have not even come up into our minds. So it is quite important on a year-to-year basis, as we are going through this process, I think, that we should have some form of objective scoring or where these things sit in our own individual minds.

3670 Because the criticism that one could levy is that we started from a Committee list, there were 17 contributions to the survey and then we ended up with a list, which might not have been the list if everybody had contributed. And there could be a criticism levied that things had been done in closed rooms and conversations had and priorities made that we would not all necessarily agree with had we been given the opportunity to contribute.

3675 The problem is that, when you have a debate on such a huge document across the whole work of Government, it is incredibly difficult to amend it in a meaningful way. We could take all of those priorities and everybody could do an amendment and they would all look very different. So I think the best way to do that and make sure that we have got the right priorities and the right level of consensus that we do not have a plan that we do not agree with, or that some Members feel disgruntled with the priority list, that everybody, including ourselves, and the public, should be able to see what our priorities are.

3680 Sir, we as an Assembly should strive to be accountable and transparent to the public in the way that we prioritise our work and what our political objectives are. I would ask Members to support these proposals. They propose that after Committee priorities have been submitted that the team in the SLT that is working on the Government Work Plan at its next iteration, will provide Members with a list of the priorities set forward by Committees and that we will be able to rank them and score them and there will be a simple list showing what everybody's views are on every single subject and that the Committee will take those views into account when it reaches its conclusions about what should be in and be out.

3690 Then we will have a clearer view when we reach this debate next time around, what is likely to fly and what is not. Deputy Ferbrache, when he first heard about this amendment, described it, sir, as 'perhaps a little bit fluffy'. I would describe it more as it is Marmite. You are either going to agree that this is a good idea or not and I just ask Members to support it, give it a try. If it does not work then we will not do it the time after.

3695 Thank you, sir.

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

Deputy Prow: I do, sir.

3700 **The Bailiff:** Thank you very much.
Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

3705 I do not have any particular issue with, I think, the first two or three clauses, depending on how you count them, but alarm bells start ringing for me in section (c) of this amendment, which is where the Policy & Resources Committee shall provide us Members for our individual completion and return a method of indicating 'by means of an arithmetical, hierarchical scoring system how each Member voluntarily wishes each of the individual items submitted by Committees of the States to be prioritised' etc. from the top. It is from the top to the bottom and this will be combined and this will form what is known as 'the list'.

3710 I have a real problem with this, actually. This is at a point where, as individual Members, we will not have had the benefit of all the supporting information, of debate, of the opportunity to ask questions. We will be asked for a gut feel. This to my mind is Government by Survey Monkey. It is going to be really ill-informed and I do not see what serious purpose it can serve. I think quite the opposite. I am very worried about where this could lead.

3715 And actually, we had a little bit of foretaste of this. If Members rewind their memories back to the earliest days of the GWP process, we had to undergo a process quite similar to this, in that very

first iteration. We were given a spreadsheet. We were not given much more than, I think, a few hours' warning, in fact, and we were asked to effectively rank the priorities. I found it a hellish experience, if I am honest, because I did not really know what I was voting for in terms of, certainly in terms of other Committees' mandates.

That is why we have a Committee system of government. That is why we have Committees of people who are able to analyse these issues in much greater depth. We elect them to those positions and we trust them to be able to make intelligent and informed decisions on what work needs to be done because they have got the greatest insights into that work and into their mandate.

So I am very concerned about the prospect of having to rank at a very superficial level, yet with very significant ramifications, what I think my personal priorities might be at that particular time, without having had the benefit of the detailed information and obviously the opportunity to debate issues in this particular forum.

So I am not at all comfortable with that and also another problem that I remember raising and I think, in fact, the whole of the E&I Committee raised at that point, to her credit Deputy Soulsby as the champion of the GWP process, the person leading that process, did listen to that feedback and did not continue with that process or did not give it the weight that it was originally threatened.

I give way to Deputy Soulsby.

Deputy Soulsby: I thank Deputy de Sausmarez for that.

Yes, it was a useful exercise. It was never intended for anything but just to gauge what people thought at that time. The actual conclusion from it was it was inconclusive. Another aspect of it was that people wanted the thing that gave you the final result but they did not want all the bits in the middle. So basically they wanted the baby without the labour pains. So it made no sense whatsoever!

Deputy de Sausmarez: I had not thought about it in childbirth terms! Anyway I do remember it being quite a painful experience so perhaps there is that.

But the other thing that rings alarm bells with me is the method of indicating 'by means of an arithmetical, hierarchical scoring system'. Now Deputy Helyar, when he opened on this, referred to it as an objective scoring mechanism and I think objectiveness is in the eye of the beholder because, as we know, whatever formula is applied to the weighting will massively, fundamentally affect your final scores, for want of a better way of putting it.

So I do have concerns around that as well. So I am very uneasy with at least that aspect and the actions that then follow from this, although I do understand the rationale that Deputy Helyar has explained and I think certainly accountability and transparency, I am all for. But I think this could have very uncomfortable, unintended consequences and I am certainly not comfortable with it at all.

Thank you.

The Bailiff: I think in the circumstances, unless you are going to be less than 30 seconds, Deputy Moakes, we will wait for the morning.

So, Members of the States, I am going to remind everyone that after we have risen, in about 10 minutes' time, we will have the Annual General Meeting of the Guernsey branch of the Commonwealth Parliamentary Association, followed by a talk from the Secretary General of the Commonwealth Parliamentary Association.

I again encourage everyone who can to stay behind for that and we will now adjourn until 9.30 in the morning, when we will resume Amendment 11 and then we will turn to Amendment 14 and I do invite people to make sure they have got a copy of that to take home with them to consider.

So we will close the Meeting today, please, Deputy Greffier.

The Assembly adjourned at 5.30 p.m.