



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Thursday, 30th March 2023

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People's Deputies

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

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

Deputy L. J. McKenna (*relevé à 9h 35*);
Deputies J. P. Le Tocq and M. P. Leadbeater (*relevé à 10h 24*);
Deputy T. L. Bury (*relevée à 11h 09*); Deputy A. Kazantseva-Miller (*absente de l'Île*)

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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 IV

DEVELOPMENT & PLANNING AUTHORITY

3. Proposals for provisions to address land which is affecting the amenity of an area –

Debate concluded –

Amended Propositions carried

The States' Greffier: Billet d'État IV, Article 3 – the continuation of the debate.

The Bailiff: Deputy Fairclough.

5

Deputy Fairclough: Thank you, sir.

Firstly, I would just like to correct something Deputy Mahoney said in his speech late yesterday afternoon. I believe, and Deputy Mahoney will correct me if I am wrong, that he referred to the recent planning permission given to the building of eight houses in the Oberlands field in St Martin's recently and he asked, if not inferred, why none of the Deputies who had voiced opposition to the building on prime agricultural land at the Vauquiedor had objected to the development of this site.

Well, as a matter of public record, I can confirm that I formally raised an objection to this scheme both on behalf of nearby residents and in a personal capacity. However, this never saw the light of day as there was no open planning meeting.

Back to the amendment, for which I have a lot of sympathy for. I can understand the concerns both about policy inconsistency and conflict with the States potentially bringing an action against itself and the problems that might ensure. Now, a level playing field and treating those in the community and the States in the same way, for me, is the overriding factor here and I am likely to support this amendment, although I would just ask Deputy Queripel, in his summing up, to explain or expand upon the Rule 4 information, specifically (c) when it says the amendment has been submitted to H.M. Procureur for advice on any legal or constitutional implications. Could Deputy Queripel please share with Members the response and the legal advice that he has received as this may help me in my deliberations?

Thank you, sir.

25

The Bailiff: Deputy McKenna, is it your wish to be relevéd?

Deputy McKenna: Yes please, sir.

30 **The Bailiff:** We will mark you as present.
Deputy Falla.

Deputy Falla: Thank you, sir.

35 Just briefly, sir, I several months ago talked to the DPA about bringing this amendment myself and I was discouraged from doing so and on balance I decided not to proceed. The reason given by the Director of Planning was that this Ordinance would not work because it cannot trump the primary legislation. Now that is a technicality, which my brain is not quite big enough to tackle but I wondered if H.M. Comptroller might be able to help us at all?

40 Thank you.

The Bailiff: Mr Comptroller, were you aware that that question might be raised?

The Comptroller: Sir, good morning.

45 Yes, Deputy Falla raised it with me about five minutes ago. It means I have had some prior notice. I am struggling a little bit because I cannot actually get online and access the relevant legislation but I think the point might be that clearly the Proposition involved, is based upon there being an ordinance enacted under Section 46 of the 2005 Law.

50 Now it is just possible, I suppose, that in order to implement the amendment, there may not be power available to do that by way of ordinance, in which case it might be necessary to amend the primary legislation, which would need a projet. But I have not had a chance to actually look at the empowering parts of the 2005 Law. So I think that is possibly the point.

The Bailiff: Yes, thank you.

55 Deputy Blin.

Deputy Blin: Thank you, sir.

60 Given the extensive debate on this amendment, it comes into two parts for me. One is what is right? Why is there one rule for all the individuals and then a separate rule for Government? How does that look on the outside world? Through the media, it will be, 'Well, it is one rule for us and then another rule for them'. It seems very unreasonable.

65 Then Deputy Roffey explained that, although as absurd as it sounds, actually it might make things happen by having Government put in the same situation, but then we take other examples from Deputy de Sausmarez, Deputy Moakes, there were a few comments made, which say, 'Well, it is just going to be transferring money back from one Government section to another, so it is going to end up in a circle.'

As long as there is a clear understanding by Members of what the reason is why this amendment is there, and the first one is because it is protecting or trying to make things equal, but the reality is, however we want to look at it, we are lacking in funds. We do not want to create more issues, financially.

70 There were some very clear speeches also made by Deputy Mahoney, Deputy Murray and Deputy Ferbrache and, listening to all these things, I have come to the conclusion as long as people on the outside, the audience, the people who listen to this, or the media, do not start saying we are trying to make one rule for us and one rule for others, I would like to see it that a commonsense-ical and responsible manner ... but I will not be supporting; although at the beginning I was supporting the concept of it, I will not be supporting this amendment because I would like us to get on with the work at the DPA that has already been filtered and diluted quite a lot by the previous amendment.

75

I would ask other Members to think like that, actually. We have to move forward and do the right thing and be responsible about it because I feel now this is the opportunity we have got and we should move on. This has been going on for a very long time and I am sure we are near the end of the debate.

Thank you, sir.

The Bailiff: As I do not see anyone else rising, I will invite the President of the Authority, Deputy Oliver to speak on the amendment.

Deputy Oliver: Thank you, sir.

My heart says that this is maybe a good idea. I believe wherever possible the States should lead by example. However, my head, I just think this is wrong. I agree with the majority of what Deputy Queripel has said. I do think the States' maintenance of properties is really appalling. However, I just think this amendment will bring the States into disrepute.

We will have Committee voting on Committee, States' Trading Board, or Education, or some of Home Affairs' properties, where they are not used any more, saying, 'You have to do something with it.' Then, they will go to P&R, P&R will say, 'No, we have not got any money to fix it.' So then we will be suing each other, which is just absolutely ridiculous. When I got elected, I always said that I would try and protect the taxpayers' money. This is just not a good way of spending taxpayers' money, by suing each other.

I think, to be consistent with the provisions of the Law of 2005 and to avoid situations where civil notices served against each other, in accordance with the legal advice, which we have received at the time of drafting of this policy letter, they said do not do it. It would just cause so many more problems.

I am just going to go through and answer a few of what people have commented. Deputy Inder, the Vale Douzaine, all the land, I actually believe when they say all the land, they actually want to include greenhouses. They have been quite vocal in the past about saying greenhouses. States' land, there is not that much in the Vale that is completely in disrepute that we would want to serve this kind of notice for.

I think Deputy Moakes, Deputy Murray and a number of other Deputies just got it completely correct. Why would we want to have States' Committees suing States' Committees? It is just silly. And it is not suing. I should not say suing. It is just asking them to fix their property. They would have to go to P&R, P&R says no or maybe they say yes, and Deputy de Sausmarez, I think, really actually also hit the nail on the head, inasmuch as the States, since it began, had priorities. Whether we like it or not, there have always been budgets.

Now, would we prefer – I am going to use Deputy Taylor's analogy with the greenhouse at Candy Gardens – although that would not really be included in this policy letter but I will go with it ... Do we want to fix a greenhouse or do we want to fix Perelle Wall, that could be breaking after a storm? One is going to save a lot of people from getting flooded and the other is aesthetical for that area.

Now – I am not giving way – we just need to get our priorities in order and we need to focus this Government on what is sensible, not lead with our heart as much as we would like to. We need to lead with our head and we need to actually reject this amendment, as much as we feel it will be a nice thing to do, lead by example, we need to be smart on the matters.

Thank you.

The Bailiff: And the proposer of the amendment, Deputy Queripel, to reply to the debate, please.

Deputy Queripel: Sir, I ask you please to put it to the Assembly that we take a 15-minute recess before I respond.

The Bailiff: Very well.

130 Members of the States, the request is for an adjournment for 15 minutes, which will take us close to 10 o'clock, to allow Deputy Queripel to marshal his thoughts. Those in favour; those against?

Members voted Contre.

135 **The Bailiff:** I am afraid that has been rejected, then. Deputy Queripel, you do your best on what has been said.

Deputy Queripel: Sir, thank you.

140 I will start by asking colleagues to forgive me for not responding to everyone, who spoke in debate, because comments were made against and comments made in favour, very much on the same themes. I do want to address more than a couple, there are certain issues I do want to address. I believe I only had one question from Deputy Fairclough. I will come to that later.

145 Deputy Inder, when he spoke – I thank him for seconding the amendment and being so aware of all the problems this is going to result in if this amendment does not get supported – he reminded us that the Vale Douzaine said in their response to the consultation, in their view, the proposals should include all land under States' control. So, suffice to say, they will be really pleased if this amendment succeeds.

150 If we are not going to listen to what people say in response to consultations, then why do we undertake consultations in the first place? It seems rather futile and a waste of resources. Here we go with the issue of cost, again. Many colleagues are concerned about cost and yet we go out to consultation and ignore what the responses are. It does not make a lot of sense.

155 Deputy Kazantseva-Miller, who is not in the Chamber at the moment, unfortunately, really confused me when she spoke, because she said if this amendment succeeds, the DPA will not have any power. Yet the DPA proposals, in this policy letter, are all about giving the DPA power. However, where there is a will there is a way, but of course if there is no will, then that way will not be pursued.

She also said we will become a laughing stock if this amendment succeeds, due to the fact that the DPA will be issuing civil notices to other Committees. Surely we will become even more of a laughing stock if we vote to protect ourselves?

160 She also said that Section 46 is not the way to do this because there are other measures available to the DPA. But Deputy Roffey nailed the whole issue when he spoke. He said that whatever measures are currently available to the DPA are obviously not working. He also said that the amendment succeeding will act as a deterrent to the States and will hopefully ensure that departments do maintain their properties in the future.

165 Deputy Gollop said he is going to vote in favour of the amendment because it will provide motivation for departments to work together more, which is on the same lines as Deputy Roffey. Deputy Matthews said he is also going to support it on principle, because he has concerns about the States going along with the DPA's 'do not do as we do but do as we say' approach.

170 Deputy Mahoney said the reason States' buildings become unsightly and sometimes even dangerous is simply because we do not have the money to –

Deputy Mahoney: Point of correction, sir.

The Bailiff: Point of correction, Deputy Mahoney.

175 **Deputy Mahoney:** I do stand to be corrected but I do not believe I ever said that they are becoming dangerous. I did not use that word, thank you.

The Bailiff: Deputy Queripel.

180 **Deputy Queripel:** I apologise to Deputy Mahoney for saying he said the buildings had become dangerous as well as unsightly. But that is what I am saying here. Sometimes buildings do become

dangerous because of a lack of maintenance and because they are then obviously unsightly. But anyway.

185 But I thought I had covered that in my opening speech by saying if we cannot afford to maintain them then why do we own them?

Deputy Dudley-Owen: Sir, point of correction.

190 **The Bailiff:** Your point of correction?

Deputy Dudley-Owen: I am very sorry to interrupt Deputy Queripel but I think I must clarify this because I think that he was talking in relation to the Guille-Allès Library and in terms of States-owned buildings, we are absolutely governed by health and safety that we are not allowed to let them fall into a state of disrepair and to become a danger.

195 In terms of building outside of the States, which we may provide funding for, that might be a different matter, but obviously that is something with all public buildings that we have got a requirement on us – I am just thinking in terms of the Education estate – to keep them health and safety compliant. I just want to make that point so, yes, whilst I understand that might not have been a direct point of correction, it was something that certainly needed clarifying.

200 So thank you and I do apologise if I have got that wrong.

The Bailiff: Deputy Queripel to continue, please.

205 **Deputy Queripel:** Sir, I thank Deputy Dudley-Owen for that clarification. But the message is still the same. If you do not maintain buildings they become unsightly and sometimes dangerous.

So, going back to where I was. Why do we own so many buildings then? Sell them off. Sell off as many buildings as possible. Obviously, I am not talking about hospitals and schools. But there are, presumably, lots of other buildings we can sell off and then rent them back from the owner because they will have a responsibility for maintaining them.

210 I also said in my opening speech that we should forget about spending money on new buildings, like another school for example, and forget about modernising our Hospital. It would be absolutely futile to carry on building new buildings when we know we do not have the money to maintain them.

215 Going back to Deputy Kazantseva-Miller, she said I should talk to Deputy Mahoney about our maintenance programme. Sir, I have talked to Deputy Mahoney about our maintenance programme, albeit very briefly. Six months ago, I pointed out to him that there is a piece of rotten fascia board and soffit outside the entrance to a States' building. HSC know which building I am talking about. Deputy Mahoney kindly looked into it on my behalf and the outcome was that there were once five maintenance staff but now there is only one and, of course, he is absolutely snowed under with work; which is why nothing has been done, even though I pointed it out six months ago. It would not take long to repair that, replace it. It would take a qualified carpenter merely a couple of hours, I would say.

220 Now, sir, the Chief Minister bought me lunch yesterday because he lost a bet in the GST debate. He said I would not be able to guess which song he was going to quote from when he quoted from Bob Dylan's *The Times They Are a-Changin'*. But I did win the bet because he has quoted from that song before, so in a way shot himself in the foot because I knew what he was going to say. He quoted from the verse, come Congressmen and poets, 'prophesize with your pen', the chance will not come again, etc.

230 Now, I am not going to bet him that he is going to be able to guess on the song I am going to quote from because I am sure he would be able to get it right. In relation to what I have just said, other colleagues are probably already thinking they know the song I am going to quote –

Deputy Gabriel: Rule 17(4), sir, or even Rule 17(6).

235 **The Bailiff:** Deputy Gabriel, if you want to make a point order, you stand up and you say, 'Point of order.' Then you are called and you explain what it is. Deputy Queripel, relevance is the issue here. Can we move onto why Members should support this amendment.
Please continue.

240 **Deputy Queripel:** Thank you, sir.
The relevance was that I was going to misquote from a song written by Tim Harding, called *If I Were a Carpenter*. Because if I were a carpenter, I would offer to repair that piece of fascia board myself. But I am not, so I cannot offer to do that.

245 Now I did actually ask Deputy Mahoney for a list of properties the States owns but, unfortunately, he has not been able to get that to me yet. I would very much like to see that list at some time in the future and perhaps my colleagues would also like to see it, so I would ask Deputy Mahoney, through the chair, sir, if he could please provide us all with that list, because I am sure we would be very interested to see the list in relation to which properties we cannot afford to maintain and perhaps we should consider selling them.

250 Deputy Mahoney began his speech, sir, by saying he could not believe we were spending so much time debating this issue when we had much more important issues to debate. Well sir, in response to that, I say, surely as custodians of the public purse, preserving and maintaining public property is a very important issue and the fact that the Assembly wants to debate it for so long is surely an indication as to how important many of us think this issue actually is.

255 Deputy de Sausmarez said she very much resonated with the principle of the amendment, which I was really pleased to hear, and I was also really pleased to hear her say that she does not align herself with what we are told in the policy letter in paragraph 5.5, where we are told an undesirable situation would occur if one States' Committee were seen to be issuing a civil notice against another Committee because, as she reminded us, that happens now and it has never become an issue. So why would it become an issue? I thank Deputy de Sausmarez for reminding us of that, sir.

260 I also take the opportunity to thank a former Minister of the States, who is sadly no longer a Member of the Assembly, for pointing out to me that statutory officials have issued notices against States' Committees on several occasions down through the years and it has never once become a major issue out in the community. So, with all that in mind, sir, I hope the majority of my colleagues can see through the claim made by the DPA, in paragraph 5.5, because it is totally misleading.

265 Deputy Meerveld said he is going to support the amendment because it will be a catalyst for future development and to encourage the States to improve upon their poor record of maintaining its own properties. And what a breath of fresh air it was to actually hear him say that, sir. I would ask colleagues who are currently thinking of voting against this amendment to take on board what he said and also adopt his positive approach to what this amendment is actually seeking to do.

270 Now, Deputy Dyke really perplexed me when he spoke. He commended Deputy Inder and I for laying this amendment, because it was based on upholding principles and he said he applauded that. But then he went on to say he was going to vote against it. Excuse me, sir, I just want to take a moment to –

275 **Deputy Dyke:** Point of correction; if I may.

The Bailiff: Point of correction, Deputy Dyke.
Yes, Deputy Dyke, point of correction.

280 **Deputy Dyke:** Yes, I applauded the sentiments, I did not actually applaud the amendment for reasons that I explained, that I thought it was not workable. So I applauded the sentiment of a level playing field, but I did not commend the bringing of the amendment. I have not supported that.

285 **The Bailiff:** Deputy Queripel to continue, please.

Deputy Queripel: Thank you, sir.

I apologise to Deputy Dyke. I thought he said as well as commending Deputy Inder and I for laying this amendment, it was based on him holding principles. I obviously confused that with him saying he did not think the amendment, if it succeeded, was going to work anyway. But he did go on to say that even though the DPA would be given the power if this amendment succeeds, would they really want to use that power against their fellow Committees?

Yet, when Deputy Kazantseva-Miller spoke, she said the DPA will not have any power if this amendment succeeds. So we have one Member of the DPA saying the DPA will not have power and another saying they will have power. But of course, having said that, despite the confusion amongst the Members of the DPA, they are doing their absolute utmost to fight their corner and I admire and respect them for that.

But to bring a parapsodokian into the frame, sir, which I have always wanted to do in one of my speeches, if we all agree with the proposals that have been put forward by the DPA, then we would all be wrong.

Deputy Murray focused on the need to prioritise. Well, to prioritise certain pieces of work over essential maintenance does not make any sense. New things are being added to our portfolio all the time, in the knowledge that we do not have the money to maintain what we already have got. And yet we are being asked to agree to add new things all the time. So, surely what we should be doing is spending money on that essential maintenance, to ensure that what we have already is properly maintained? To not maintain what we have a duty to maintain, surely, is nothing short of being irresponsible?

He asked, and several Members asked, where is the money going to come from? Well, the answer to the question is it will come from the taxpayer, which is where it always comes from, and the taxpayers I have spoken to, and I have spoken to several, said they put their faith and trust in us to maintain the properties they have paid for down through the years.

They would rather see their money spent on maintenance rather than on major repairs, which result from a lack of maintenance and buildings becoming unsightly. I am sure every taxpayer would say the same if a survey were undertaken, because it makes perfect sense for the States to spend taxpayers' money on maintenance rather than let properties fall into a state of disrepair.

But of course, as I said earlier, what is the point of going out to consultation when we ignore what the people say anyway?

I give way to Deputy Oliver, sir.

Deputy Oliver: Can I just remind the States, we are not talking about maintenance in general. We are not talking about if property has peeling paint, if a property has a few slates missing. That is not what this policy letter is about. This is about when it falls into massive disrepair. It is a very different thing, keeping maintenance on a property, to complete disrepair, so can we separate those two because I think people are getting really confused by this.

Deputy Queripel: Sir, there is no sense in separating the two. If you do not spend money on maintenance, buildings become unsightly. The two are intertwined, the two are very much related.

Deputy Fairclough said he has sympathy with the amendment and he asked for clarification on Rule 4(c) and he asked me to share the legal advice. I am going to ask H.M. Comptroller, because as far as I recall, there was not a great problem to overcome if this amendment succeeds, but I think H.M. Comptroller answered that question when he responded to Deputy Falla, so I would ask H.M. Comptroller, sir, please, just to clarify what he did say in response to Deputy Falla in the hope that he will answer the question Deputy Fairclough asked.

The Bailiff: I think it is something different, Deputy Queripel. What Deputy Fairclough was asking was what response you have got, having submitted to H.M. Procureur this amendment. In other words, what advice were you given about the legal or constitutional implications of this amendment?

Deputy Queripel: Okay, sir.

My recollection was, as I said earlier, the Law Officers did not see a great problem that would be insurmountable, whatever problems that would arise would be able to be solved.

The Bailiff: Mr Comptroller, is there anything you wish to add?

The Comptroller: Excuse me, sir. No. My recollection is that I provided some amended wording for Deputy Queripel to consider but I do not think there were a huge number of constitutional matters that really arose in connection with the amendment, so I did not quite go into that. There was no need.

The Bailiff: Thank you.
Deputy Queripel, time to finish.

Deputy Queripel: Deputy Oliver said her heart told her it was a good idea just for the States to lead by example and she agreed with most of what I said, yet her head tells her to vote against the amendment. She said she felt it was wrong for one States' Committee to be suing another States' Committee. She corrected that later on but what she meant was it was wrong for one States' Committee to issue notices against another States' Committee.

But I have already covered that off in my response already, sir. I pointed out that that is a completely misleading statement in claiming, in paragraph 5.5, as Deputy de Sausmarez clarified when she spoke and as a former Minister of a previous Assembly has also reminded me, that happens now and it has never become an issue.

Moving back to the issue of cost, which seems to be, along with the not wanting to be seen for a Department to be issuing notices against another Department, the cost seems to be one of the major issues here. Every Department and Committee with the responsibility of maintaining buildings under their control knows they need money to be able to maintain.

Sir, we trust, and taxpayers trust, that they will maintain them and manage their budget accordingly. We trust they understand if they do not maintain them then they will fall into disrepair and become unsightly. That is when big money will need to be spent on essential repairs, of course. So with that in mind, surely it does not make any sense to not maintain them?

If Committees and Departments do not maintain them and the properties they are responsible for become unsightly then they have failed in their duty to taxpayers of Guernsey. The term 'false economy' springs very much to mind.

Moving towards a close –
I give way to Deputy Haskins.

Deputy Haskins: I am very grateful for Deputy Queripel giving way.

I believe Deputy Oliver was also making the point, or made the point, that we are talking about all States' land and not just buildings so I wonder, before Deputy Queripel closes, whether he could talk to this point as regards the funding and prioritisation within the States as a whole?

Thank you.

Deputy Queripel: I do not quite understand the question, sir.

In the policy letter, we are told land includes buildings. I hope that clarifies unless ... I am prepared to give way to Deputy Haskins again, if I have not understood.

Deputy Haskins: I am grateful for Deputy Queripel giving way.

The point I am trying to make was he was talking about the funding required and I wondered whether he could talk to the issue of States' lands being included, not just States' properties. So, Fermain Wall, any other part of the States' infrastructure, would also be included in this if it affects

public amenity. I wonder if he can talk to the prioritisation process and the funding required that would be needed?

390 **Deputy Queripel:** Sir, I wonder if the Fermain Wall collapsed because of lack of maintenance. Maybe it did, maybe it did not. I wonder if the landslide that happened at La Vallette steps happened because of a lack of maintenance. Maybe it did, maybe it did not.

I do not quite know what else I can say. I thought I had covered most things in my opening speech and my response. The States have a duty to maintain land and buildings. The Vale Douzaine
395 pointed out they would like to see all States' land or property included in the proposals. I have got a whole list, sir. If Deputy Haskins would like me to read out the list, I am quite happy to read out the list. Maybe I will do that.

I was not going to do this, sir, because it is a long list and I appreciate colleagues can only listen so long but Deputy Haskins has asked the question and I feel obliged to reply to it. Now, I covered
400 off quite a few States' properties in my opening speech and here is the list of other properties that spring to my mind that I believe are the responsibility of the States to maintain. I might be wrong. I am sure someone will get up and correct me, as Deputy Dudley-Owen did early on, to point out if I am wrong, but –

I wonder if I will get to the end of this speech today, sir. I give way to Deputy Gabriel.

405

Deputy Gabriel: Members might want to check their electronic devices, there is an email I have just circulated, which was the subject of a Freedom of Information request last year. There is a list, a 12-page long list of every States' property – not land – that the States of Guernsey own and so if you are interested, it is now on your electronic devices and that may help speed the response to
410 the amendment.

Deputy Queripel: I am still going to read out the list, because I want to know if I am right or I am wrong and I have not got the time to check out a list that has just been sent through. It would have been helpful, as I requested quite some time ago, to have that list prior to debate.

415 So we can add to the list that I gave in my opening speech by adding what I call the Lakeside Pavilion at Saumarez Park. It may not be a pavilion but I think that is what it was called. That was allowed to fall into disrepair and it became extremely unsightly and it became dangerous and it was close to the public and a charity, or an association of volunteers –

I give way – I am doubting whether I am going to finish this speech today, sir! – I give way to
420 Deputy de Sausmarez.

Deputy de Sausmarez: I thank Deputy Queripel.

It is actually called the Japanese Fishing Hut and it is a really classic example of one that the Committee tried, repeatedly, every single time, to apply for the funding, through the Minor Capital
425 Programme Board, and it was rejected repeatedly, which is why we had to come to the arrangements that I am very glad we managed to come to eventually. This is exactly the problem that we grapple with. As Committees with responsibility for the maintenance of such land or buildings or structures, this is exactly what we are up against in the real world.

430 **Deputy Queripel:** I thank Deputy de Sausmarez for that interjection, sir.

My point being it was allowed to fall into a very unsightly and dangerous state and it was closed to the public. Then we can add, of course, both of our harbours, which are long overdue when it comes to essential maintenance.

435 **Deputy Brouard:** Sir, may I invoke the Rule that says you are not allowed to introduce new information to the debate, which has not already been raised? This list is –

The Bailiff: Point of order, then Deputy Brouard, is what you are supposed to say.

Deputy Brouard: Point of order, then, sir, thank you.

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The Bailiff: And what is your point of order? You are saying that this is new information, it is not replying to the debate; and I think that is probably accurate. The whole point here, Deputy Queripel, is that you are responding to the points that have been made during debate only. You are not entitled to rehearse any new or further arguments, which is Rule 17(4).

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You have run through what people have asked, you do not have to accept Deputy Haskins' invitation to address something if you cannot address it. It is really moving to the vote, shortly, isn't it? Please continue but bear that in mind.

Deputy Queripel: Thank you, sir.

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I thought I was responding to Deputy Haskins' request but I am quite happy to not carry on with the list; if Deputy Haskins wants to get up and say I am not on the right track I am quite happy to not carry on. I give way to Deputy Haskins, sir.

Deputy Haskins: Yes, thank you.

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I do not think you are on the right track!
Thank you.

Deputy Queripel: If I can assist Deputy Haskins in any way, to get me on the right track, I will, so I am quite willing to give way again if he wants to get up and repeat what he was actually asking me to respond to. I see he has lost the will to live, sir! I lost the will to live a long time ago. As I said, I was going to close a while ago. I am just wondering if there is anything else I have not covered that was brought up in debate.

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One thing that was brought up, actually, Deputy Kazantseva-Miller did mention we should be relying on Committee action plans and the GWP. It is a shame she is not in the Chamber at the moment, I could have asked her to clarify, I do not understand what the relevance is. Surely the issue of Committee action plans does not apply because every Committee has a duty to maintain property and they know that. I wonder if she was saying part of the action plan for a Committee should be, 'Do you know what, we are going to forget about maintaining properties that we own and we are responsible for maintaining.'

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If that is what she was saying, then I think that seeing that it is a duty of every Committee to maintain properties they are responsible for maintaining, I think that is a dereliction of duty and it certainly is to a lot of people I speak to out in our community. In relation to her saying we should just rely on the GWP, I think to expect the GWP to be the *panacea* we need to get us where we need to be is totally unrealistic because the GWP is always under review, it can always be amended, so the direction of travel will always be the same towards an intended goal but how we get there is going to change from time to time. Surely we must always be mindful that we need to maintain what we already have?

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Also, the proposals that are before us now, sir, why should we wait and see if the GWP or the Committee action plans are going to be able to deliver? The proposals put before us now, we must seek to attain action this day, as often is said, not only by the Chief Minister but some other of my colleagues as well.

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I hope I am going to move towards a close this time. I do not see anyone standing to ask me to give way. Moving towards that close, I want to thank Deputy Inder, again, for seeing the value and the merit in getting all over this issue. I can only hope the majority of our colleagues see the value and the merit in voting in favour of this amendment. I thank colleagues for contributing to the debate, whether they have spoken for or against the amendment. I think it was a worthwhile debate. I think we all needed to hear what everyone had to say. I am sorry Deputy Mahoney lost the will to live as well, yesterday.

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I will close by saying that if the majority of the States vote against this amendment – as I did say in my opening speech, so I am not rehearsing new arguments; I hope Deputy Brouard is satisfied

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by my saying that this is not a new argument, I said in my opening speech if the majority of the States vote against this amendment – then the reality is they will be voting in favour of protecting the States and in doing so, be discriminating against several members of our community at a time when the mantra is we should all be treated as equal and we are all in this together.

495 They will be voting in favour of a ‘do as we say, not do as we do’ approach and they will be voting in favour of one rule for the States and another rule for other members of our community and I honestly believe that will bring the States into disrepute and we will lose what little trust the community still have in us; and just because other jurisdictions are prepared to go down that road, does not mean we have to follow suit.

500 Thank you, sir.

The Bailiff: Deputy Le Tocq, is it your wish to be relevéd so that you can vote on this amendment?

505 **Deputy Le Tocq:** Reluctantly, yes, sir! *(Laughter)*

The Bailiff: It could have waited!

Members of the States, we come to the vote on Amendment 2, which is proposed by Deputy Queripel and seconded by Deputy Inder. Ah, Deputy Leadbeater, just to up the number of people
510 capable of voting, is it your wish to relevéd if you can get your machine out quickly enough?

Deputy Leadbeater: Yes please, sir.

The Bailiff: I will now ask the Greffier to open the voting.

There was a recorded vote.

Carried – Pour 18, Contre 17, Ne vote pas 3, Did not vote 0, Absent 2

POUR	CONTRE	NE VOTE PAS	DID NOT VOTE	ABSENT
De Lisle, David	Aldwell, Sue	De Sausmarez,	None	Bury, Tina
Fairclough, Simon	Blin, Chris	Lindsay		Kazantseva-Miller, Sasha
Falla, Steve	Brouard, Al	Roberts, Steve		
Gabriel, Adrian	Burford, Yvonne	Snowdon, Alexander		
Gollop, John	Cameron, Andy			
Haskins, Sam	Dudley-Owen, Andrea			
Inder, Neil	Dyke, John			
Le Tissier, Chris	Ferbrache, Peter			
Leadbeater, Marc	Helyar, Mark			
Matthews, Aidan	Le Tocq, Jonathan			
McKenna, Liam	Mahoney, David			
Meerveld, Carl	Moakes, Nick			
Prow, Robert	Murray, Bob			
Queripel, Lester	Oliver, Victoria			
Roffey, Peter	Parkinson, Charles			
Soulsby, Heidi	Trott, Lyndon			
St Pier, Gavin	Vermeulen, Simon			
Taylor, Andrew				

515 **The Bailiff:** In respect of Amendment 2, proposed by Deputy Queripel and seconded by Deputy Inder, there voted in favour, 18 Members; against, 17 Members; 3 Members abstained, 2 Members were absent at the vote and therefore I will declare Amendment 2 also carried.

We now move into general debate on the Propositions as amended by both amendments.
Deputy de Lisle.

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Deputy de Lisle: Sir, I had a few brief comments. The cost of revamping and upgrading property may be difficult for some with limited means and also, in terms of the States, of course, that has to

be considered very critically with respect to all properties and the priorities that it sets. But this applies to commercial property as well as residential.

525 I just refer to a couple of the parishes' comments, one of which was from St Saviour's, where they note that they are concerned that, in some cases, the land owner may not have the means and circumstances to carry out steps for remedying the condition of the land, as would be specified in the notice and within the specified time period, and has the States considered giving financial support if necessary in these cases?

530 Also, from St Sampson's, where they make the point that if an Islander claims that they cannot afford to undertake what is requested, what will happen? Does the States of Guernsey go to court to recover the money spent for undertaking the works themselves? These are concerns that are brought out from the parishes.

Now, I would like to just refer to sections 35 and 36 of the 2005 Land Planning Law with respect to protected buildings and there we have in 35, the conditions with regard to actually undertaking repair and also in 36 we have a section dealing with what perhaps could be the approach to some subsidy or compensation or some assistance with property revamping and upgrading.

Now, section 36 of the 2005 Land Planning and Development Law provides a gateway to allow the drafting of an ordinance to provide grants to repair protected buildings at the cost of the States. This provides a balance to counter the granting of enforcement powers under section 35, which has been updated on the 2007 Ordinance, so the state can force someone by issuing a preservation notice to repair a building at their cost.

It only took a couple of years to bring in section 35 and the fact is that still section 36 of the Ordinance, which provides grants, has not been drafted. This would help, actually, unsightly listed buildings to be preserved for the future generations where owners are unable to meet the costs involved.

Increasing powers of enforcement needs to be balanced, in other words, and that was the concern when we were drafting the Law back in 2005 and as I say, in 2007, we put in section 35 but we have never done anything about section 36. This applies, of course, only to protected buildings. This would be helpful, I think, given this debate, and I know that most of the buildings in the centre of Town, for example, around really protected status ...

So increasing powers of enforcement needs to be balanced for those that genuinely cannot afford it and if there were to be a loan mechanism there may be creative means to find a solution for those who have limited means. So I ask Planning, the DPA, to consider bringing in section 36 of the Land Planning and Development Law. As I say, section 35 was brought in two years after 2005, the general Law itself, but there has been no ordinance over the period to the current day, for the implementation of section 36.

So whilst I have no general objection to increasing the powers of enforcement because I can see the benefits, I think there needs to be a balance for those that genuinely cannot afford it. If there were to be a grant or a loan mechanism of some type, it may result in creative thinking, a nudge to assist in the property revamp or upgrading within that particular sector, which is the protected buildings sector.

Thank you, sir.

565 **The Bailiff:** Deputy Gabriel.

Deputy Gabriel: Thank you, sir.

Is there really a blight of derelict commercial premises and hotels across our Island? Not everywhere I look. And, if so, do we actually need new legislation to tackle this seemingly widespread problem?

The Town and Country Planning Act of 1990, which is referred to in the policy letter, stresses it is 'essential' to consider the condition of the site, the impact on the surrounding area and the scope of their powers in tackling the problem before they decide to issue a notice. One of the main provisions that this Ordinance proposes is to give the Development & Planning Authority powers

575 to serve civil notices, similar to Planning Enforcement Compliance Notices, on the owner and occupier of land in circumstances where it appears to the Development & Planning Authority that the amenity of the area is adversely affected by the condition of that land.

That for me is a key statement, where it appears to the DPA. What standards are they working to? Do we want Guernsey to turn into another Stepford? Civil servants come and go. What is unacceptable to one may not be to another or may be interpreted another way or out of fashion in 10, 15, 20 years' time. As with Deputy Roffey's windows and glass boxes he was talking about.

580 Again I am concerned about what criteria or methodology – if any – the DPA will be using to define unsightly. It all seems very subjective. After all, Deputy Queripel already noted beauty is in the eye of the beholder, isn't it? Members may recall certain incidences in this very Chamber via the point of order or correction Rules listed in 17(10) or 17(11), where a Member has tried unsuccessfully to allege that another Member is misleading the Assembly. But correctly so and if I may say so, sir, these challenges have not been successful as they interpreted opinion.

585 An opinion can be misleading. The very subjective nature of opinion is now trying to be brought into legislation and I do have an issue with that. Amenity is defined as 'pleasant circumstances, features or advantages including appearance and layout'. This meaning is reflected in the IDP, where it means the feel of a place in terms of it being pleasant or agreeable, including the visual pleasantness of a place or an area. That is in the IDP glossary, listed in 2016.

The words that follow are not mine but those spoken in 2009 at the 175th anniversary of RIBA, the Royal Institute of British Architects. The speaker starts with:

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Let me point out that I do not go around criticising other people's private artworks. I may not like some of them very much but it is their business what they choose to put in their houses. However, as I have said before, architecture and the built environment affect us all.

He went on:

It was when I was a teenager in the 1960's that I became profoundly aware of the brutal destruction that was being brought on so many of our British towns and cities. The loss was immense. Incalculable. An insane reformation that I believe went too far.

600 Not my words, but the worlds of Prince Charles, speaking in 2009. Are we in danger of repeating history with this Ordinance and creating an insane reformation with compulsory demolition and rebuilds? Why use a subjective measure? What is an eyesore? What she saw, we saw, he saw or I saw differs greatly. Who determines it to be an eyesore?

605 How too does this subjectivity relate to any biodiversity that is evolved on a site or land over time through its neglect or, as I like to call it, its ability to regenerate through lack of human intervention. The policy letter states that consultation was undertaken and is listed in section 4.2, emails were received from members of the public, one correspondent expressed concern about the potential for tidying of sites, which provide valuable ecological habitats and suggested that the Ordinance should be worded to focus on addressing instances in which man-made objects and derelict structures are on land in a state contrary to public amenity and the natural environment.

610 Another representer was concerned that the proposed powers could be interpreted in a subjective and judgemental way by singling out particular sites and that, if applied to derelict greenhouses – I know they are not – they could remove opportunities for small holding-type growing and negatively impact wildlife.

615 I am inclined to agree with these comments made by the public and others made to me since the policy letter was published way back last year. I am also concerned that an area that is deemed to be an eyesore may have some important environmental benefit and the loss of that will be a detriment to our natural biodiversity. The proposed solution in the Ordinance seems to be a very broad brush approach to achieve action on specific sites inferred in the examples made in 5.8 of the policy letter.

620 A requirement to maintain, refurbish or rebuild derelict premises in Town to improve the appearance of the site that is no longer adversely affected and it affects the amenity of the street

concerned. Firstly, I would question the use of Town. Where are boundaries for Town? Where does it start and stop? I also must declare an interest under Rule 17(15) that I do own a commercial premises in Town, or St Peter Port, namely on Fountain Street.

625 I would also like further clarification from the President, when she responds, on what definition the Authority intends to use and a clear definition of land that is unsightly. What is unsightly? Is it just untidy, unappealing, or a danger? And I really do question why this new legislation, under section 46, is required. It seems again a huge sledgehammer just to crack a few nuts. Appendix A already seems to list a large swathe of legislation and these hammers in that legislation are already available to the DPA to crack these unsightly nuts.

630 In closing, sir, for me this proposed Ordinance goes too far, is too subjective and I will not be supporting it.

Thank you.

The Bailiff: Deputy Falla.

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Deputy Falla: Thank you, sir.

I was considering bringing two amendments to this policy letter but after discussions with the DPA, I concluded that should they have been successful, they would have put too much pressure on resources and ultimately would have potentially made little or no difference. I considered an amendment that would bring States-owned property into scope, as I mentioned in the debate on Amendment 2. But the other amendment would have been to bring glass houses within the scope of the provisions, a point also raised during consultation with the Constables of St Sampson's.

640 Old derelict, falling down glasshouses, with smashed glass panes and broken spines are a bug bear of mine. They are scattered across the Island and have gradually increased over the past 30 or so years. We know the reasons why. While policy OC7 has slightly improved the situation, allowing in some cases uses such as storage, renewable energy and glamping, this has barely scratched the surface and has had no impact at all on many of the worst examples.

I do regret that glass houses have been excluded from these Propositions. The resulting cleared sites could potentially be of interest to Deputy Ferbrache, with his proposed task force of States' Members, construction industry professionals and others, to break eggs in order to make a housing omelette.

650 I also regret in these cost conscious times that funding is not available to assist with removing old glass, in a similar way to the Environment 2000 initiative some 20 years ago. But I understand the DPA's position, where to include them would have made the Authority the Glasshouse Police and stretched its already limited resources to the detriment of other, higher priority DPA work. But it does remain an issue and I would prefer to see it tackled with some kind of carrot, rather than a stick and I would like the DPA to keep this issue in mind.

As for the policy letter as a whole, as things stand and having listened to debate over the last several hours, I am really not sure that I can support it.

660 Thank you.

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

665 Deputy Gabriel is worried and he is certainly not alone; it is something that has cropped up in a number of speeches, this concern about the issue of subjectivity and I would say that Planning has always and will always involve a degree of subjectivity, as does much in politics, and we are in this job because we are required to use our judgement. In fact, that is the very reason we have a political body in the form of the DPA, making these harder judgements, because there has to be a degree of political judgement that is subjective, in order to inform those very difficult decisions. And I do commend the DPA for taking on what I know is a very difficult job because of that.

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I just do not think it is realistic to expect that we can rely on a very prescriptive set of rules to set out every scenario and give us the answer in some sort of formulaic bit of legislation or policy guidance or whatever. It is just not going to happen. We are going to need to use judgement to invoke that, engage that subjectivity and come to a conclusion.

Deputy Gabriel also asked what standards would be applied. Well, frankly, I would be happy with even the most basic standards being applied. Because I think we have to bring this back to what is the problem we are trying to address here? And, really, it is eyesores. We have got eyesores and clearly we do not currently have the tools to tackle them or they would not have been hanging around for quite so long. That is what this boils down to.

I think that is, without over-thinking it, really what we are being asked to decide today, through this DPA policy letter. Do we want to give the DPA the tools to tackle these eyesores. I am not worried about mission creep because that is clearly not the intent. There are clearly checks and balances. I am not even worried, because I was at first, but I am not worried, about the aspect of biodiversity and impact on wildlife and nature because there are checks and balances already in the system and we have got the DPA's assurance, and I think it would probably be embedded in whatever legislation to make sure that the relevant experts are consulted to make sure that that is not a problem.

But at the end of the day, we have just got a choice to make. Do we actually want to do something about tackling eyesores or do we want to just continue in a state of what I think is a sort of stasis and paralysis on this particular issue? My personal view is that I think we should crack on.

The Bailiff: Deputy Queripel.

Deputy Queripel: Thank you, sir. I will just step aside and let ... ah, he has gone. He knows I am speaking, so he has gone again!

The policy letter is lacking in detail and because it is lacking in detail I have several questions, even though I have already submitted and had response to 11 Rule 14 questions. I still have more to ask. Now, on the issue of demolition, mentioned in paragraph 5.8, I have a question on that. Because bearing in mind we have more than one derelict site on the Island that the DPA consider to be unsightly – to name just three of them, Idle Rocks, St Martin's Hotel and St Margaret's Hotel – will the DPA be dealing with all of those at the same time if this legislation succeeds? Or will they be dealing with them one at a time?

I ask that because, in the worst case scenario – and worst case scenarios are always probabilities, so we have to look at worst case scenarios – the worst case scenario could be that every one of those property owners might say, 'You want this building demolished, you demolish it.' So the DPA will then need to prioritise, presumably, and how will they do that? What criteria will they use to come to the conclusion that one hotel is in need of demolition more than another, even though the three of them have been named by the DPA as unsightly?

If the answer is that they will deal with one case at a time, like I say, how will they prioritise the properties they have on the list? A list that was provided to Deputies who were able to be present at the Beau Séjour presentation last week but it is not in the policy letter and I wonder why that list is not in the policy letter, when it was provided to Deputies at a presentation last week.

The response might be from Deputy Oliver that history has proven that in other jurisdictions it is not likely to happen. But that is not answering the question I am asking. I want to know how the DPA are going to deal with worst case probabilities and how they are going to prioritise. They must have an answer to that because surely they have discussed every probability at their meetings? If they have not then surely their whole approach is fundamentally flawed and that really concerns me.

Another question is: are the DPA aware that Jersey have recently introduced an empty home service, which seeks to help owners that have fallen into disrepair as opposed to sending them notices like the DPA is seeking to do? If they are not aware then the Minister for Housing and Communities, Deputy David Warr, is behind the initiative in Jersey and the service can be accessed

725 via www.gov.je/emptyhomes or via 01534 441614. I am prepared to give those details to the DPA later if they have not been able to pick up on them.

On the issue of putting a charge on a property if the owner does not pay for the cost of the DPA doing the work that is needed, when a cost is put on a property, it could be 30 or 40 years or even longer before that property is sold, consequently it could take 30 or 40 years for the DPA to get that money back. That is the way I am understanding it.

730 So if the cost of the work to put the property in the state that the DPA do not consider to be unsightly any longer, if it comes to several thousand pounds and an instalments repayment scheme is put in place then surely it is going to have to be a sum that the property owner can afford to pay? I would like clarification on that from Deputy Oliver when she responds, sir, please. Of course, as I said earlier, there could be more than one property owner in that position. It could be two or three, even more, at the same time.

735 Sir, as I said in a recent speech on GST, one of my New Year's resolutions is to keep my speeches short, snappy and concise. But of course all three of those are subjective! And therefore open to interpretation and, consequently, misinterpretation, and one of my greatest concerns about the approach that has been adopted by the DPA in this policy letter, as has been mentioned by other colleagues, is that it is far too subjective. What is unsightly to some will be pleasing on the eye to others.

Deputy Roffey mentioned in his speech yesterday a piece of land overgrown with gorse and brambles and full of colours could be unsightly to some but it will be pleasing on the eye to others, so it is so very subjective.

745 Just venturing into personal opinions, I think a lot of the modern day houses that have been built are unsightly. I do not see how a house with light grey walls, dark grey windows, dark grey doors, dark grey fascia boards and gutters and dark grey downpipes can be considered to be pleasing on the eye for anyone. Whatever happened to colour? But there you are, it is my opinion.

750 Propositions 1(c) and 1(d) really concern me because they ask us to agree to give the DPA powers to turn up at someone's property with States' controlled labour and carry out required steps that are needed to clean up the property and send the bill to the owner of the property, expecting them to pay for it. Sir, this relates to a question I asked earlier. What about if they cannot afford to pay and a court case ensues? That could cost the taxpayer a lot of money and if the property owner is sent to prison that will cost the taxpayer about £1,000 a week, as I understand it.

755 Now, I did ask that question as one of my Rule 14 questions and I was told there would be a legal charge on land. But another concern I have is who pays for that legal cost? Are the DPA aware of how much advocates cost? Next question is what criteria will the DPA be employing to enable them to come to the conclusion that a property is adversely affecting the community and area? I am only too aware, sir, we are told in paragraph 1.5 the DPA will have the power to recover its reasonable costs from the property owner but, of course, the word reasonable is subjective, which is why I am seeking clarification on these points.

760 And we are told in paragraphs 7.1 and 7.2 that administering just a few cases a year will require resources but the DPA believes these additional costs can be met from their existing budget. But surely they cannot possibly know how many cases a year they are going to have to deal with? So in relation to that, can Deputy Oliver please define what the DPA actually mean when they say a few cases? Do they mean two or three, could they mean five or six, do they mean a dozen or more? What do they mean when they say, 'a few cases'?

770 And how do they come to the conclusion that putting the term 'a few cases' in the policy letter was sufficient explanation rather than putting an estimated figure in the policy letter itself? Of course they will need more resources. The more cases that come forward, the more resources they will need.

This initiative to clean up the Island and rid the Island of unsightly properties could cost a lot more than the DPA envisage and we are not just talking about a coat of paint here. As Deputy Haskins alluded to yesterday, we could be talking about new windows and we could be talking

775 about new doors and we could be talking about a new roof, and that really surprised me yesterday when Deputy Oliver got up and she said. 'We are not talking about new roofs.'

Well, where does it say that in the policy letter, which is lacking in detail? What are you talking about, if you are not talking about new windows, new doors, painting the exterior of a property, even a new roof if the slates are unsightly and dangerous? You could be talking about hundreds of thousands of pounds here.

780 So why wasn't that information in the policy letter? Why weren't we told in the policy letter exactly what this whole legislation entails? We should have been given a lot more information. I would like to hear Deputy Oliver's views on possible additional resources. Because it has already been said that the DPA will not be able to meet these costs out of their budget.

785 In Appendix B, St Saviour's Douzaine say that when a vehicle has been abandoned on private land, it is difficult for the landowner to contact the owner due to the data protection issues and they ask if consideration is being given to how information might be shared to enable those vehicles to be removed at no cost to the landowner. That issue has not been addressed in the policy letter. Again it is lacking in information.

790 So I would be grateful for comment on that, clarification on that, from Deputy Oliver, when she responds. And what criteria will the DPA be employing to enable them to decide whether a vehicle has been abandoned or not? E&I also asked for that clarification on the issue on page 2 of their letter of comment, in Appendix C. So I am glad to see that I am not the only one with these concerns.

795 I am reminded of the time when a dear friend of mine, a dear friend of many people, the late former Castel Deputy, Captain Barry Paint, got a group of friends of his together and removed several abandoned vehicles, what they considered to be abandoned, from the Cobo village car park. He was taken to court and fined for doing that. He felt he was doing what was best for the community, because the cars had become dangerous, with broken glass all over the place, yet the good Samaritan got a huge smack in the face for undertaking such a noble gesture, which is why we really do need to be fully informed and aware of all the ramifications of passing the Propositions in front of us, when it comes to dealing with abandoned cars.

800 Anyway, it transpired that no one really knew who owned Castel car park. There was a dispute between the Castel Douzaine. They appeared to believe they owned the car park but there was a person who claimed they owned the car park. I believe I am in right in saying the Douzaine paid to have the car park resurfaced and the whole issue went to court.

805 I do not know if it has been resolved. I have not been able to keep up with it but the point I am making here is we need to be absolutely clear what the ramifications are from the legal point of view.

810 Just a couple more questions to ask, sir. The next one being in relation to the potential investors referred to in paragraph 3.1. My concern is an investor could become aware of a property owner who cannot afford to maintain their property. The investor could purchase the property at minimal cost – and I think Deputy Haskins again referred to this when he spoke, alluded to it – spend a bare minimum cleaning it up and sell it for a considerable profit. So my question is what will the DPA be doing to ensure such exploitation of vulnerable people does not occur?

815 Sir, as I said earlier, in my view the policy letter could and should have contained all the information I am seeking. It is only 12 pages long. Even if you include the appendix it is only 61 pages long. I am surprised it did not contain all that information, especially when one bears in mind how good the DPA are at providing all the information anyone needs to know in their monitoring reports of the IDP. They are excellent at that.

820 Surely the lesson for everyone here to learn is to provide as much detail as possible in your policy letters? Because that way States' debates will be much shorter, Deputies will not have to get up and speak for ages and ask loads of questions and they will not have to submit so many Rule 14 questions because all the detail should be in the policy letter.

825 So I only hope my colleagues have studied the answers to the 11 Rule 14 questions I submitted and I only hope they listen very closely to what Deputy Oliver says when she responds, because this

is a major issue. I am not the only politician who said in their speeches politicians should stay out of people's lives as much as possible. Even the Chief Minister has said that.

830 I am only, as I said earlier, too aware of the difficult role the DPA and the planning officers have. I am sure they have laid these Propositions in front of us with the best of intentions and I want to emphasise at this point as I did in my opening speech on my amendment, I am not criticising the DPA in any way. By expressing my concerns, I am trying to help, and I really do need to have those concerns allayed by Deputy Oliver when she responds. Because at the moment it seems to me that there will be far too many unintended consequences if these Propositions in front of us succeed.

835 So unless Deputy Oliver can allay all my concerns when she responds, sir, I will be voting against the Propositions in the policy letter, for all the reasons that I have highlighted in this speech. And it will not be the end of the world. The DPA can come back with another set of Propositions. Where there is a will, there is a way, as I have said in speeches many times. If there is no will then that way will not be pursued. So the DPA can come back, if there is a will, with another solution, if these proposals fail.

840 In closing, sir, I just want to inform colleagues and everyone listening on the radio, I have given Deputy Oliver prior notice of every single one of my questions. I gave her prior notice some weeks ago, so I only hope she is going to be able to answer my questions.

845 I have just found one point I want to make. The DPA seems to be relying heavily on legislation that is in place in other jurisdictions for many years. I visited the following places in the UK in recent years: London, Liverpool, Southend, Margate, Thetford, Torquay, Bristol, Exeter, Cambridge, Brighton and King's Lynn. I visited all of those in nine years, between 2010-19, and every single one of those places has several derelict buildings, unsightly properties and shabby shop fronts. So this approach is obviously not working in those places. So why are the DPA putting so much faith in this legislation succeeding, being effective here?

850 I know it is three years since I last visited the UK, sir, but I have friends in some of those areas who tell me very little has changed and a lot of the derelict buildings and the shabby shop fronts still remain. So I very much look forward to Deputy Oliver responding to all those points, sir.

Thank you.

855 **The Bailiff:** Deputy Bury, would you like to be relevéed?

Deputy Bury: Yes please, sir.

860 **The Bailiff:** Deputy Dyke.

Deputy Dyke: Thank you, sir.

865 I would like to comment on what I think are some misunderstandings. There has been an awful lot of talk today about the lack of maintenance and repairs. The field we are talking about is serious dereliction where that dereliction causes grief and the loss of amenity to the surrounding area. The sort of cases that we would be looking into in the Planning Department would be quite limited.

870 We have already, by amendment, excluded dwellings and their curtilage – private dwellings and their curtilage have already been excluded to deal with some libertarian points that I fully agreed with. So we are going to be left largely with commercial sites and quite a limited number. The sort of place we will be looking at would, for example, be one of the derelict hotels on the south-east coast that has been derelict for nearly two decades, which itself sits next to another hotel, which is trying to carry on business with tourists on a lovely Island and what do they see next door? A horrible, derelict property, which is extremely damaging to the business concerned. It is extremely damaging to the overall impression of the Island. That is the sort of case we are going to be looking at.

875 We are not going to be going around people's gardens telling them to mow the lawn. I think the concerns are over-wrought and overstated. How many of these cases are we likely to take on? Possibly one or two a year? Not huge numbers. And we have a discretion as to whether to take

880 them on. As Deputy de Sausmarez mentioned, we have discretion in a lot of areas. We have a discretion. The cases will not be brought by the officers. They will be brought to the political committee, which itself I think should ensure that we do not make ridiculous decisions. Hopefully, we can be sure of that. I think it is clearly the case.

885 In terms of costs, we have discussed this at length. We envisage that, if we have the statutory powers, we will be able to write to the registered owners of the establishments concerned, to raise our concerns and say that we are expecting something to be done in accordance with the new Ordinance and we would expect that virtually all cases would be dealt with on that basis before going to the force of law or actually acting ourselves to remedy the problem.

890 So, for example, if one of these hotels were to be approached and we went through the stages and they continued not to do the necessary, for example demolish the place, then we would have to, as a Committee, consider how we should proceed. Should we engage the States' Works or a third party to do the works? We would have to consider that. We would have to ask P&R for the funds to do that. We would have to then consider how the funds would be repaid, and as a last resort that would be by exercising a charge over the property.

895 Deputy Mahoney was concerned about costs. I do not believe that this should require in the long term any net cost to the States. As has been mentioned, I think in the paper, or separately, the number of these cases will be small. They will mostly be dealt with by letter and we consider that we can easily deal with that with our existing staff. We are not planning to take on more staff or turn this into a major sub-department of Planning. These are exceptional cases where action is required. There are not going to be hundreds and hundreds of them. We have got a few in mind.

900 I mentioned one of the worst ones, which as I say is seriously damaging the Island and it is seriously damaging the neighbouring hotel next door. It would be good that we should have these powers. They are not uncommon and they are tried and tested in the UK. Deputy Queripel mentioned that there is still a lot of scruffy looking properties in various parts of the UK. Yes, there are and there still will be here. These are quite narrowly defined measures that will be dealt with based on decisions of the full political committee. So there are not going to be hundreds of orders issued by our officers.

905 I do think we need these powers if we want to help present the Island in the best possible way. So I do hope that Deputies will see that and vote for the Ordinance.

Thank you.

910 **The Bailiff:** Deputy Fairclough.

Deputy Fairclough: Thank you, sir.

915 Firstly, speaking to one of the points that Deputy Queripel made, personally I am pleased and reassured that specific sites were not mentioned in this policy letter. This debate, for me, is about future policy not about specific sites. I would like to thank the Members of the Authority and staff for putting on last week's session for States' Members, that Deputy Ferbrache has already referred to. I do find these useful to tease out issues ahead of the States' debate and no doubt this led to the development of some of the amendments that we have already discussed and voted on.

920 While I am broadly supportive of the policy letter and the motivation behind it, principally in the interest of revitalisation, I did have some concerns, which I sought to allay before debate, and I thank Deputy Oliver and the Director of Planning for responding to my questions. The first is of proportionality, a subject on which much of this debate has been focused. I have no problem with more power to tackle sites and derelict buildings where the States is attempting to stimulate regeneration, particularly when it comes to housing needs, speaking to Deputy Trott's point yesterday. Although I am hopeful that proposed forthcoming taxes will also help in this regard. But I do have concerns about how eyesores in general could be tackled and I take comfort from the passing of Amendment 1.

925 I have also received the reassurance that before any action would be taken under the proposed powers, the Development & Planning Authority would very carefully consider the detailed

930 circumstances of the case, including the position of the property owner, if relevant, and balance these with the public interest in determining whether to pursue a particular course of action. Quoting from the policy letter:

In exercising the proposed powers, care would be taken by the DPA to ensure that it did so in an objective and consistent way but having regard to the particular factors of the case and that any relevant issues were considered.

935 I have been reassured that the proposed process will be robust, proportionate and fair. It will also include rights of appeal on various grounds, including grounds of appeal that the requirements of a notice are excessive or a period specified is unreasonable.

Secondly I have questioned what, if any, role the Authority envisages the Island's Douzaines playing under these new powers. There is passing reference to the involvement of the parishes, although, as can be seen in the representations included in Appendix B, each one of the four, while
940 supportive, had differing viewpoints.

No doubt some of the parishes would be keen to see the new powers used to tackle areas or sites they perceive to be a problem while others may be more ambivalent. Incidentally, I attended the Forest Douzaine on Monday night and I think it is fair to say there was some hesitancy to become involved in this policy if it comes into being. Again, I draw comfort from the fact that
945 involvement with the Douzaines is likely to be restricted to merely liaison with their views taken into account within the process only where relevant.

Thirdly, I was concerned, speaking to Deputy Murray's point, about a potential resourcing issue, although I once again have received reassurances from the Authority that it is confident in its statement in the policy letter that it will be minimal in the context of the existing work of the DPA
950 and that is good enough for me.

I will be supporting the policy letter as amended. Thank you, sir.

The Bailiff: Deputy Inder.

955 **Deputy Inder:** Sir, in my statement, I mentioned two things. I mentioned enterprising plans and enterprise zones. I think I touched on regeneration as well. Now, as a Committee we have done some work and, with Deputy Kazantseva-Miller, who is not here anyway, but far be it for me to put words into her mouth, but she is leading on the enterprise and regeneration part of the Committee. In a paper there are four regeneration areas that have been identified. The States of Guernsey,
960 within the Island Development Plan, Mansell Street and Le Bordage, Lower Pollet, South Esplanade, Leale's Yard and I believe, yes, that would be the areas of the Bridge.

Now we are in general debate, I think the policy letter is in better shape. The DPA may not believe it but I genuinely think it is in better shape than it was when we first saw it, particularly taking out individual property owners.

965 So those are four regeneration areas. In context of that bit and I make some reference to Deputy Bob Murray's comments of yesterday about ground zero and what we are trying to do. So I am just going to draw, with my presidential hat on and in support of one of our workstreams, attention to 3.2 because I think this is, for us anyway, the crux of the policy letter. It really is.

For example, Town regeneration and revitalisation is a key thing of the Government Work Plan. As well as having produced a development framework for three regeneration areas in St Peter Port,
970 the DPA has taken an active role in initiatives designated to promote the state regeneration of our main centres. So those workstreams are already in place and I think the DPA spent a fair amount of public cash doing various reviews of certain areas. So I see this as supporting, in some way, those regenerative areas. Because they must have identified, as mentioned by Deputy Dyke, a number of
975 areas where they think this could be applied to and I am assuming some of them must already be in the regeneration areas. I know that they are.

Disappointingly – again I am trying to help people, one who are not here and, two, did not contribute, actually – I am really quite surprised I have not heard from the Guernsey Retail Group in this because regeneration of Town, I am surprised the Guernsey Retail Group have not consulted in

980 there. We have had parts of the action plan, to me, I would have thought they would have supported elements of this and I am surprised they are not one of the consultees.

Because Deputy Blin mentioned his role as a, I think he has been a Douzenier for some years and I think he also said that there have been struggles from the St Peter Port Douzaine, trying to get certain areas of our Town regenerated. There have been issues over property ownership.
985 Landlords that just seem to keep things in property portfolios and there is no effort, particularly I think it was Mansell Street. I am trying to help here. I have not heard anything from the Guernsey Retail Group, which really does surprise me.

St Peter Port Douzaine did not respond. But I know, channelled somewhat through Deputy Blin, that the issues ... we have not heard from them either. Now, one of my Members is not here but
990 our other Members of the Committee know that regeneration enterprise is part of it, so I think we are trying to get to somewhere to fix something but not all of the consultees who should have been included appear to have wrapped themselves around this 3.2.

It is this amenity value thing and about proportionality. I am personally going to give the DPA a chance. I think they have got particular problems with this, inasmuch as I took someone up – there
995 are two parts of Mansell Street – I am not going to beat around the bush, there is certainly one I believe that needs developing and needs looking at and that is the old furnishings site, going down the Bordage. Massive hole, the arch has collapsed and it is sat there doing nothing. Now if that does not affect the amenity value of Mansell Street and Bordage, I do not know what does. For the life of me, having that kind of valuable land sitting in your portfolio and doing nothing with it, which
1000 having taken a friend of mine who knows a lot more about development than I do, his words were to me:

Neil, if you build flats there tomorrow, you would not have to worry about the art galleries and the coffee shops. You put 150 people in around that area, that gets you your revitalisation tomorrow.

I think that is implicit, actually. I cannot remember the name of it, it was some plan that the DPA came out in the early stages and I am happy for Deputy Victoria Oliver to get up and tell me what
1005 this plan I am referring to, I had forgotten about. You had done some plan about Town, of which the regeneration of that area of Town was included. Some sort of Town masterplan, I think it was.

Deputy Oliver: No, it is the Development Framework regeneration plan.

1010 **Deputy Inder:** Okay, well thank you.

We spent a significant amount of money imagining what Town could look like: housing, Bordage, Bridge, was all included in that. So that was an opportunity, necessarily, and I would like to hear from the President, that clearly to me must be one of the sites they must be thinking about because I know that they are mentally thinking about it. So I would like to hear, and I will support this, how
1015 the DPA, if the Law was in place today, would actually look at that site, see that it forms part of this overall plan and what they would do to ensure that that site is not left like a bomb site and moved on.

But there are other challenges as well. On the other side of the road, I think it is 7-12 Mansell Street, the old gallery, the same developer who knows a lot more about this than me, I took him
1020 around the site and said, 'Look at this. This has got regeneration written all over it.' He looked at it, he looked on the right side, and said, 'Neil, that is timber frame. From what I can see outside, the other side, that looks like blockwork, probably granite. It is very typical of the top of Mansell Street and Mill Street that these places were not actually put up very well at the time. They are not like the old grand stone houses of other parishes.'

1025 He said, Right now, given the speed of planning ...' it was not a criticism, I am just telling you what he said: the process will go through two-year development of consultation, architects' fees. He said, 'The price of labour at the moment, if that was something you were targeting, you could not give it to me.'

1030 He said under normal circumstances, and I will use the Grand Mare as an example, you have got a site you can get diggers in. You send Rouget in, he basically puts a massive digger through and a lot of things down in a few days. He said to do that there you would actually handball every single tile, every single piece of frame out of that site. He said the labour to do that alone would entirely obliterate any value on the site at all. Handballing every pan tile, every chimney brick. He said, 'God knows what you would find. You would probably have to hold up the buildings on the other side anyway because they are so badly built.'

1035 He did explain retail is not one of his things but he said, 'To be perfectly frank with you. I do not know enough about retail but it looks like a very difficult area of Town. I am not a retailer. It does not look like it has got any footfall. The only thing I could do with it if it was likely to be anything could only be flats.' That is what he said. He said flats. But he does not know that. But he said, 'I would take the other site tomorrow because I can get in there with diggers, clear the site in two weeks. The site on the other side ...' which is the focus of DPA, 'would be incredibly difficult.'

1040 So I would like to hear from Deputy Oliver on those two specific sites. You have got one that is easy to get in that looks like it has got housing, flats, 50 flats written all over it, change the site tomorrow. But equally, on the other site, you have got quite a substantial area of Mansell Street, which looks like it has got flats above but no one is living in it. It has got that lime all over and it has not been used for two years.

1045 So using the two comparisons, easy sites, well look like easy sites, using the two processes that they would seek, both are taking down the amenity value of the retail area, one of them certainly could up the activity area, how might the DPA deal with that? Because they may get to the point where the Bordage site is easier to do, because you can clear it, but you may have the same process, whereby amenity value is exactly the same and the site may or may not be able to come down but yet you write and you find – I am not even going to pick a figure – it is just too difficult.

1050 It is understood that the amenity value has brought down the area. That has been agreed. What actually happens when you hit reality, which says that has been met. Amenity value effective. Notices have gone in. But the cost to do it is entirely uncommercial. So those are the two questions –

I will give way to Deputy Taylor.

1055 **Deputy Taylor:** I am very grateful to Deputy Inder for giving way and I appreciate I will have a chance to speak after this but it was almost to add further to the question he is posing is that even if the compliance notice is there, that compliance notice is only to address the issue of amenity. To suggest it can go as far as enforcing someone to develop the whole site for a different use, feels like that might be one extra step. So I just want to add that onto his question.

1060 **Deputy Inder:** Then I accept that and I will withdraw that part of the conversation, but particularly the one on the Bordage site, which quite clearly is a site waiting to be developed, could she give us an indication on an easier site how, should this get through – which I will give the DPA some support on this – how that might manifest itself in the real world?

Thank you, sir.

1065 **The Bailiff:** Deputy Taylor.

1070 **Deputy Taylor:** Thank you, sir.

I just want to start by saying I left my walnut at home this morning, which would not be a big deal because you cannot bring a sledgehammer through security. I could have relied on this policy letter but thankfully it has been watered down with two very sensible amendments. I am making that pathetic joke as a bit of a point, really, because it is clearly exaggerating to put in a sledgehammer to crack a walnut but you effectively fight fire with fire, sir, and I am going to refer, as I did yesterday to 3.3 of the policy letter, the main part – I have got it highlighted is:

... an Ordinance under section 46 of the 2005 Law will also provide the D&PA with the tools necessary to tackle a number of eyesore sites which are a blot ...

1080 – on the landscape, blah-de-blah.

Such cases may be relatively limited, but they do have a disproportionately significant impact on the attractiveness, and ultimately the reputation, of our Island.

I just want to make that point again because I think that is such a hard-hitting point that these redundant sites are somehow affecting the Island's reputation. I really disagree with that. One of the reasons I disagree with that, sir, is because, as a former tour guide, in my first year with a tour business, I took over 1,000 people around our Island. I showed them all the different parts of it. Although it was not an official consultation, it is a lot more people from outside the Island who could pass comment on how they perceive the Island, which might be what our reputation is, and the overwhelming issue that they seemed to notice was redundant glasshouse sites. That was where the questions came from and that was a real big point that people raised.

So, incidentally, sir, in not supporting this policy letter, that was one of my first concerns, a lack of inclusion of derelict or redundant glasshouse sites.

I will now skip to 5.3, because the basic reason that glasshouse sites are not included is because:

It is considered that it would be excessive and disproportionate to apply the notice powers to such glasshouse sites in view of other measures that exist under the Planning Law ...

Now, the real issue here for me is the logic seems to be because there is provision within policies and Law for people to do something with these glasshouse sites, we do not need to take any enforcement action against them. That is the logic that seems to come through on that argument. Well, there are plenty of issues that seem to need to be addressed through section 46, which people could legitimately do. A lot of them, they might not even need planning permission for. But we are suggesting they need to be tackled.

An example, a site that has got cars dumped on it. They do not need planning permission to remove those cars. They do not need a policy. That does not need to be powers that exist to tackle that. There is also, in 5.3, further down, almost the last sentence:

However, the Ordinance would enable redundant glasshouse sites to be tackled where they are being used for purposes other than agriculture and which detract from amenity ...

So at this point, I just want to give reference, because I have been contacted by predominantly tree surgeons, who have been trying to use old vinery sites as their base for their businesses. It technically is not allowed because it is not agriculture but they are sites, which would otherwise be sitting doing nothing. There is not a policy route that allows them to become tree surgeons' yards. But it feels like a very legitimate use for them. They can use an old greenhouse to dry logs, they can season the timber, if you can call it that, and they are working on the land. It feels as close an industry to agriculture and horticulture that you can get, a legitimate use, but it is not a legitimate use.

I fear that people who are, although there are already existing provisions to tackle these people because they would be acting outside of the laws, to suggest that these people are using a use, which I would consider quite a sensible use, we could tackle them because their work on that yard, cutting logs or whatnot was affecting the amenity of people nearby, then we could tackle them.

But for the people who just live next to a redundant glasshouse that is just a redundant glasshouse, looking completely unused, you are on your own. Section 46 will not cover that. You will just have to rely on them applying for one of the limited uses under the IDP policies.

So that was a fairly big one for me on why I could not support this policy letter. Another one, I do not know whether it is just a moot point, but a lot of the argument is that these powers exist elsewhere, 'Come on guys, we are not being that crazy.' Even Alderney has got this. That is fine. If

1125 Alderney has got powers like section 46; if the UK has got powers like section 46. They put those powers in at a point in time. We allowed a provision, within our Planning Law, that this Ordinance could come forward at a set point in time. It was decided at the time of the 2005 Law that it was not relevant or it was not necessary to bring that in. It might have been a bit too much work to do at the time and it would be better brought in at a later date.

1130 My first question on that is why now? What is it about now that we need these powers, under section 46 to force people to start developing their redundant sites? Now people will tell us it is 'revive and thrive' or whatever replaced that phrase. But they fail to acknowledge one of the really key issues that our Island faces and that is the limitations of our construction industry. We are most definitely in a heated construction market. I am not going to quote the figures because they came out in a recent Scrutiny hearing but the Hospital has gone up by quite a large amount, apparently. Most capital projects that the States are considering or talking about, or considering stopping, are seeing significant uplifts in the cost.

1135 So why would it be a good time to bring in a piece of legislation, or an Ordinance, that would then force people to do these big developments that we are expecting? Even if it was an ideal world where it all went perfectly, if we put these notices on people at a time of a heated construction market, it is just going to cost even more money. It is going to detract from other good jobs that could be done, because we have not got the resources to tackle all of these issues.

1140 I have got here a note about Deputy Murray. If this was 10 years ago or whenever it was the IDP – I think it was 2002 or 2003 – and the Law was developed, then perhaps it would have been right. Maybe that is why Alderney has a section 46 equivalent. At the time it may have been the right thing to do. But the situation here and now is that there is a massive backlog at St James' Chambers. We have limited funds and there are many issues that should be addressing our minds to need-to-haves, not nice-to-haves.

1150 So we have got timing and resources. Also, because it has been mentioned, these powers exist elsewhere and we often refer, when we are drafting, to legislative provision that is elsewhere and we copy and paste. So it is not surprising that other areas have similar provision. It is like a land-based language. They all come from the same area, so it is likely they are the same. But we are drafting our notes and our guidance, cannot find it, but there is somewhere, and this is the point I think has been raised and challenged by other Members on the Authority, about painting. We are not going to tackle painting.

1155 But I am sure it says somewhere, in section 2.15's guidance notes – that is the UK's equivalent – that you could be compelled to paint your property –

I give way to Deputy Haskins.

Deputy Haskins: I am grateful for Deputy Taylor giving way. I wonder if he might find it useful that the best practice guidance on section 2.15 says:

1160 The scope of works that can be required in section 2.15 notices is wide and includes planting, clearance, tidying, enclosure, demolition, rebuilding, external repairs and repainting.

1165 **Deputy Taylor:** Sir, I am definitely glad I gave way to Deputy Haskins on that point because he has absolutely hit the nail on the head. The powers exist, under section 2.15 in the guidance, to address painting. So it is entirely likely that this Ordinance would give Authority Members a similar provision. On that point, I do want to pick up, this is going to be off topic slightly, Deputy Dyke, I think, did raise that this would be reserved solely for the political Members of the DPA. Again, I have not dug it out because my laptop is going slow but I am fairly certain that the scheme of delegation and the Planning Officers Act, under section 80 of the Planning Law, refers to all ordinances and statutory instruments under this Law.

1170 So I may be wrong but if this Ordinance is under the 2005 Law, unless we were to change the scheme of delegation, which has not been raised to my knowledge, the delegated Authority would still apply for officers to make the decision on what is in force under section 46. I stand to be corrected on that but it is just a point I want to reply to.

1175 But anyway, resources. I have mentioned St James' Chambers, although I have heard somewhere they are busy. I have not had that in writing from anyone so perhaps that is not the case. Perhaps they have not got the time to write it down. But I am 99.9% sure they are pretty stacked out at the moment with some far more important pieces of legislation.

1180 But what about resources within the DPA itself if this was approved? Because we are told in the policy letter there is not really a big issue, we think we can manage it. But can we? I know that I have personally raised certain issues where I have seen breaches of Planning Law, whether it is breach of a condition that has been applied to a permit, little things, big things, the time it has taken to get them addressed has been so long.

1185 I am even aware of one situation where a couple who did not object to an application that went in for an extension next to their property, they then went on holiday when the construction had started and the extension was somehow, I am told it was a mistake, built much larger than was actually approved. By the time this couple came back it was at such a height that the rafters could be fitted and when the enforcement team, it was brought to their attention, the real situation is, 'Well, it is pretty heavy handed to make them take it down now so we are going to request they make another application.'

1190 Well, what is the point in asking them to make another application? It was pretty clear that it was going to be approved because if you were not going to force them to take it down, why would you let them carry on building it and get even further in – you know, paint on the walls, plaster board up, all that jazz – to then tell them: 'No, you have not got permission for it and we are going to make you take it down'?

1195 So I have sympathy with the enforcement team on that issue because they are only a very small team. They do get a lot of complaints, a lot of reports that they need to investigate. Unless we are going to get more resources, and resources cost money, I do not believe that the DPA can actually act under this legislation if it was approved.

1200 I am pretty sure Deputy Ferbrache has written us a letter fairly recently about concerns about money, need to have, nice to have, all that jazz. If we are taking that seriously, if we are not looking to increase the size of Government and increase the spending that we do and the more taxes we need, that is another good reason to say Contre when you are asked to vote.

1205 But there is more. Although the Authority would have the power to issue compliance notices, interim compliance notices, that jazz, if it is done in the same way as the current provisions of the Law, what is most worrying for me is the informal nature. This is made quite clear in the policy letter that, do not worry, it is not going to cost loads of money with advocates chasing each other, we will do it informally. Most of the issues in Planning, if there are any enforcement issues, it is done informally.

1210 That is brilliant, from a pragmatic point of view, I think: yes, if you can keep the advocates out of it, it saves everyone money. But it does strip the defendant of a key piece of this proposal and that is Proposition 1(a), which refers to the appeals process. You see, you cannot appeal a nice letter. If you receive a nice letter from the Planning Authority saying, 'We believe you have acted outside the Law and you have not got permission to have done so, we respectfully ask that you rectify the situation', now that is just an informal approach to you but there is nothing you can do to stop another one of those, other than do what they have asked you.

1215 Just because they have written you an informal letter does not necessarily mean that they are acting fully within the Law. I am not saying that they are not acting fully within the Law but it is this informal approach and, if it is informal, does it have to be fully applying to the Law?

1220 Members might think – getting another laptop out here – I am raising this as a bit of a silly issue and, 'That is just Taylor, he is just having a whinge again.' So I am going to refer to an informal letter that I have been party to, which is concerning vehicles stored on agricultural land. I am not going to give any more detail on the issue there, or where it is, because I do not want to notify them but it is suggested informally, 'As a means of resolving this matter, the Authority would make the following proposal: all vehicles stored on the above mentioned land are personal to the landowner only'.

1225 Now, again, I am not an advocate and if there is an advocate in this room with more knowledge
on this than me, or a Law Officer, I am not aware of any provision within Land Planning Law or IDP
policies that allow the DPA to distinguish between an owner's car on the land and another person's
car. So if the person on the receiving end of this informal notice hired a car from Hertz, drove it and
parked it on their land, they are breaching this agreement that they have made, informally I must
1230 admit, with the planners. But if they park their own car, absolutely fine, we are not coming after you.

That is a concern for me. If that is how things are done informally – and I could give other
examples but I am not going to, if that is how informal issues are dealt with – I am very concerned
because, as I say, you cannot appeal that and if you were Mrs Le Page up in Torteval, and you really
want to go out and hire a car and park it on your agricultural land, you thought 'Oh, God, I cannot',
1235 but you have not got the resources to actually challenge it, you think it is an official letter, it has got
their headed paper, you will concede, 'bloody hell ...' – sorry, pardon my French – 'I will not park my
hire car on that agricultural land.' But there may not really have been any enforcement issue to
actually address but you cannot appeal that.

That is within an established IDP, all the other stuff that goes with it, and we have these situations
1240 that arise, so if we are then bringing in something, which I think we are agreed is considerably more
subjective and open for wild complaints then I think we are going to cause ourselves a few
headaches and I do not think the provision of an appeal route is going to address that.

That is pretty much my objections but if I was to give a summary it would be to go through a
hypothetical situation. The hypothetical situation is that a very wealthy owner of a redundant hotel
has not kept it in the condition that we want it. It is important to state that he has got deeper
1245 pockets and I think the phrase in the legal circle is it does not matter how deep your pockets are
they just need to be deeper than the other person's because that is how you win.

That very wealthy man or woman has bought this redundant hotel. They have established that
it is not viable to refurbish their hotel. But we seem to think otherwise. Now, we are going to come
1250 in and what do we do? We tell them, 'We know you have got the money.' Because that is part of
the policy letter, that is part of the suggestion that was in Deputy Oliver's speech yesterday. 'We
will give consideration for what are your financial needs.'

So if you are really wealthy, and this is really quite perverse to me, we will engage in a protracted
legal battle to force you to do something that you have identified is not viable because you do not
1255 make lots of money and be in the position to buy a massive redundant hotel if you are not good at
making money. So you clearly know what you can do and what you cannot do. That is how you got
in the position to be able to sit on a hotel worth multi-millions of pounds, but we at the Authority
are going to come and tell you what to do and if you do not do it, do we back down or do we begin
a legal battle against some of the wealthiest people on our Island?

1260 I do not think that would end well. But then on the flipside if you are just a little old lady and
you have got a leaky window, or whatever that minor thing is, we are not going to take any issue
against you because you might not have the resources anyway. So it could all just amount to
nothing. It might just be a complete waste of time.

But, sir, I have heard over the last two years so many complaints about the planning system.
1265 Deputy Inder, I think, has referred to colouring crayons on numerous occasions and I take those
comments on board. I cannot say who, but I have heard another Member talk about SIM City. So it
is my view, sir, that to commit scant resources to this would be an act of sheer folly and that folly
may even offend someone else's amenity. So vote Contre.

1270 **The Bailiff:** Deputy Matthews.

Deputy Matthews: Thank you, sir.

1275 I think I largely agree with Deputy Taylor that the correct vote for this or the vote that is most
appropriate for this is to vote Contre and partly because, looking at this policy letter, the key part
of it for me is the description of what amenity really means. And what does it mean? There is a brief
description that it is the pleasantness or agreeableness and how this might affect an area.

1280 I do not think I really understand what that might mean or what it could mean. I do not think most people would really understand what that could potentially mean. There looks like there is some debate about whether that definition should be decided by some sort of formulaic approach of whether it should be decided on a case-by-case basis. I think Deputy Falla mentioned that in a previous debate and it has been mentioned by Deputy de Sausmarez.

1285 I think it is one of those points where the decision seems to be perhaps it would be done on a case-by-case basis, which looks to be different to how the DPA would normally work. The DPA would normally try and do things on a very rigorous formula basis. I do not know how on earth you would do something like a decision about pleasantness or agreeableness and how much it affects an area on a formulaic basis.

1290 It often seems that planners speak another language, sometimes. It seems a little bit like English but I am not sure I always understand what the meanings of all the words are and I am sure a lot of people find themselves in that position and trying to do an assessment of the amenity of an area on a formulaic basis reminds me a little bit of a scene in the film *The Dead Poets Society*, Robin Williams, where a text book suggests that there is a mathematical method by which you could measure the excellence of a poem by plotting its importance and its perfection on a graph and measuring the area underneath the graph. It seems like that would be the type of exercise you would need to try and do in order to have a formula to understand the amenity of something.

1295 So it seems a little bit like the alternative is really down to an individual, case-by-case basis. I am not entirely clear, based on this debate, whether that would be an assessment done by officers or at the political Committee. It does not seem to be entirely clear to me where that would happen. I know there has been some discussion that the DPA may have a pre-arranged sort of hit list of properties they would like to go and have a look at, which is not part of the policy letter but it exists somewhere internally in the filing cabinets of the DPA, where I do not know if it is any particular order of which ones they would like to look at first or second or third but presumably there is some list somewhere that people would like to have a look at and issue this potential enforcement action against.

1300 I am very glad that we have at least excluded private property or private dwellings from that but I still think that even on the basis that it is non-housing, it seems like it could be a potentially very unfair process.

1310 There also seems to be some disagreement or some lack of clarity about what type of scope this would be. Because there has been a lot of mention saying, 'Oh we would only really look at very big, very derelict things that affect a lot of areas. Things like hotels and shops in Town and things like that.'

1315 But I do know that in other cases, the DPA has pursued incidences which look like they are very small and very petty and I am looking at an example from the *Press*, which was in 2019, a chap called John Henry, who wanted to replace his windows in a house in the Vale, with plastic windows and was denied that option and asked to replace them with wooden framed windows and I think the house was then listed.

1320 This guy felt that he was just being persecuted by the enforcement action or lack of permission that was taken against him. I did wonder, I know this was a dwelling house, whether that might be the sort of thing that might be in scope for these types of enforcement actions in the future. Somebody might say, 'We do not like the type of windows that you have got and your windows are not in very good condition so we are going to take some action to require you to maintain them to the standard that we like them to be.'

1325 I know that the description, or the assurances that we have been given is, 'No we would only really be looking at these hotels and things like this that are really quite large things.' But it does not seem like that is very clear to me that that is the case. But it does seem that in many instances, for these larger properties, or these derelict premises, part of the irony of it is that part of the reason why these have fallen into a state of disrepair is that people cannot get planning permission for the change of use that would enable them to do something with it. Nearly all of the derelict hotels would be replaced by housing in an instant if people were able to do it.

1330 **Deputy Oliver:** Point of correction, sir.

The Bailiff: Point of correction, Deputy Oliver.

1335 **Deputy Oliver:** The majority of hotels that Deputy Matthews would be speaking about have had planning permission many times over and yet they have chosen not to build. So it is not that the planning will not allow them to do what they want.

1340 **Deputy Matthews:** I thank Deputy Oliver for her correction but I suspect that there are a large number of properties on the Island, which would be converted into housing very quickly if that permission were available. I am sure there are hotels and commercial premises and retail shops and warehouses and redundant glasshouses that, if they could have permission to put them into – I know that vineries are not in scope – if they had permission to put housing on it, they would do it and they would start building houses straight away.

The fact that they have not is part of the reason why they have been left to go derelict and another reason why is that the owner may not have the money to do anything about it.

1345 **Deputy Dyke:** Point of correction, sir.

The Bailiff: Point of correction, Deputy Dyke.

1350 **Deputy Dyke:** Thank you, sir.

You say that these places cannot get planning permission, therefore they are derelict. But the property that I am referring to has had planning permission for some time, many times over, actually, and they have still done nothing with it. They have put in various plans, all approved, and nothing done. So it is not correct to say that we are holding them up.

1355 **Deputy Matthews:** I thank Deputy Dyke for that but without wanting to go through all the individual cases –

Sir, I will give way to Deputy Parkinson.

1360 **Deputy Parkinson:** Sir, I am aware of the circumstances of that case and the problem with that case and many others is, yes, the owner of what was a hotel has been given permission to build another hotel, but he does not want to build a hotel because he says it is not viable. So to say he has got planning permission so it is his fault and he should just get on with it is going to get us nowhere.

1365 **Deputy Matthews:** Okay, I will give way to Deputy Oliver.

1370 **Deputy Oliver:** Which is why, in the last policy letter that we just agreed to, there are a number of hotels that can actually now be changed to dwellings through the exemptions, so we have tried to make it as easy as possible.

Deputy Matthews: I thank Deputy Oliver and Deputy Parkinson for their interventions.

1375 Without wanting to go through the entirety of the Island's hotel stock and list what could be done, I am quite convinced that there will be many sites, whether they are hotels, shops, warehouses, that would be able to have something done with them if they were able to get the permission that they are not able to get.

1380 I am sure there are also sites, which the owners have and could do something with but do not have the money to do it with and it concerns me that people could find themselves stuck in a very Kafkaesque process, where they cannot get either the funds that they want to redevelop something or the permission that they want to redevelop something, or both. Or it might just be that they

cannot get the construction industry capacity to be able to do it and yet they could then have an enforcement action criminalising them for not doing it. So I am concerned that could be a potential outcome of this.

1385 Actually, my alternative, I think, would be a better way of approaching this, and which we are not doing, would simply be to increase property taxes on sites that are not being used and I think that is a much more effective way. Because not only do we then not create a bureaucratic nightmare, which costs us money to try and enforce these actions but we would actually be collecting revenue on these sites, which is something that we very much need to do and I think that is a much better approach to do that and requires a lot less resources.

1390 I am concerned, as well, about the fact that, I know Deputy Taylor had covered this extensively in his response, the fact the explanation that this will be covered internally with existing resources, I do not see how that cannot displace other activity that we would like to do and one of the main issues that I hear about the planning process is that it is too slow and they do not have the resources to be able to do things. So it must be displacing something else, some other activity, even if it is within the Budget.

1395 Because, otherwise, that just means that there are people in the DPA with nothing to do at the moment and they are waiting for this to happen to give them something to do; which I do not believe is the case. I do think that this policy letter does not really add an awful lot of value. What we have got at the moment is a very critical issue with lack of housing availability –

1400 Sir, I will give way to Deputy Blin.

Deputy Blin: I thank Deputy Matthews for giving way.

1405 It was just to pick up on the point, talking about this other alternative, which may be a better way of collecting monies to TRPs or taxes. Is it not correct that in the Budget there is going to be the aspect of five times for derelict properties and that is being collected and that is to be done?

Deputy Matthews: I thank Deputy Blin for that and I believe that is the case. But it is five times not very much and to really get that to be effective you would have to have a very high rate, a much higher rate. I am sure that there is scope to do that at a much higher rate.

1410 So, yes, in summary, I think that there are better things that we could be using our resources on than chasing down untidy properties.

Thank you, sir.

The Bailiff: Deputy Gollop.

1415 **Deputy Gollop:** I will annoy Deputy Ferbrache. I hope I will not be irresponsible again. I am a bit, but ...

1420 I was not going to speak but Deputy Matthews and many others have made me think again because, yes, there is merit in punitive TRP rates for certain sites and people. I do not disagree with that and Deputy Taylor certainly made a strong and very interesting speech and one would like to hear more, perhaps, of the specifics that have been going on.

1425 I do not know quite where we are going today on all this. I mean we have supported two amendments and I supported them with a degree of reservation but on balance the best way to go. But having spent half a century, even longer than I have sat in the Chamber, on a direction of travel, which is about the community through planning policy and expert specialist, qualified personnel, with help from Douzeniers, with help – as some Deputies said, Deputy de Sausmarez especially – from the political element, in trying to improve the Island's environment.

1430 We do need redevelopment. We need repurposing of these hotels. Deputy Parkinson was spot on when he said maybe some sites are derelict out of choice, perhaps, of owners, because they want a different planning result.

And you could put a lot of high TRPs on things and that will raise a bit of money but it is nowhere near the difference between, I do not know, luxury apartments and a small hotel that might struggle.

1435 So there are real considerations here. I think we would actually be a bit irresponsible if we had gone down the route – I was on the DPA; so have many other Members in this States – there was a rumour that we all got defeated at the last election but I think four or five of us survived, but never mind.

We know that we need to find a balance between the libertarian rights of people owning their property and the community interest. Now, we have heard horror stories of people being forced into bankruptcy and the wealthy surviving and the poor not and forced sales, perhaps, and all that. Hopefully, that will not happen, and it will be put, as Deputy Taylor said, not with a sledgehammer to crack a walnut.

1440 We do need, having supported the amendment, to actually try this out, as well as maybe other mechanisms of urban development areas and higher rates, to maximise our commercial and economic development and also encourage, while I accept the building crisis, Deputy Taylor made a point there about the timing, that some of these sites will take years, I am sure, to even go through that process. We need to maximise these sites for not just improvement, biodiversity but especially for economic development and housing of all kinds. So let us get on with this and support Deputy Oliver and the Committee today and if some of the more difficult elements become an issue that can be amended at a future point.

1450 **The Bailiff:** As no one else is rising, I will turn to the President to reply to the debate, please.

Deputy Oliver: Thank you, sir.

1455 We have certainly gone in all different directions with this policy letter. Deputy de Lisle, protected buildings, with section 36 and grants. There is currently no assistance for them over in Guernsey because there are no funds. I believe actually my predecessor, I do not know if she wrote to P&R or had a meeting but she came back and said there would be no grants for protected buildings so I do not know the ins and outs of that but I know she came back and said there would be no money for that.

1460 Deputy Gabriel said we are in danger of repeating history. Well, the UK, Jersey and I am going to say, even Alderney, have this and I have not seen any petitions or 'This needs stamping out', 'Can you please revoke this Law, it is awful'. It has worked for the last 30 years and it is doing the job. I think Deputy Falla, greenhouses, I do not really want to reiterate but Guernsey has a small amount of land. We have only got a finite amount and greenhouses actually take up quite a large proportion of that and it is not that I do not want to tackle them or anything like that. It is really complex and to be able to remove the greenhouse, to be able to change its land usage, it could have a massive impact on Guernsey and that is one thing that we do not want to do.

1465 I think the laws that we currently have go to the limit of what we want to be able to do with land use. Because what we do not want to do is have an influx of one type of land because it would mess with the land usage. So that is why we have not included greenhouses and we really do not want to become the greenhouse police. Plus the resources that were needed, I am sure actually P&R would not give us the resources, anyway, or the number of people that we would need to be able to tackle the greenhouses. Deputy de Sausmarez, I have written 'spot on', so I think I will just leave that.

1475 Lester, Deputy Queripel, I mean, sorry. Where do I start? We do not have the resources to deal with this all at the same time so we will not be tackling every derelict property there is in one fell swoop. Also, I think you are generally talking just about the real extremes of that property of what could potentially happen. We have currently been using the same thing within a number of other departments. So you have got the Environmental Pollution, they go through the same process; Health and Safety go through the same process; along with the enforcements notice.

1480 Now I do not know, I cannot speak for P&R, how many times the States or that individual Committee has come to P&R saying, 'We need the money to be able to rebuild it.' I have a feeling it is none, but I do not know if Deputy Ferbrache could correct me to say that we have never come to P&R to say that we need money to be able to fix some of these buildings. I will take that nod as a yes.

1485 In regard to Jersey, yes, I know Jersey have done that and currently have the Law, and that is what Deputy de Lisle was saying. We have the legislation but we probably do not have the capital to be able to do that. The majority of questions that Deputy Queripel asked were answered in my speech. I do not really know if everybody wants me to go through all of the answers but I do have a feeling that if I do not Deputy Queripel will say I have not answered his questions and therefore I need to answer them!

1490 So I am just going to go, really briefly, through some of them. I am not answering all of them because the majority were in my speech. The proposals, a sledgehammer to crack a nut, they are simply providing the necessary powers, which exist elsewhere, have done for some time, to fill a significant gap in the Guernsey legislation, as was envisaged at the time the 2005 Law was approved.

1495 We have heard from a number of Douzaines. We cannot make Douzaines write back to us. We have written to all of them and generally we write to them and then we chase it up but we cannot make a Douzaine write back to us so I do not know what St Peter Port think of it. I know when I went to visit the Douzaines – and I have been to the majority of Douzaines, I do apologise to the Douzaines I have not been to yet – that they were generally supportive of this policy, particularly to do with cars, because it takes such a long time to actually be able to remove a car in an inappropriate place and this will help them.

1500 In absence of this legislation, to deal with expressly the eyesores and derelict sites, generally we have to rely on negotiation to resolve the problems, which is time consuming, costly and unsuccessful. In reference to the States' controlled labour and data protection, the reason why we have put it expressly in there, so that with this reference to States' Works, appropriate data sharing agreement will be in place to ensure it complies with data protection.

I give way.

Deputy Leadbeater: Sir, I thank Deputy Oliver for giving way.

1510 I just want to make one point on the States-controlled labour bit, because it mentions it twice in the policy letter that it could minimise expenses to the States by using States' controlled labour and Deputy Oliver said that was States' Works. But States' Works is not free or cheap labour, it comes at a high cost so it would not, as the policy letter says, minimise expenditure to the States. I just wanted to point that out,

1515 Thanks.

Deputy Oliver: States' Works, generally, should be cheaper than ... We will obviously go for the cheapest one, I am sure.

1520 What else is there? That has been answered, that has been answered. I am not answering that again. I think that is all of them answered. I have answered most of them in the policy letter, to be honest, anyway.

1525 Subjectivity. If you have a building for 25 years that has been burned down, I am sure the majority of you would agree that this is an eyesore. I am sure I could actually ask for a show of hands, which agree this is an eyesore, which would actually rule out that subjectivity. There is always subjectivity. However, there are also checks and balances to make sure that it is proportionate and reasonable. The IDP will play a part in this as well so therefore there are checks and balances.

1530 Deputy Falla, I have answered that. Deputy Inder, the second part of your question was Development Frameworks in the Regeneration Areas. You can turn them into flats if you so wish. That is in the Development Framework, so they could be allowed to do that if they so wished. It could just be that they would actually have to fix the frontage of the property. So what we cannot see at the back, to be honest, is not really as much of an issue; it is the frontage. So where you have boarded up windows and everything, it just does not look very appealing. This does not fall within delegated authority, so it will be the Committee to say, 'Do not be silly.' But again it has to go through the checks and balances

1535 Deputy Taylor. Ironically, what Deputy Taylor was saying about the enforcement, I personally, know some people have got on their ... enforcement, generally, is actually very proportional and I

1540 think Deputy Taylor's quotes that he was actually saying about somebody, and I do not know this at all so I do not know how much bigger it was or anything to do with this, but if a property was built slightly bigger, they did not ask to take it down. Because proportionality and reasonable, and I do not know how much bigger it is, but if it is just a tiny bit bigger there is no point in taking it down, it is just easier to put in a reapplication and you have to have checks and balances for that.

1545 Deputy Matthews, the building industry at the moment is very busy, however if somebody says to them you need to do some building and somebody comes back to us and says, 'I have got a whole plan, I know the timescales of it. However, I am waiting for the builder,' that is okay, that is not a problem. If they are still waiting for a builder four years later, we might be saying, 'Hold on a minute, is this the best builder to be using?' But a bit of common sense has to be used here.

As Deputy Blin said, the recent Budget debate, it is five times more than TRP anyway so we are trying to tackle that.

1550 When I first became elected and before I was elected, so many people came to me and said, 'Well, now you are President of DPA, I hope you are going to do something about the eyesores.' Not just parishioners, inside this Assembly as well. I have had so many people with the AMR debate: 'Well that is fine and we are in a housing crisis at the moment but what are you doing about the derelict properties?' Well this is me trying to do something about the derelict properties.

1555 There is so much that we can put in the policy letter. A lot of your questions will be answered when it comes back through drafting. I understand drafting is busy at the moment but our drafter that does most of the planning has said that she probably could do this and it would not be a problem. It does have to go through a priority list. However, I hope that with the amount of things that this strands into the GWP, that people can see that this is actually a worthwhile policy letter to be doing.

1560 **Deputy Queripel:** Point of correction, sir.

The Bailiff: Point of correction, Deputy Queripel.

1565 **Deputy Queripel:** Sir, Deputy Oliver was misleading the Assembly when she said that she answered most of my questions in her speech. If she had have done, I would not have asked them in my speech. My questions were not answered in her speech, consequently I asked several questions in my speech.

1570 She has not addressed the issue of why isn't it in the policy the issue of roofs and windows? That is a question I would like answered. Why wasn't the extent of the work described in the policy letter, detailed in the policy letter? That is a question I asked in my speech but she has not responded to that question now and she did not refer to that in her opening speech. Why wasn't the list of properties the DPA have in their sights not in the policy letter? She hasn't answered that question now in her response and she did not answer that question in her speech. What criteria will the DPA be using to enable it to come to the conclusion an area is unsightly and a car has been abandoned?

1580 **The Bailiff:** Deputy Queripel, this is not an opportunity to repose the questions that you have already asked. You have drawn attention to what you say is a misleading statement, where Deputy Oliver has said that she has already answered the questions that you have posed anyway. That is all you have to do for a point of correction. Whether Deputy Oliver wishes to answer any of your questions is entirely a matter for her.

Deputy Oliver, please.

1585 **Deputy Queripel:** Sir, thank you.

Deputy Oliver: I have answered them fully, Deputy Queripel. I have said that some of these will be sorted out in the drafting and I have said previous times, and I said at the beginning of this speech, so many times through this speech, we are not interested in a little bit of peeling paint, a

1590 few roof tiles off and uncleaned windows. This is proportional and reasonable and it has got to be aligned with the policies. So that is all I am saying.

I, please, really hope that you actually vote for this policy letter so that we can get on and sort out some of the eyesores that the majority of the States want sorted.

1595 **The Bailiff:** Well, Members of the States, there are two Propositions. They are inter-linked because the second is simply about drafting legislation. You will see the wording of Proposition 1 as it has been amended and I will invite the Greffier to open the voting on these two Propositions.

1. To agree to give the Development & Planning Authority a power to serve civil notices on owners and occupiers of land, including the States of Guernsey and the Committees thereof where they own or occupy land requiring the owner and occupiers to take steps to remedy the condition of their land, other than in relation to land forming part of a dwellinghouse or its domestic curtilage and certain redundant glasshouses and related structures, where the Authority considers the condition of that land is adversely affecting the amenity of the area; and to agree to make the following related provision for-

a) appeals to the Planning Tribunal against the service of such a notice;

b) offences in relation to a contravention of a requirement of such a notice;

c) the Development & Planning Authority to have powers to enter land and to carry out required steps where a requirement of a notice is not met; and

d) the Development & Planning Authority to have powers to recover costs and apply to the Royal Court for a charge over the land similar to those which currently apply in relation to compliance notices under planning legislation, as further detailed in section 5 of that Policy Letter (except for the proposed exemption described in section 5.5 for land owned or occupied by the States of Guernsey and the Committees thereof) and to provide for all necessary related provisions as set out in that section.

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

There was a recorded vote.

Carried – Pour 24, Contre 12, Ne vote pas 3, Did not vote 0, Absent 1

POUR	CONTRE	NE VOTE PAS	DID NOT VOTE	ABSENT
Aldwell, Sue	Cameron, Andy	Dudley-Owen, Andrea	None	Kazantseva-Miller, Sasha
Blin, Chris	Falla, Steve	Roberts, Steve		
Brouard, Al	Gabriel, Adrian	Snowdon, Alexander		
Burford, Yvonne	Haskins, Sam			
Bury, Tina	Le Tissier, Chris			
De Lisle, David	Leadbeater, Marc			
De Sausmarez, Lindsay	Matthews, Aidan			
Dyke, John	Murray, Bob			
Fairclough, Simon	Queripel, Lester			
Ferbrache, Peter	Roffey, Peter			
Gollop, John	St Pier, Gavin			
Helyar, Mark	Taylor, Andrew			
Inder, Neil				
Le Tocq, Jonathan				
Mahoney, David				
McKenna, Liam				
Meerveld, Carl				
Moakes, Nick				
Oliver, Victoria				
Parkinson, Charles				
Prow, Robert				
Soulsby, Heidi				
Trott, Lyndon				
Vermeulen, Simon				

1600 **The Bailiff:** The voting on these two Propositions is as follows, there voted in favour, 24 Members; against 12; 3 Members abstained and there is still 1 Member absent. Therefore I declare both Propositions duly carried.

STATES' TRADING SUPERVISORY BOARD

4. Guernsey Post Limited – Annual Report and Accounts – Debate commenced

Article 4.

The States are asked to decide:-

Whether, after consideration of the policy letter entitled 'Guernsey Post Limited - Annual Report and Accounts' dated 6th October 2022, they are of the opinion:-

1. To note the Annual Report and Accounts of Guernsey Post Limited for the year ended 31st March 2022.

The States' Greffier: Article 4, States' Trading Supervisory Board – Guernsey Post Limited, Annual Report and Accounts.

1605 **The Bailiff:** And I invite the President of the Board, Deputy Roffey, to open debate.

1610 **Deputy Roffey:** Thank you, sir, and I apologise to Members that the Accounts and Annual Report they are being asked to note are even more historic than they normally are. In fact, the trading period we are talking about ended very nearly one year ago, at the end of March last year. Obviously, they are always historic to a degree, because the Accounts need to be compiled, they need to be audited and the Accounts and then Annual Report need to be signed off at the AGM and then they need to be submitted in the usual way to go through the process to be included in the Billet.

1615 But in this particular case, although they were due to be debated last year, they have been, I think five times, deferred. I am not absolutely sure of the number. And so they are very woolly indeed.

Anyway, the period under consideration was a good one. The operating profit was about £1.6 million, which was £600,000 ahead of budget. As a result, Guernsey Post returned half a million pounds in dividend to the States, which means that over the last decade in both ordinary and special dividend, they have returned £20 million to the Exchequer, which I think is a very noble record.

1620 In the trading period under consideration, the usual trends that Members will be well aware of, continued. The number of postal items continued to drop. I think overall they dropped by 11% and the outward postal items from Guernsey dropped by 15%, a reflection on some difficulties in the bulk mailing sector.

1625 However, compensating for that, the relentless rise in e-commerce continued and the other notable thing perhaps to mention in the period under consideration is a restructuring of the Board, particularly of the executive part of the Board of Guernsey Post, which has led to a reduction in remuneration in relation to the Board.

1630 I would love to actually go on and talk about more recent events but I think technically I am talking about the period until the end of March last year and I look forward, because I think it is going to be far more interesting in a way, it is not that many months' time later this year, to be able to talk about the trading period, which will be coming to an end very soon.

The Bailiff: Deputy Helyar.

Deputy Helyar: Thank you, sir.

1635 I will not speak for very long or take Members into lunch. I have not stood for the purpose of
criticising in any way the Accounts. I really stand by way of a request. I did some Rule 14 questions
prior to Christmas, which were taken up by *The Guernsey Press* and misreported without asking me.
It was not intended as a criticism of NEDs. I happen to hold the opinion that there are too many on
the trading boards. That is a personal opinion and of course that is a matter of degree. Reducing
1640 those numbers would not make a significant amount of difference to the expenses of the States.

However, with independent trading bodies, where public money is being used or monopolies
are being enjoyed, I do think it would be good practice for the costs of the directors as a whole to
be split out. In all of the accounts on the boards I sit on, and as Members have pointed out there
are quite a lot of those, any payments to directors are treated as non-arm's length payments and
1645 they are detailed independently. So I think all directors, including the executive directors, of all
trading entities, we should have the amounts which they are paid in terms of their salaries and their
bonuses, should be set out so that the public can see what they are.

Thank you.

1650 **The Bailiff:** Deputy Gollop.

Deputy Gollop: Yes, I take the historic nature of these Accounts but they are interesting. I think
the Post Office should be commended for its hitherto relative profitability and also for its dynamic
support in the community for electric vehicles and there are also features within here how electric
1655 mufflers have been helping air condition as well, air mass.

I understand the point Deputy Helyar has made about rather a lot of non-executive directors.
Looking at their CVs, they cover different elements, from the customary senior accountant or lawyer
to the management consultant to somebody who has had a different, more UK-based with
commercial industries.

1660 I think I too, though, would like to see more breakdown of directors' remuneration. That said, it
would appear from these historic Accounts that directors' fees have actually gone down a bit in the
period under question. What is always interesting, though, and I remember States' Members had a
seminar on this at the beginning of the term, is the amount of money that is kept in the Treasury
and the amount of money that is perhaps kept in the current account and the trend seems to be to
1665 reduce the amount in Treasury and increase the amount in the current account, and that would
interest me.

The other broad point is the strategic issue Deputy Roffey covered earlier, which is the long-
term trends, because it stated that the letter post was again down but there was an increase in the
parcel and fulfilment trade; fulfilment coming back as a concept for Economic Development but the
1670 wrong way around, not so much Guernsey exporting but Guernsey importing.

But it seemed to me that the arguments being made that this happened during the COVID
period and unfortunately COVID in the UK has changed behaviour significantly, leading to different
commuting patterns, high street patterns, bus travel patterns, rail travel patterns. I do not know
what its impact has been in Guernsey completely but it would appear from this that it has created
1675 an additional problem for Guernsey's already struggling retail and allied industries.

So that is useful and I would be interested long-term in where the Post Office sees its strategic
position in relation to the collection and distribution of paper mail, because hopefully the trend of
downwards can be arrested, but I fear that it might not be.

1680 **The Bailiff:** Deputy Mahoney.

Deputy Mahoney: Thank you, sir.

Just very briefly, in his summing up I wonder if Deputy Roffey could just make some sort of
comment, whether he had had discussions with the Board of Guernsey Post, obviously the financial
1685 makes some difficult reading in terms of the previous year's profit down to this year's profit – 2022's

profit versus 2021's profit. Obviously a fairly big drop-off there so I wonder whether he had any comments from the Board on what was perhaps expected for the 2023 Accounts, when they should be produced.

1690 Also, just on page 23, there are three-line items related to the starting costs, which total just over £16 million for 2022, a shade over £14.1 million for 2021. That is an increase of £2 million, it is about 14% year on year. I just wonder whether, given that the staff did go up very slightly, the number of staff did go up slightly, I accept that, but not anywhere near a 14% rise, was that down to pay rises; was that down to other matters? I wonder if he had any comment on those.

Thank you, sir.

1695

The Bailiff: We will now adjourn until 2.30 p.m.

*The Assembly adjourned at 12.31 p.m.
and resumed its sitting at 2.30 p.m.*

STATES' TRADING SUPERVISORY BOARD

**Guernsey Post Limited –
Annual Report and Accounts –
Debate concluded –
Proposition carried**

The Bailiff: Deputy St Pier.

1700 **Deputy St Pier:** Thank you, sir.

I shall be relatively brief. I shall deliver the same speech that I did last year in relation to these Accounts, which will probably have the same effect as it did last year! Notwithstanding Deputy Roffey's comments in relation to the performance of the business in the year almost to date that we are about to report on, the point that I wish to make is in essence this remains a very cash rich business. It has £11.1 million, £11.3 million as at this year-end on its balance sheet and almost no debt funding. That is a very unusual position for a business of this size. The extent of its working capital requirements are considerably more limited than £11.3 million.

1705 So I accept that it is an industry that is in significant change – that is beyond dispute; I accept that it also does have a requirement to invest in new kit and equipment, which of course it has done. And I accept, too, that I think last year it was in the midst of completing an acquisition, which has now been completed. So there have been reasons for the position, which it is in.

1710 But nonetheless, notwithstanding the distribution of dividends over the years, which were referenced in Deputy Roffey's speech, I remain of the view that it continues to have considerable quantum of cash on its balance sheet, some of which could be distributed to the shareholder, namely the States of Guernsey, who may have greater need right now and I think that is a conversation, which I said last year needs to take place between Policy & Resources and the States' Trading & Supervisory Board and I would urge that that conversation be continued this year.

1715 So it is not a silver bullet and I do recognise there are very real constraints but nonetheless the reality is if you are a director of this business, it is clearly a much more comfortable position to be in, to have security of a significant cash cushion on your balance sheet, and the absence of any debt, but the reality is that does not reflect the commercial reality for a business of this type and this size elsewhere and there is therefore the opportunity to reposition the balance sheet, release cash to the shareholder that could be used for the needs, which Deputy Ferbrache identified in his statement to the Assembly yesterday.

1725

The Bailiff: As no one else is rising, I will turn back to the President, Deputy Roffey, to reply to that debate.

Deputy Roffey: Thank you, sir.

1730 There were only four contributions. I will start with the last one, Deputy St Pier, who would love to see Guernsey Post in debt –

Deputy St Pier: Point of correction, I know –

1735 **The Bailiff:** Point of correction, Deputy St Pier.

Deputy St Pier: Sorry, I spoke before you allowed me to, sir.

1740 But I know that Deputy Roffey is speaking in jest but let us be clear, I was not suggesting it needs to be in debt in the way he was suggesting, namely in net debt, but there is an opportunity for its working capital to be financed in a different way. So I urge him to be a little more cautious in his comments.

Deputy Roffey: I was speaking in jest. I fully accept what Deputy St Pier says.

1745 However, I would still be preferring to deal with the situation at Guernsey Post, where they have cash reserves and no debt, however atypical Deputy St Pier may feel that is against other commercial entities, than for instance Guernsey Electricity, where they are labouring under a very high debt gearing and struggling to invest in the infrastructure as a consequence.

1750 So I do not make too much apology. I have to say every time we meet quarterly with Guernsey Post, we carry out our duties as shareholder representatives very seriously and we go through, in great depth, every aspect of the business. The amount of cash that they are holding is always raised and always discussed and, in particular at the moment when the owner, the States of Guernsey, are strapped for cash and distributions back would be very useful, we look at that.

1755 But we have been going through a period when, yes, there was HR Air being bought and the need to mechanise with parcel mechanisation, which I will come onto in relation to some of the other comments, but it was prudent to hold a significant amount of cash. Not only that but it was clear – and again I am going to come back to this when I refer to Deputy Mahoney's comments – that there was going to be a period, an interim period, when the former driver of profits was going to disappear and, in order to get back into profit, some fairly radical restructuring was going to need to take place and therefore there was likely to be a year or two of losses and it seemed prudent to be able to hold onto cash to be able to allow that to happen without having to go and borrow money.

1760 But he is absolutely right. Going forward, and we do expect it to be back into profit in the medium term, it is important that they do not just squirrel away cash for the sake of it and that they remember they are owned by the people of Guernsey and that, whenever they can, they return money to the States.

In fact they probably would have wished they were holding slightly less cash at the moment because of course it is invested alongside the States' Capital Reserves and it did not do particularly well last year so, from that point of view, they might have been better off.

1770 Deputy Helyar, it does not come as a great surprise that he feels there are a few too many NEDs in our businesses. He is entitled to that view. We are not convinced that that is the case. But I do hope he referred to his Rule 14 questions that he asked before Christmas. I hope that in reading the answers to that, Members will realise what a supremely good value we get from our NEDs and quasi-NEDs inside the States-owned trading assets.

1775 As far as the incorporated businesses are concerned, I am not talking about Jamesco because they are a slight oddity, but basically Guernsey Post, Electricity and Aurigny, we are talking about *circa* of £15,000 per year for the Chair, Chair of Guernsey Post. An incredibly hard-working and effective Chair of Aurigny gets £15,000. That is by any market comparison a really good value for

money. And the other NEDs get *circa*, I think somewhere between £11,000 and £12,000. I cannot remember the exact amount.

1780 The quasi-NEDs, the people who act on the 'boards' of the non-incorporated businesses actually do it for love. There is absolutely no remuneration whatsoever. So the governance we get over our States-owned businesses is incredibly cost-effective.

When it comes to the executive directors, obviously it is important that the businesses pay the market rates that they do, to benchmark the exercises against the market to make sure they are able to recruit. It is doing nobody any favour to have people in place that cost very little in the executive posts that are not capable of running successful businesses.

1785 Obviously, the day-to-day setting, or year-to-year rather, setting of those remuneration packages comes down to the remuneration committees of those companies, as you would expect. But I have to say that STSB carries out their duty assiduously in scrutinising that and as shareholder rep we know exactly what every executive director is paid and if we have any question mark over its appropriateness, it is questioned in great depth.

I did say some months ago that we were determined to get a bit more transparency around the amount that the executive directors of all our companies – Post Office today but it could be any of them – are paid and we went out to consultation on that. A few weeks ago, the STSB decided the way to go forward and you can expect considerably more transparency over that coming up in the weeks ahead or months ahead. It will not mean you get the exact pay rate of every single individual. It would be double standards for the States to expect that of the incorporated trading assets when they do not do that for any of their own senior officers, so why would we have double standards?

1790 However, there is banded information released and it will be that sort of approach that will be taken in relation to the executive directors of the businesses.

Deputy Gollop also referred to the amount of retained capital, a bit like Deputy St Pier. Hopefully, I have explained why there has been quite a high level of retained capital and he mentioned that the executive pay had reduced. It has. It reduced from £855,000 a year before to £649,000. But that is basically not because we are paying executives less, because the Post Office has restructured and has fewer executive officers.

1800 Deputy Mahoney, I think opened up the opportunity for me to talk a little bit beyond what happened till the end of March last year because he brought up – didn't he? – I thought he asked questions and you did not stop him, sir, but fair enough. The question he did ask that related to these Accounts was why a 14% increase in pay when there was not anything like that increase in numbers or whole time equivalents.

Obviously, a part of that was the annual pay settlement but a large part of it does come down to HR Air because at the end of the year ending March 2021, the takeover had been completed so the whole time equivalents listed in that report showed everybody from HR Air in the head count but we had only actually started paying them, the takeover had happened towards the end of the year, so it was only a small amount of the pay for that year, whereas in the year ending March 2022, obviously the whole of that year, the pay for HR Air, they are now Post Office staff but they were HR Air staff, is included.

1815 So I hope that explains it and it is worth saying that this was an incredibly successful takeover and HR Air continues to be a very profitable and valuable asset for the Post Office.

1820 I would love to talk about the challenges of the year that followed and what has been done to correct them but I took your frown and your shake of the head, sir, so I am afraid that is probably all I can say today and ask Members to note the Accounts until the end of March 2022.

The Bailiff: Members of the States, there is a single Proposition, straight forward, and I will invite the Greffier to open the voting.

There was a recorded vote.

Carried – Pour 35, Contre 0, Ne vote pas 0, Did not vote 4, Absent 1

POUR	CONTRE	NE VOTE PAS	DID NOT VOTE	ABSENT
Aldwell, Sue	None	None	Inder, Neil	Kazantseva-Miller, Sasha
Blin, Chris			Leadbeater, Marc	
Brouard, Al			Roberts, Steve	
Burford, Yvonne			Snowdon, Alexander	
Bury, Tina				
Cameron, Andy				
De Lisle, David				
De Sausmarez, Lindsay				
Dudley-Owen, Andrea				
Dyke, John				
Fairclough, Simon				
Falla, Steve				
Ferbrache, Peter				
Gabriel, Adrian				
Gollop, John				
Haskins, Sam				
Helyar, Mark				
Le Tissier, Chris				
Le Tocq, Jonathan				
Mahoney, David				
Matthews, Aidan				
McKenna, Liam				
Meerveld, Carl				
Moakes, Nick				
Murray, Bob				
Oliver, Victoria				
Parkinson, Charles				
Prow, Robert				
Queripel, Lester				
Roffey, Peter				
Soulsby, Heidi				
St Pier, Gavin				
Taylor, Andrew				
Trott, Lyndon				
Vermeulen, Simon				

The Bailiff: On that single Proposition, there voted in favour 35 Members; nobody voted against, nobody abstained. The other 5 Members either did not vote or were absent and therefore I declare the Proposition carried.

1830

REQUÊTE

5. Requête –

Revocation of all existing approvals of plant protection products (pesticides) containing the active substance glyphosate – Debate commenced

The States are asked to decide:-

Whether, after consideration of the Requête entitled "Revocation of all existing approvals of plant protection products (pesticides) containing the active substance Glyphosate" dated 16th November 2022, they are of the opinion:-

1. To agree that action should be taken in Guernsey to eradicate the threat to its inhabitants and its eco-structure posed by the continued use of Glyphosate on the island.

2. To direct the Committee for Employment & Social Security, by the end of the year 2023, in exercise of its powers under Regulation 11(8) of the Control of Poisonous Substances (Guernsey) Regulations, 2014, as amended, to revoke all existing approvals of plant protection products (pesticides) containing the active substance Glyphosate (CAS No.1071-83-6, EU No. 213-997-4), including those authorising the use, importation and sale to professional users.

The States' Greffier: Article 5, Requête – Revocation of all existing approvals of plant protection products (pesticides) containing the active substance glyphosate.

The Bailiff: I will invite the lead requérant, Deputy de Lisle, to open debate.

1835

Deputy de Lisle: Can I have the terms of the Requête read out, sir, please?

The Bailiff: Only if you want to read them, Deputy de Lisle. It is not an amendment. It is an original Proposition.

1840

Deputy de Lisle read out the Requête.

Deputy de Lisle: Sir, the chemical glyphosate, commonly known as Roundup, is being used extensively as a weedkiller in Guernsey. Now concerns with glyphosate safety and resistance is driving regulatory restrictions, manufacturing withdrawals and demand for organic products and interventions in weed control at the current time.

1845

The deception provided by the manufacturer of the chemical glyphosate is that it dissipates completely in the environment. This is deception. Why is it in our ground water, in our soil, in our streams, reservoirs and in our filtered drinking water? It is contaminating every one of us. Our natural environment is polluted and it is also affecting our precious wildlife.

1850

The fact is that there is no safe amount of glyphosate as the chemical bio-accumulates in the soil and the water and does the very same in the human body. The science of how toxic this substance is to humans and animals alike is available for everyone in hundreds of peer reviewed articles in scientific and medical journals, detailing the link between glyphosate and autoimmune and neurological conditions and diseases, including Alzheimer's, dementia, Parkinson's, gastrointestinal disorders, obesity, diabetes, heart disease, multiple sclerosis, autism and cancer.

1855

Sir, this chemical affects your bloodstream, microbes in your gut, and your neuro-cells affecting muscle and memory. Studies have noted that chemicals are not necessarily safe just because regulatory bodies say they are. Even low levels of this chemical can be problematic.

1860

In one study, scientists found that one part per trillion of glyphosate has the potential to stimulate the growth of breast cancer cells and disrupt the endocrine system. The medical peer-led research and reviews on the link between glyphosate and autoimmune and neurological diseases such as Parkinson's, cancer and heart disease, shows the connection. Simply put, glyphosate moves through the environment, into the water and, as it is consumed by us, into our gut, destroying the natural defensive microbes, which eliminates our normal defence mechanisms and, in turn adversely, our health and auto immune systems.

1865

If, as States' Members, we are truly committed to protecting our environment, we should be dedicated to eliminating chemicals like glyphosate from our Island and using other ways of controlling invasive species and land management. It should not be used for grassland management and for die-back treatment on crops in Guernsey.

1870

There are now alternatives for weed control, which are more cost-effective and less disruptive on the environment, its habitat and wildlife. Yet we continue to allow a handful of professionals to use glyphosate for grassland management and arable crop weed control, including the process of spraying the entire crop used for human consumption for die-back to stop any further growth or development.

1875

This crop is then marketed for our use without any notification that it has been tainted with toxic chemicals. Sir, yellow fields have been appearing this spring in the parishes. These yellow fields, devoid of life as a result of the abuse of glyphosate to kill off all the vegetation on the fields. Any living plant matter, which was green, is then yellow and completely destroyed.

1880 Traditionally, all green matter on Guernsey farms, was tilled back into the soil, sustaining and adding to the soil biome and any fertiliser added was natural seaweed, cow manure and slurry spread over the fields. That was the natural way in the past and when I was a boy, we had 400 farms on the Island, basically carrying out traditional methods of farming rather than the chemical farming that we are tending to see today.

1885 Of course, as a result of that, we had buyers on the farms in the 1950s and earlier and we were exporting our cattle to faraway places like the United States and in fact Australia and New Zealand and so on. In fact, from our farm, we exported three bulls in the 1950s, each receiving in the region of £3,000 and that amount was basically the price of a farm with its land around at that particular time, £3,000.

1890 Unfortunately, sir, the use of glyphosate is carried by the wind to surrounding properties and neighbouring earth banks, destroying the natural biodiversity and organic life. This includes plant species, the microbiome, including insects, earth worms that naturally decompose organic matter in the soil. The use of glyphosate in this fashion also permeates into the water table and the aquifer as the chemical is spread into our water supply in streams and reservoirs.

1895 Surely this action should not be supported by the States of Guernsey, as their policy is to promote biodiversity and nature? This action is the exact opposite. The use of this chemical does not support either HSC's policy of Partnership of Purpose, for prevention and early intervention, supporting Islanders to live healthier lives.

1900 The current peer-reviewed medical and scientific journal reports are out there for all to read, with respect to the effects of glyphosate on plant, animal and human health. Farming practices, sir, should embrace regenerative, organic agriculture to the benefit of human health and our environment.

1905 There is, sir, I must mention at this time, a cross-section of views in society, with different risk profiles about their health and similarly with regard to this chemical glyphosate. But this does not change the fact that the chemical is damaging to health and biodiversity. Just as smoking and asbestos, people are demanding that we live in a more healthy environment and have taken steps to that end. All of your actions, Members, are accountable. It is your individual responsibility and you have been told here today.

1910 We have, sir, a public health crisis with glyphosate. Here in Guernsey the Health and Safety Executive has recognised this chemical as a poisonous substance and withdrawn all 152 products containing glyphosate for use by non-professionals by the end of 2022. That was the end of last year. The retailers have noted this and withdrawn most of the product from their retail shelves. This is regarded by the petitioners as a half measure. Glyphosate will still be available to professional users, the Island's 100 or so farmers, growers, landscape gardeners and estates will be able to continue using it for weed control, provided they hold the NPTC certificate of competence.

1915 In the three years since the last requête in 2019, Guernsey Water has called out to Islanders to act urgently to protect our water supply and stop the use of glyphosate as our streams and the reservoir, including the Vale Pond, have become contaminated and unfit for human consumption by glyphosate. Why, then, are the States' Committees ignoring these signals?

1920 You will note in the Requête the concerns of Guernsey Water. They reported in their herbicide risk report of 2020 that amongst the many compounds that are regularly tested, it is glyphosate that is now found in greatest concentration in our stored water reservoirs. The Vale Pond stream transfer station was switched off due to an extensive concentration of glyphosate following stream sample results in June 2019, 30 times the UK maximum admissible concentration of glyphosate in the treated water. And again in October 2021, the same, 30 times the permissible level.

1925 The Mare stream exhibited similar raised concentrations of 25 times the UK maximum admissible concentration for individual herbicides in treated water. Combined, these two sources represent

critical water resources for the north of the Island. These water resources are transferred to the Longue Hougue Reservoir.

1930 Guernsey Water indicates in that report the potential consequences of further increases of glyphosate levels in streams. They are the potential loss of an additional three catchment and resources in the north and west of Guernsey, due to glyphosate pollution. These, together with the Vale Pond and the Mare streams contribute the largest portion of supply to northern reservoirs.

1935 Their second point, the increased risk of glyphosate exceedances in the treated drinking water supply; and thirdly, the requirement to invest in Glyphosate treatment, resulting in significant costs to Guernsey Water customers and increased carbon emissions.

We use carbon filtration from boreholes on the Island, particularly when they are serving residences without water supply through the States but that is a very expensive process because it costs, basically, every month, to renew the carbon and the labour cost also attached in that process.

1940 What Guernsey Water is saying is that they will have to, unless we change our ways, go for carbon filtration across the *piste*, which will be a major cost to this Island and will of course affect the price of water customers will pay.

1945 There are, sir, alternatives to weed control, through organic grassland management, the rotation of crops and grass seeding, without turning the sod, through injection of seed into the existing grassland cover. This is new technology and it is the preferred technology. Some have asked about control of some difficult plants and there is now in play effective electrical weed control that eliminates Japanese knotweed. The London Underground, the Arsenal Football Club and English Heritage, amongst others, have adopted and apply this new proven technology.

1950 For some reason, Japanese knotweed was a favourite plant along the railway lines, presumably to beautify the area, I do not know, but that has become a real problem now, in terms of eradication, and London Underground has found that this particular method of weed control, electronic control, eliminates Japanese knotweed and the reviews are that hundreds of man hours are saved, significantly reducing operational costs.

1955 Teams of 12 men who used to go out in gangs to deal with the knotweed are down to two, with disposal charges eliminated as the plants are composted on site. The savings delivered are massive, cutting the number of treatments also significantly, and this controls any invasive species without affecting the local flora and fauna and protects the users from contamination.

1960 Are we to continue contaminating this generation and the next? If a company or person contaminates the soil and water and, indirectly, the population of Guernsey, are we, as a States body, willing to pay compensation for those directly affected by this chemical, glyphosate? Blood tests will reveal the cause and effect and, as you know, Jersey now is heavily into this through the progressive appeals and proactive development of a number of their citizens, who demand that people are tested and now they have set up a whole committee to deal with this particular situation, which they have in Jersey.

1965 I also mention the key aim and policy of HSC and the task of all Committees of the States, in support of Islanders to live healthy lives and to address the limited attention given to prevention and early intervention. We are not intervening if we continue the current use of glyphosate by professional users.

1970 Sir, the Requête proposes that the States impose a full ban on glyphosate usage, on the grounds that its application presents risks to public health, biodiversity, water supply and the environment. Given the increasing number of legal claims, 100,000 actually in the United States at the moment – 100,000 claims against Bayer, the increasing number of legal claims worldwide concerning glyphosate, which is something that we have got to realise is coming to this Island and to the Island of Jersey. We will not be outside of this web. People will demand resolution to their own ills if Government does not show to be proactive in getting rid of this at this time.

1975 It is also the number of jurisdictions acting to ban altogether to reduce the use and sale of glyphosate. It is the concerns and action being taken by States' bodies to stop the use of glyphosate. It is the serious health implications and the damaging environmental and biodiversity effects of the chemical glyphosate. It is the need for public responsibility and safe practice. The fact that there are

1980 alternatives to its use and the rising levels of contamination of glyphosate in Guernsey's water supply.

And in our case the dependency of the Island on its streams and stored open waters. And here we have the historical precedent in requesting control of chemicals considered a risk to treated water supplies with restrictions placed on the use of several compounds. Your petitioners, sir, are of the view that action should be taken in Guernsey to eradicate the threat to its inhabitants and to its eco-structure posed by the continued use of glyphosate on the Island.

Thank you, sir.

The Bailiff: Well, Members of the States, I will remind you about Rule 28 on requêtes, where there has been consultation. Everyone gets the chance to have their say more than once. Nobody is obliged to say anything, I hasten to add at this point. But there is going to be a running order. It is going to start with the President of the Policy & Resources Committee, then run through the other Committees that have been consulted and, at the end, we go in reverse order.

So, Deputy Ferbrache.

Deputy Ferbrache: Thank you, sir.

I had forgotten, until I re-read the Requête that I had sent a detailed letter of comment and when I looked at it I saw it was one of the most detailed letters of comment that I think I have ever sent. The position is, by a majority, because two of the Members of P&R have signed the Requête and may or may not speak. I hope they do not but that is a matter for them, in due course. But P&R consulted lots of Committees. Now the conclusion of that, at the end of this lengthy letter of comment was that, of the seven Committees ... Well, I will read it.

Of the seven States' Committees consulted, five either specifically state that they do not support the Requête or raise concerns.

My words now. None of the seven support the Requête.

Businesses and professional users directly affected by the proposal to ban glyphosate have not been consulted, which makes any proposed ban potentially at risk of successful legal challenge. In addition, banning the importation of glyphosate may not accord with Guernsey's international obligations and may result in legal action against the States of Guernsey. Further, it is a matter where the practical implementation and the wider risk of harm to Guernsey's international reputation outweigh the perceived benefits. Having considered the consultation responses received and taking account of its own areas of responsibility, the Policy & Resources Committee non-conflicted Members unanimously recommend that the Requête is not supported.

P&R, and I mean this genuinely, wish to thank the States' Committees consulted. It also wishes to place on record that as the Requête, some Members of the Policy & Resources Committee, recused themselves from all discussions.

Now I am not going to read all of them. They are pretty impressive, I have got to say – the detailed comments from the various States' entities, States' boards. As the Bailiff has said, they have all got the chance to say something if they want. All of them. That will be interesting. But the point is in relation to it, the view I take ... I am not an expert and I sincerely and always respect Deputy de Lisle, who has had a consistent interest in environmental matters for a number of years. I respect his judgement. But in this particular instance, the Committee that influenced me the most, I have to say, is Environment & Infrastructure. I regard them as custodians – not absolute but they are custodians of the Island's environment.

I have confidence in the Members of that Committee, including their newly elected Member, and I believe that if they had any concerns at all about this particular chemical substance they would have brought it to our attention and action would have been taken to ban it, etc.

I am not going to read what they say because I have no doubt that Deputy de Sausmarez will expand upon it. I am a layman in these matters but having considered it, the points are well made by Deputy de Lisle, I do not take anything away from what he had to say, but having regard to the

2025 overwhelming consultations that have been made, and the clear direction of travel and the fact, as I say, that Environment & Infrastructure are very clear in their view that this is not an appropriate Requête to support, not only the majority of P&R but I very much will be voting against this Requête on the basis that I believe our interests will be properly served by the considerations that will be drawn to the attention of this Assembly by others.

Thank you.

2030 **The Bailiff:** Thank you.

Next, the Committee *for* Economic Development, so Deputy Inder.

Deputy Inder: Thank you, sir.

2035 It is quite similar to Deputy Ferbrache's position. You will see, this is reading from the *Hansard*:

The Committee will restrict its comments to matters which are directly relevant to the Committee's mandate, including its responsibilities concerning the promotion and development of all sectors of business, including horticulture, and the potential implications of any proposed revocation of products containing Glyphosate for the Bailiwick of Guernsey's compliance with international trade agreements.

I think that was mentioned this time and I think when Deputy St Pier was in the chair, I think that was something he focused on back in October, whenever it was, 2019.

The Committee is concerned there appears to be no evidence of consultation ...

2040 – and this is where I am going to speak personally and I will move on, so this is just Deputy Inder speaking. It struck me, I say we were writing this, we were having written for us often by officers but it was agreed by the Committee, where I have got sympathy with Deputy de Lisle and the requérants is that I remember, back in 2019, because I had a quick look through the record, actually most of the argument was around 'we had not been consulted'. It actually was not about the damage to the environment. I remember Deputy de Lisle being told off quite a lot by not being consulted.

2045 There was a semi-promise in that; I think the word used was 'holistic approach'. I think it came from possibly Deputy Brehaut, maybe Deputy de Sausmarez and there was going to be a list. Anyway, some work being done.

2050 But we are two years on, again, and there has not been any consultation. I would like to have thought, accepting that we have had COVID in between, at the time, I do remember some of the Members of Environment & Infrastructure, I think it was around the same year that they were standing on the front of the steps of the Assembly when 1,200, 1,300 of our school kids were shouting for movement on the environment, around the same time. I think this Requête came slightly after this.

2055 So even though this has often been, the fact of no consultation has been used to batter Members, I have got a lot of sympathy for Deputy de Lisle, and the requérants, because glyphosate is being used across the Island. The fields of Guernsey are going white. People are lazily just sitting on tractors. Our potatoes are being sprayed with glyphosate. It is in our water.

2060 Deputy de Lisle is right. When you read the back of any of the branded products it always say that it will dissipate within three days, I think it sort of disappears. But if it disappears why is it in the Vale Pond, why is it in the streams? Why is it in our water courses? Even though, I remember at the time the response from the Guernsey Water Board was it may be in the raw stream but it is taken out to a value of nought-point I cannot remember what it was.

2065 But Deputy de Lisle is absolutely spot on. I absolutely respect him for flying this flag. Because he has asked time and time again – I think this is the third time this has been in debate – but again successive Environment Departments have told him off for not consulting but 'do not worry about it, there is an holistic approach'. Well, years on, there is no holistic approach.

2070 With the exception, I suppose to be fair to the Committee, I think they have gone some way in the fact that it is being removed, I think it is by the end of this year, from, not commercial use, the

other one. So from basically off retail shelves and all that kind of stuff. So I think it is then being licensed.

2075 But Deputy de Lisle is right, it is something that he has been banging on for a long time and there are, actually, out there, organic farmers and I think there are 50 head of cattle on one of the sites that we have all spoken to, or some of us have spoken to. I have had a call from one of the livery stables and I know the family well and I have known them for a very long time and the lady in question, who is a bit of a *maître d'* or matron of the King's Mills, she knows about soil. She absolutely knows about soil and she tries to run an organic farm and Deputy de Lisle is right again, it does spread across the hedges. If you sit on the back of a tractor and spray it out of the back of a tractor, it does not stay in the field, it does move. So there do need to be more controls on it. So I entirely support him in that regard.

2085 I do find it odd that we talk up biodiversity and we talk up the value of what we want to do but yet we do not always see the movement that I think we were promised that we may move to and it has not happened in maybe five years, last two years, with the exception of the COVID years, so I have got a lot of respect for him in that regard and the requérants. But back to what the Committee said.

2090 The bit I am really unsure of, so I would encourage Deputy de Sausmarez, in the final two years that we have in this Assembly, to please have a look at a consultation and see if there is anything we really can do with the farmers as well. See if there are opportunities beyond that. But please do not tell us it is not in the water courses, because it is in the water courses. If I remember correctly, I think the Vale Pond itself had a ridiculously high amount at the time.

2095 Personally, as there is very little farming around there, little horticulture around that area, it is not entirely clear to me how it got there. I do not know if it is a sump for many of Guernsey's streams. I have really got no idea. It is not entirely clear how it got there. But, sir, Members, I generally, the one that concerns me the most and this is one where, when you take these positions you have to act in a corporate way and sometimes, when you are an ordinary Member, I cannot do what I would really like to do and this is vote for the Requête. And it is a simple reason.

It is the last paragraph:

The Committee is also aware that there are concerns over whether an outright ban of Glyphosate would be consistent with the Bailiwick's ability to comply with international trade agreements. Legal advice should be sought on this point before the States of Deliberation takes any decision to further ban or restrict the use of products containing the active substance Glyphosate by professional users.

2100 So, with some criticism of Deputy de Lisle, after giving him a load of compliments, this was writ large last time we had this debate. If there has been no consultation, over what was a very tricky period for everyone, if it does affect our international trade agreements and our ability to trade, I am in a difficult position. Because I think he is right and I think he and his requérants are right and I think it is something we have got to rid ourselves off this Island. We really do. But right now, sir, 2105 Deputy de Lisle, other requérants, I cannot support it because I will not risk the whole Island on its international trade agreements just because in my heart I know it is right. But I just cannot do it today.

Thank you.

2110 **The Bailiff:** The next Committee is the Committee *for* Education, Sport & Culture. Deputy Dudley-Owen, is it more appropriate to ask the Vice-President to speak on behalf of the Committee?

Deputy Dudley-Owen: You can, sir, but I signed the letter.

2115 **The Bailiff:** It does not matter. I am not sure you should have seen it.

Deputy Dudley-Owen: I did declare my interest within the letter, I was quite open about that.

2120 **The Bailiff:** I am leaving it to you. Do you want to speak on behalf of the Committee or do you want to?

Deputy Dudley-Owen: I think the Vice-President is signalling that he is happy for me to stay. Obviously, Members will understand, and listeners as well, that for the purposes of Education, Sport & Culture, in the delivery of our mandate, it is about the health and safety of our students and the people who use the facilities that fall underneath our mandate within the Sport & Culture element.

2130 What I have stated, having taken advice, which is obviously impartial as it always is from our officers, is that in terms of our education responsibilities, it is incumbent on me to make reference to our curriculum, which includes topics relating to the natural environment and it is to be expected that, as policy makers, we are able to evidence a considered and evidence-based approach to our policy making that aligns with the approach we encourage our learners to take,

As I said, sir, I have noted in the letter, which is obviously for public consumption, that I am a signatory to the Requête but I have taken impartial advice of officers related to the management of land, which falls within the remit of the Committee.

2135 Now, if I may be permitted to make a couple of, well more than a couple, some comments related to the fact that I am a signatory to the Requête, I really commend Deputy de Lisle for his tenacity and thank him for bringing this matter once more to the Assembly and I am pleased to support his efforts once again. It is long overdue that we tackle this matter and get to grips with the damage that the chemical and other pollutants do to our Islands. I would be radical and go so far as to say that we should take a hard line against pollutants locally. Single-use plastics, chemical herbicides and insecticides, various surface pollutants, which are so damaging to our environment and our health.

2145 In my view, accepting these proposals would put us definitively on a sustainable pathway and to changing mindsets and harmful practice of using pollutant systems to support farming, agriculture, land management and also household usage. So if there is a sincere and decisive desire to ensure that agricultural work locally is undertaken in a sustained, healthy, environmentally friendly way, whilst maintaining yields and producing high quality produce then surely supporting this Requête and banning this harmful chemical will signal the intent of this Government.

2150 Regenerative farming relies on principles which follow nature to rehabilitate and conserve, focusing on enhancing the health and quality of top soil through natural and non-synthetic methods and that is not using chemicals such as glyphosate. It is successful, it is proven. And I can imagine a Guernsey that has embraced regenerative farming methods, where the farming subsidy, which is just over £1 million is pinned to that regenerative farming approach.

2155 Where we are using that subsidy to switch from some very harmful practices that are engaged in now over to a regenerative method but to make that happen quickly, because it is too long in the tooth that we have been complaining about it, knowing the damage that has been done and still accepting it, yet still giving money out – taxpayers' money – to subsidise harmful methods.

2160 There is an irony, sir, that we have a funded Strategy for Nature and I cannot square the circle here, I cannot understand the logic that we continue to allow pollutants to be used and in this case glyphosate and then fund third sectors, fund charities to then repair the damage caused to the environment by those very pollutants. There just is no logic to that. We allow the spray and then we pay for the damage that the spray causes. That is not sustainable. There has to be some change and I am really very pleased to support Deputy de Lisle in requesting that we make that change now.

2165 If Members are minded to look at the Strategy for Nature, Goal B is to care for nature and to ensure that diversity and resilience of our natural, capital assets, and if they are looking at that specifically in terms of objective five, is to maximise the diversity of species and ecosystems, I fail to see how we can achieve that objective if we continue to allow pollutants such as glyphosate to be used on our Island.

2170 Our Island is ringfenced and it is ripe for a test bed for regenerative farming methods and organic methods to be used across the entire landscape and I implore the Committee *for* Environment &

Infrastructure to be brave in this matter and to think very long and hard about their support for this particular Requête.

2175 I understand the issues in regard to the consultation and wanting to do this job in an holistic way but there has been an awful lot of time that has passed since Deputy de Lisle first brought this to the Assembly in 2019 and the calls from many charities for us to do something pretty decisive and pretty quickly.

2180 Members will cast their minds back to the election period, where we were invited to a so-called speed hustings, where there were numerous charities in the environmental sector, who were pleading with us to do something very quickly and decisively about changing our environment. We spoke a lot during the lockdown period and after the lockdown period about building back to a better Guernsey because we saw the impact of the reduction on pollutants in our environment and the really positive impact on biodiversity and the increase in species that we had not seen for a long time.

2185 So I really do not understand what the hesitance is here from a lot of Members. I do get the corporate line and I understand Deputy Inder's hesitance in terms of doing the right thing, but there has been a lot of time to sort the right thing out and we have got to be decisive, we have got to be brave and bold and we know that other countries have taken this step and they have not suffered the indignity of World Trade Organisation injunctions, etc., which we possibly are scared of. Indeed, the scare of using something possibly worse and opening the door to some worse chemical coming in.

2190 Deputy de Lisle has done his research and others of us who have signed the Requête I am sure have done the same and there are options and alternatives for some of the more noxious weeds that specifically glyphosate is used to treat. We have got to be inventive. We have got to be creative and we have got to be open-minded, so I do ask any Members who are wavering about this matter to be brave, to be bold and to support our Strategy for Nature, which is a really excellent document. But let us actually stop just talking about it and let us start doing this.

I am pleased to ask Members, sir, through you, to support this Requête.

2200 **The Bailiff:** I thought we were doing it alphabetically but we are not. We are going to go to the Committee *for the Environment & Infrastructure* next and Deputy de Sausmarez, please.

Deputy de Sausmarez: Thank you, sir.

2205 We, obviously, as a Committee, have responsibility for various policy areas that are relevant or engaged by this Requête, including agriculture, environmental policy, animal health and welfare and water policy. Deputy Dudley-Owen is quite right to reference our Strategy for Nature and I thank her for her kind comments about it.

2210 So the Requête obviously proposes a very rapid revocation of all approvals of pesticides containing the active substance glyphosate by the end of this year and the message that I would like to make very clear from the outset is the Committee is very sympathetic to the underlying aim of this, with one caveat, which I will come to in a minute, and the other thing that I would really like, because it is clear that this message has not come through yet, is that we are already – and have been for some time in fact, since before Deputy de Lisle's previous requête – been working towards a more holistic goal of reducing the use of all pesticides, not just glyphosate, and that is the key point.

2215 I think one of the biggest issues that the Committee *for the Environment & Infrastructure* had with this Requête was the fact that it focuses only on glyphosate and that opens the door to unintended but potentially very damaging consequences.

2220 I think Deputy Dudley-Owen talked about wanting to take a hard line against pollutants and chemicals and actually I think, had the Requête taken that more general, more global view, personally I would have been much more sympathetic towards it because that would have reduced the risk of these unintended consequences.

2225 But the problem is this only focuses on glyphosate and there are an awful lot of chemicals. I know there are lots of alternatives and we are busy promoting them, that are less harmful. But there are also many chemicals that would still be available that are potentially more damaging, more harmful, more toxic that would, in all likelihood, be used in glyphosate's place and that is the key problem, certainly the key issue that concerns, I think it is fair to say, the Committee *for the Environment & Infrastructure* most.

2230 So for the benefit of Deputies Inder and Dudley-Owen, I will actually spend a little bit of time explaining some of the work that has gone on since 2019, I think. As I explained briefly, we have got the holistic aim of reducing the use of all pesticides generally. Now, pesticides is a slightly weird phrase. We use it as a bit of an umbrella term. Obviously glyphosate is a herbicide, not a pesticide, but the phrase pesticide is used to encompass a range of chemicals, including herbicides, pesticides, fungicides, insecticides and there is one other that I cannot remember off the top of my head.

2235 But it is an umbrella term that we use to cover all of those and so we are aiming to reduce those sorts of chemical inputs into the environment. So we have started, the previous Committee, in the previous political term, actually started discussions about this pathway to a pesticide-free status, with the Pollinator Project and Professor Dave Goulson in May 2019 and that was actually well ahead of Deputy de Lisle's previous requête, which ultimately was rejected, in favour of this more holistic approach to pesticide reduction. It was already underway.

2240 Since the end of 2020, States' Works, who of course is our main contractor in terms of land management, has not used glyphosate-based products except where absolutely required to control invasive species such as Japanese knotweed. And we have been using alternative approaches to weed control, including mulching, mechanical removing, acetic acid, which is vinegar, on any areas that have been appropriate.

2245 In autumn of 2021, the current Committee, so we are obviously now in this political term, the current Committee met – well actually not quite current, Deputy Matthews was not there and Deputy Haskins was – we met with the Pollinator Project and we re-endorsed, I suppose, the aims of the action plan and agreed a partnership approach to that reduction of pesticides.

2250 A pesticide reduction group has been formed and that has got representatives from the Pollinator Project, Guernsey Water, the Health & Safety Executive, and Agriculture Countryside and Land Management Services, and among others, guest members I think from time to time. So that is a consultative forum that co-ordinates actions across different areas of the States and indeed different areas of the community. It is also plugged into the Biodiversity Partnership group, which is an umbrella organisation of third sector organisations working towards the goals of the Strategy for Nature.

2255 Now we recognised at that point in Autumn 2021 that we needed some more comprehensive evidence about the use of pesticides in the Island and that is why we directed that an audit of their use be undertaken and the Pollinator Project, leading on an educational campaign specifically focused on those kinds of alternatives that Deputy Dudley Owen rightly highlighted and I think Deputy de Lisle did in his opening speech as well.

2260 There is also a really exciting, actually, bit of research being carried out by a professor locally and that is monitoring the impacts of pesticide use and the reduction that we are steering on our pollinator community and it is important to point out that that work is quite specifically focused on pesticides generally, not just any one specific pesticide.

2265 So, as others have pointed out, the Health & Safety Executive obviously decided last year to prohibit the amateur use of glyphosate from 1st January this year and that was all based – I am sure Deputy Roffey will talk more about this, but that was based – on a detailed review of the best available evidence. Most importantly, it is a phased, it is a targeted, it is a proportionate step so we can measure impacts as we go and that is exactly what is happening both in terms of water quality and wider environmental impacts.

2270 I am sure Members will remember that we have recently introduced some water pollution legislation and in that water pollution legislation there is a limit on pesticide and indeed specifically glyphosate levels in our surface water and ground water. So that is another part of the action plan

2275 and those levels were based obviously on the best international available evidence, looking at what other jurisdictions were setting and, in fact, those levels are more stringent, I believe, than the EU directive levels. In other words, they are more cautious.

Our main issue is that in a ban of one product only, glyphosate, which is obviously the most commonly used pesticide, obviously its use has been restricted to licensed and permitted professional users but we are concerned that the complete revocation of that particular substance will result in other substances taking their place that are not the lovely alternative substances envisaged by Deputy de Lisle and Deputy Dudley-Owen because the Requête is silent on those other harmful alternatives. That is the key problem here.

2280 Glyphosate, I am not going to stand here and champion glyphosate by any means. I would rather we used as little of it as possible but we do know a lot about glyphosate. It has been used for a long time. It is in incredibly common use around the world, so it has been studied extensively, and we do know a lot about it, and Guernsey Water do know a lot about how to manage it. One of the risks is that other alternatives to glyphosate are less well known, in terms of their risk profile but also are less easily managed. There is currently a lack of suitable alternatives for the licensed and professional market.

2290 In the letter of comment that we included, I am not going to go into the detail, but we did include details of some of the alternatives that we think are likely to be used in place of glyphosate and they do talk about the different risk profiles and it does not make for pleasant reading. For anyone that does not like glyphosate, I really would encourage them to read that letter, that page of our letter of comment, and understand the profiles of these different alternatives because I would not like to choose between them.

2295 Another thing that the Committee discussed at length, in fact one of the areas that we have been very successful at in terms of developing an effective policy around, is our approach to invasive non-native species. I am really pleased to say that whenever I speak at the British-Irish Council or anything like that, Guernsey is regarded, held up really, as an example of best practice in terms of developing our policy towards invasive and non-invasive species, which are a real problem. They are really an economic threat in some cases as well. Certainly, in the case of some invasive non-native species, glyphosate is the only known and effective treatment for them that is accepted.

2300 I think Deputy Gabriel is likely to touch on that in more detail later. So certainly Japanese knotweed is one of those and one of the things that concerns the Committee other than the various economic impacts of not having that tool available, that substance available to treat Japanese knotweed is that it would render us vulnerable to that particularly invasive species and some of the alternative methods may actually cause it, Japanese knotweed, to spread. So for example, in digging up Japanese knotweed, that is one of the most effective ways, if it is not done correctly, in actually making the problem an awful lot worse.

2310 I know in the Prayer of the Requête, it talks about a sort of mechanical, electronic RootWave, I think it is called. Certainly, my research on this, and I have asked the professionals in our land management team, is that those are in no way accepted and effective methods of treatment yet. It is great that these things are being trialled but I think certainly when it comes to something as serious as Japanese knotweed, we need the assurance that we are going to have effective treatments at hand and sadly at the moment I think the only known effective treatment to Japanese knotweed is glyphosate-based product.

2315 So we have of course restricted the use of glyphosate from the amateur market from 1st January this year, as I said earlier. At least one new herbicide active ingredient has already been found in the environment. We are monitoring this very carefully. I am not saying this to panic anyone. There is no need to panic, of course.

2320 But it is just that the risk of unintended consequences is real. So we have already restricted the use in the amateur market, which I think was a proportionate and reasonable thing to do but we are watching very carefully for what the impacts are in terms of what we are finding in our water courses, what we are finding in the wider environment and we are already starting to see ingredients that were not there before as a result.

2325

There has of course been a lot. I think it was Deputy Inder who talked about the use of glyphosate on farmers' fields, and I agree, it is slightly sickening to see fields that have been turned yellow through the use of it. But it is obviously very much under licensed use.

2330 If I can just explain, they do tend to apply glyphosate ahead of ploughing and reseeding to maintain grass productivity and certainly, I think there was a lot of chatter about it a month or so ago and reports got through to Guernsey Water and they were very quick, they are very responsive. Deputy Roffey will probably talk more about that, but certainly they found nothing to be concerned about in the way that it had been used.

2335 Now I am not saying that I am in anyway comfortable with seeing its use and that brings me onto my next point, which is, as I am sure Members will know, we are undertaking at the moment a review of the dairy sector in terms of its economic and environmental sustainability and Deputy Dudley-Owen was absolutely right to point out that part of the support that we give at the moment is towards farm management plans, which includes an aspect of biodiversity management, effectively.

2340 That is, I cannot prejudge the review that is very much a live issue in the Committee at the moment, but I can give her my absolute assurance that this is very much part of the scope, looking at how we can help farmers reduce their reliance on pesticides through alternative land management practices, including glyphosate-based products and how we can support them and enable them to do that. So I hope she will take some assurance from that. There has been a lot of action behind the scenes, including actually through the COVID-impacted years.

2345 I know it does not necessarily break through and people are not necessarily very conscious of it, so I am actually quite pleased to have the opportunity to outline some of the steps that we have been taking and the progress that we are making. But the point is that we are doing that in a very pragmatic and proportionate way so that we can monitor impacts as we go and I think the action that the Requête proposes is not proportionate and phased and easy to monitor. It is a bit of a cliff edge and I am very concerned about our ability to manage the effects of the removal of glyphosate in all categories in the way that the Requête suggests.

2350 Deputy Dudley-Owen was also quite right to talk about impacts on pollinators, something close to my heart, and the Pollinator Project, I have to give them full credit, they were the body that first brought this to our attention early in 2019 and suggested that we really needed to get on and do something about it. We have been working in partnership with them and we still very much are. I would draw Members' attention to their position on this particular Requête. It is on their website if anyone wants to look it up.

2355 But in a nutshell they recognise that this is a complex problem and while they are most passionate champions for reducing pesticide use in the Island they are not supportive of the kind of complete withdrawal that the Requête proposes because they recognise the potential unintended consequences and the very real danger that we may well see increases of other pesticide uses in other ways.

2360 I think it is also true to say that this is really more in Deputy Roffey's camp, that Guernsey Water are also not supportive of the action proposed in the Requête. I do not know if he is next on the hit list! Not with the Guernsey Water, he is leading a double identity today!

2365 In summary, the Committee's greatest concern is that although we recognise the very well-intentioned aim of this Requête we can understand where its motivation has come from, we are concerned about potential unintended consequences that could very well lead to an overall increase in the use of pesticides and therefore, by an extension, increase in the risk to health and the environment and for that reason the Committee is not supportive of this Requête.

2370 Thank you.

2375 **The Bailiff:** Next is the Committee *for* Employment & Social Security and the first of Deputy Roffey's appearances.

Deputy Roffey: During which I cannot really refer to Guernsey Water because they will be in my second appearance.

2380 Really, the reason that ESS is involved, obviously, is because the Health & Safety Executive falls under ESS and therefore we have discussed this at some length because it would be us, our Committee, that would implement this ban, if the Requête was passed, just as we have implemented the ban on amateur use, as of the end of last year.

2385 I can tell Members that the Committee's view, its unanimous view, is that the professional only classification of glyphosate is proportionate and that it should remain in place at least until further evidence becomes available to enable an informed decision. Of course, we have not just banned the amateur use of this herbicide and then walked away from it, there will be intensive monitoring. There always is intensive monitoring but that will be redoubled during this period. To be honest, it is not often applied in the winter months but now the impact of that ban on amateur use will really become apparent over the months ahead and we will be monitoring it.

2390 If the Health & Safety Executive believe it is going to make a very significant impact then that would be fine. If it does not, if we still see that glyphosate levels are high in places like the Vale Pond or if other chemicals appear to be being used by amateur gardeners then clearly we will respond. The Law allows HSC to respond incredibly quickly to any perceived situation.

2395 I think our difficulty in considering this is we had a welcome visit from Deputy de Lisle, who came in and explained to my Committee the reasons for his Requête, they seem to be twofold. Two very different reasons. One is to the alleged impact on human health, which is something we should all take seriously, and the other was more the environmental impact on biodiversity, etc. Now in relation to human health, clearly Deputy de Lisle is convinced that this is proven and significant. I have to say all of the evidence and advice that we could find and take suggests the opposite.

2400 However, we are not the experts in that. Absolutely, we will be guided by Health & Social Care. If they give us any indication that there is a significant threat to human health from the use of this herbicide, then of course we would take that very seriously and ban it.

2405 Now, I have to say that there is one organisation, the International Agency for Research on Cancer, which has classified glyphosate as a Group 2a carcinogen. That sounds incredibly serious. It is, in a way. It means that they have decided that it is probably carcinogenic to humans. But Class 2a carcinogens include as well, in that same category, hot drinks and red meat. Now I have to say, as a strict vegetarian, I look forward to Deputy de Lisle's Requête banning red meat because it is one, for other reasons, I might be sympathetic to! But I am not sure, certainly if we are going to do it on the basis of that classification, then tea and beef have to go as well.

2410 However, no other agencies that we can find have concluded that there is evidence of a link between glyphosate and cancer in human beings and those other agencies include the risk assessment committee, the European Chemicals Agency, the European Food Safety Authority and the Joint Food and Agriculture Organisation of the United Nations.

2415 So the big weight is against there being an argument to do this on the basis of human health. However, I know the Health & Safety Executive would instantly react if there was any indication from Health & Social Care that that evidence had changed. This Requête is unusual because normally the Health & Safety Executive get accused constantly of being over the top and over-zealous and on this occasion they are being accused, effectively, of not going far enough, which is unusual.

2420 Now, as has been said and I am going to expand upon when I get to talk on behalf of the STSB, there is evidence of high concentrations of glyphosate in the raw water – I stress *raw* – to the Vale Pond area. I have to say the HSE ... Deputy Inder is leaving but it is interesting because he said he found that slightly confusing because there was not a lot of agriculture or horticulture going on in that area.

2425 I have to say I think that the Health & Safety Executive would agree with that. I think that points really strongly, the fact that that is where the greatest concentrations are, to the fact that it is amateur use that is largely responsible for the pollution in our water courses. Whether that is true,

we will know, starting this year and going forward, because there are incredibly sensitive measurements going on to see what the impact of the ban on amateur use actually is.

2430 I am not going to repeat everything that Deputy de Sausmarez said about Japanese knotweed, but despite the fact that there are some exciting trials going on elsewhere, there really is concern that, at the moment, this invasive species, which does pose a threat to the structural integrity of buildings, there is no really effective alternative to glyphosate based herbicides.

2435 I know the Health & Safety Executive share very much the concerns of E&I that an outright ban just on this particular herbicide is really likely to have unintended consequences and that other chemicals will be used, chemicals that may have far more serious impacts, both on human health and on the ecology of Guernsey.

2440 We have done an audit of other jurisdictions and the vast majority that have taken any action have opted for partial restrictions in line with those that have just come into place a few months in Guernsey. Only a vanishingly small number have implemented – and there are some, but very small, what appears to be, complete bans.

2445 So we do not see the evidence at the moment from the human health and we do consider a partial ban is proportionate to the risk to the biodiversity perspective, although that will be monitored. We know that the Committee *for the Environment & Infrastructure* is implementing its own five-step plan to investigate and address pesticide use in Guernsey and we very much support the proposed multi-agency study being led by the University of Bristol.

2450 As I have said before, the HSE's regulatory framework is very robust, is able to react incredibly quickly if we need to ratchet up the current ban which has only been in place three months – winter months where the use is really too early to say. We do urge, exactly like the Committee *for Education, Sport & Culture* do, the use of evidence-based decision making.

2455 That evidence, having brought in the ban on amateur use, which is the vast majority of users in the past in Guernsey, only limiting it now to people who are trained to know how to use it, that evidence will emerge and emerge quite quickly over the next year or so. ESS, after discussion with the health and safety officers, are convinced that the responsible thing to do is to monitor that impact and make any decision about where we go, if anywhere, once the evidence has become available.

The Bailiff: Next, we turn to the Committee *for Health & Social Care* and its President, Deputy Brouard.

2460

Deputy Brouard: Thank you, sir.

2465 The Committee understands that protecting biodiversity and water quality is an important public health and environmental consideration and is pleased that the local restrictions of glyphosate products to professional use only reduces local use of glyphosate, compared with many other jurisdictions.

Prior to a total ban on glyphosate, in order to avoid any unintended consequences of such a ban, Public Health services and the Office of Environmental Health and Pollution Regulation would wish to see an appraisal of alternative products, with assurances that they are less harmful, and this touches on what Deputy de Sausmarez was saying earlier, also Deputy Roffey.

2470 The Committee is content that Public Health services and the Office of Environmental Health and Pollution Regulation are satisfied that the current regulatory measures are satisfactory and will await the results of the European Food Safety Authority peer review, which is anticipated in July this year, which will then inform its future position.

2475 On this basis, the Committee is not minded to support the Requête at this time but will review this position in the light of the peer review or sooner if evidence becomes available. I will probably abstain but the direction of travel is clear to protect the environment.

Thank you very much.

2480 **The Bailiff:** Deputy Prow, would you prefer me to the turn to the Vice-President on behalf of the Committee *for* Home Affairs or do you wish to speak?

Deputy Prow: Thank you, sir.

2485 I do wish to speak. Could I first explain that, acting on the advice that I received, the response from the Committee *for* Home Affairs was an operational one and that response actually has been shared with Committee Members. I am a signatory to the Requête, as is another Member of the Committee, Deputy Aldwell. So the actual content of the letter, I had no part in, sir.

2490 This letter now is a matter of public record. The response was actually provided by the Committee secretary for Home Affairs and what she has done is researched from those two statutory services under the Committee *for* Home Affairs, Customs and Excise and trading standards. As I understand it this is a neutral response which basically points out that:

Should an unlawful importation be identified, it will be dealt with under the Customs laws as would any other prohibited or restricted item. Trading Standards would only be engaged, from a product safety perspective ...

That is an operational response from the Committee *for* Home Affairs.

Sir, am I able now to give my own response to the Requête?

2495 **The Bailiff:** If you want to, Deputy Prow. It will mean that you do not get to speak later.

Deputy Prow: Yes, if I may, sir. Thank you, sir.

2500 I have listened carefully to the speeches so far from Committees but I have heard no actual evidence around the assertion that other substances will be used, it is just an assertion, all the legal and trade difficulties are. I would have though, under the terms of the Propositions at the end of the Requête before or in the process of legal drafting, that the consultation that has been described as necessary could be undertaken. I do not see any impediment in those Propositions to that.

2505 I must start by thanking Deputy de Lisle for leading this Requête and for the important research conducted, which started in earnest last term. This includes meeting with relevant Committees and officers to further that work, some of which I was party to. I will not repeat the specific warnings outlined in the body of the Requête, particularly sections 1-8, or the examples of the extensive continued use by the commercial sector. They have been very well highlighted so far by Deputy de Lisle and others.

2510 Clearly, glyphosate is a risk to health, both humans and animals. The World Health Organisation says so. Guernsey Water says so. The Guernsey Health & Safety Executive say so. Many countries around the world say so. Indeed, Guernsey's Biodiversity Strategy says so and I add Deputy Dudley-Owen's praise for that particular strategy.

2515 Sir, we are told the flushing of glyphosate into streams following rainfall has become a concern, Island-wide, inhibiting nature, plants and wildlife to thrive. So, sir, what I cannot understand is why Guernsey faces two ways on our approvals for this poisonous substance. Either it is a risk or it is not. We have withdrawn all 152 products containing glyphosate for use in gardens or as an amateur product, but for the professional users, it is still available. How can this be justified?

2520 Guernsey Water, in their herbicide risk report of 2020 outlined the presence of glyphosate in their stored water in 'concerning concentrations'. Their words, not mine. These concerns are articulated in sections 12-14. So, sir, either glyphosate is a dangerous subject worthy of being fully controlled under poisonous substance regulations or it is not. We cannot allow one section of our community to use it in large quantities and ban others in their gardens from access to it. It makes no sense at all.

2525 Glyphosate is in our streams, our ponds, our drinking water, in concerning levels. I urge all Members of the Assembly to support these two Propositions to eradicate this threat from our health and eco-structure.

Thank you, sir.

2530 **The Bailiff:** And the final Committee consulted is the States' Trading Supervisory Board, so it is Deputy Roffey part two.

Deputy Roffey: And this time it is personal!

2535 Obviously there are quite a number of the trading entities under STSB that would be impacted by this particular Requête. States' Works, as has been mentioned several times, did largely stop using glyphosates at the end of 2020 but they still make a rare exception to control invasive species, such as Japanese knotweed. States' Works also use acetic acid, which is a fancy name for vinegar, as an alternative, but it is not suitable in all cases.

2540 Guernsey Airport, for example, are minimising the use of pesticides and herbicides wherever possible and they have tried alternatives like acetic acid. But it has proved less effective, particularly against scrub such as gorse and bramble. So they have sought advice from the UK's leading authority on grass and habitat maintenance, around airfields and been told that glyphosate is the single most effective tool in detailing with habitats on airfields and helping to reduce bird strikes, something that we have a particular problem with in Guernsey, I have to say. Guernsey Airport has a poor record when it comes to bird strikes. Very topical, actually, a quite considerable amount of damage was done to Aurigny's Embraer very recently by a bird strike when coming in to land in Guernsey.

2545 However, for all of that, I suppose the business under STSB that has the biggest skin in the game here is Guernsey Water and I have to take issue with what Deputy Prow has just said about glyphosate being present in drinking water supply in worrying amounts because that is – read my lips – simply not correct.

2550 In fact, the Requête uses the words, and I quote, 'rising levels of contamination of glyphosate in Guernsey's water supply'. I think that that is dangerous wording –

2555 **Deputy Prow:** Point of correction, sir.

The Bailiff: Point of correction, Deputy Prow.

Deputy Prow: I did not say drinking water, I said stored water.

2560 **The Bailiff:** Deputy Roffey to continue, please.

Deputy Roffey: Well, there is no point in arguing what was said, we will check the records afterwards. I believe that I am correct but if I am not, I will apologise. But I do not think I will have to.

2565 **Deputy Prow:** Point of correction, sir.

The Bailiff: Point of correction, Deputy Prow.

2570 **Deputy Prow:** I did say what I said, it is in my notes. Deputy Roffey is very welcome to read them if he wants. I said, 'stored water'.
Thank you, sir.

2575 **Deputy Roffey:** As I say, I will check the record later on to see what was said rather than what was in the notes and if I am wrong, I apologise.

2580 However, nevertheless, in the Requête, it says, 'rising levels of contamination of glyphosate in Guernsey's water supply'. I think that is open to very unfortunate interpretation because I think using the Mrs Le Page test, when people think water supply they believe the water that is being supplied to them, coming through their pipes, and that is what is being talked about and in that case it is completely and utterly untrue.

2585 The presence of this chemical in streams is not reflected in drinking water. Guernsey Water achieved 100% compliance both in national and European Union drinking water standards last year. A total of over 7,000 analyses were made, certainly back in 2021, and that level of testing is carried out every year and so far it is yet to identify a single exceedance of the drinking water standard for glyphosate so I think it is really important that that message goes out.

2590 Yes, a lot has been talked about the Vale Pond but Guernsey Water can manage the current levels. They do not want them. It has a restriction on where they source water from and we are really hopeful, Guernsey Water is really hopeful, that the ban on amateur use is going to make a very big difference in this respect but it is not making its way into worrying levels of glyphosate in drinking water and it is very important that message goes out.

And a lot has been talked about farms but Guernsey Water carries out, proactively, pollution prevention audits for farms and businesses and amongst other things it provides advice on good storage and application practice and on good land management as a way of addressing the root causes of rising levels of chemicals like glyphosate in the Island's streams.

2595 Prohibiting the professional use of glyphosate would not address this root cause. Guernsey Water, just like the Health & Safety Executive, are convinced, absolutely convinced that the root of the problem has largely been with amateur use where people are untrained, do not know how to use it responsibly and that that has led to significant increases.

2600 Now, I have heard people like Deputy Helyar saying that he has seen farmers were spraying fields and they have turned brown. I tell you what, the chair, one of my non-States' members – not non-voting members because we are all voting members on STSB – the chair of Guernsey Water actually raised this because it happened near him and he thought there may be a problem with it. Called in Guernsey Water, they had a look at it, there was absolutely no problem. It had been applied properly, professionally and in a way that it should be.

2605 So what I am trying to say – and I do not want to mix my two hats up because otherwise I will start looking like Deputy Meerveld – (*Laughter*) is you have got the Health & Safety Executive, who you would expect to be the ones jumping on this and saying, actually, no, this is the best way to go about it and the professional way together. You have got Guernsey Water, who are incredibly protective, what on earth motivation would they have in not supporting this if they thought there was a concern. But they are all saying actually the unintended consequences of this Requête could be a much worse situation that they are going to have to deal with and are urging the States not to go down that route.

2615 If we want to be fundamentalist about it, for goodness' sake ban all herbicides and insist on mechanical treatment of weeds and plants and things that you do not want in your land because you want other plants there instead. But to ban one you have got, as I say, Guernsey Water, and the Health & Safety Executive are both motivated, they both have the precautionary approach but they are saying the precautionary approach is not to do this because it may make it a lot worse. Are we going to listen to them? Because, if we pass this Requête, we would not have listened to them and the consequences will be on this Assembly.

2620 **The Bailiff:** Deputy Burford, general debate.

Deputy Burford: Thank you.

2625 I think it is probably fair to say that most people in this Assembly and perhaps in the wider community would certainly give me the label 'environmentalist'. I was a former Environment Minister and indeed, perhaps more pertinently, President of La Société for two years. So this should be right up my street.

2630 However, I am listening to the debate on both sides. I have obviously read the paperwork. So what I would like to ask from the requérants who have not yet spoken, and indeed Deputy de Lisle when he sums up, is to engage with two points that will really help me come to a conclusion on this. The first one is that Deputy de Sausmarez has pointed out, as have some others, that if this is banned commercially, it will lead farmers and others to use what could be more toxic solutions. So,

could the requérants tell me how that is going to be avoided and what the plan is to make sure that that unintended consequence does not come to pass? Secondly, could the requérants also advise me, when they speak, how they would intend to deal with invasive species such as knotweed?

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Thank you.

The Bailiff: Deputy Gabriel.

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Deputy Gabriel: Thank you, sir.

We have heard a bit of history about glyphosate and we know it is the active substance in many herbicides and is widely used around the world. From my research, I found it was first used in the UK in 1976 and it has been used in many different situations by farmers, foresters, gardeners and conservationists, where it is used to control the negative environmental impacts on invasive, non-native and native species.

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While commercial use of glyphosate is heavily regulated by the issuance of an NPTC certificate, NPTC did stand for the National Proficiency Test Council, which was the name of their accrediting organisation, founded by the Ministry of Agriculture, Farms and Food in 1986, to administer the certificates of competence, held under the UK Control of Pesticides Regulations, 1986 ... It is now effectively a trade name held by City and Guilds of London.

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But it is much more difficult to regulate glyphosates' use in domestic settings, though. Therefore the existing ban we have, which came into force 1st January this year, banning its use for domestic purposes, would help to protect the public from potential health risks, which I understand is one of the drivers of the Requête, from Deputy de Lisle's speech. Banning glyphosate entirely would significantly reduce the effectiveness of weed and pest control and I will expand on that later.

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I believe it also leads to increased costs for farmers and other commercial users. Additionally, glyphosate is one of the most widely studied herbicides and has been found to be safe when used according to label instructions, which users that hold the NPTC certificate are bound to do. The profile of the product is well-known. The danger in banning its use completely is the void it will leave behind, then to be replaced by many unknown alternatives, which if leached into the raw water course could be much more costly to clean out from any water destined for consumption.

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I am not sure that Guernsey Water are ready to budget to deal with whatever unknown pesticides, herbicides, fungicide or insecticide are used in glyphosates' place if this Requête succeeds. We have heard already that on 28th November last year, the Environmental Water Pollution Ordinance was commenced and this legislation introduced a maximum limit for glyphosate in surface water and ground water of 0.075 microgrammes per litre. This level was set following consultation with and support of Guernsey Water at a level that would allow local drinking water to meet the UK's drinking water standards of 0.1 microgrammes per litre.

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To put that limit of 0.075 microgrammes into perspective, that is about three quarters of a litre per million litres. And a million litres does not mean too much to me but our swimming pool at Beau Séjour holds approximately half a million litres, I have had confirmation from the manager there. So using the equation that contaminant level needed to meet our new limit of 0.075 would be one and a half litres, which as perhaps Deputy Moakes and Deputy Gollop would know is about four cans of Coca Cola or other fizzy drink. Not much, really, is it? In fact it is a very small level of contamination. And that is the maximum our new legislation permits.

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The EU Water Framework Directive (WFD) sets environmental quality standards for pesticides and surface water, a precautionary quality standard of 0.1 microgramme per litre, except for individual pesticides, according to the directive, reflecting the desire to keep pesticide concentrations in ground water at low levels.

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As Deputy de Sausmarez mentioned in the E&I speech, Guernsey's level adopts a greater precautionary approach because it is lower, 0.075. Local surface water and ground water standards can be amended simply through powers bestowed on the Director of Environmental Health and Pollution Regulation. Specifically, glyphosate is legislated for on its own. It is not generically titled 'pesticides individual', it has deliberately been specified separately so it can be amended in isolation

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2685 as a proportionate measure and based upon developments in the global evidence base and the standards adopted by other jurisdictions.

At E&I we have and will continue to do work in a co-ordinated way to take evidence-based action to reduce the threat from glyphosate-based products, as well as other pesticides. This balanced approach, which both promotes non-chemical alternatives, where appropriate, whilst putting in place the ability to strongly regulate misuse, means that the risks are being managed effectively and we can respond to additional evidence as it comes forward.

2690 I will talk specifically now to the Requête. Item 2 states that the WHO has reclassified glyphosate as 'probably carcinogenic to humans'. Deputy Roffey picked up on this. Glyphosate has been identified as a Group 2a carcinogen, 'probably carcinogenic in humans'. I looked up what is also included in Group 2a and, as Deputy Roffey alludes to, red meat is in that same classification. And I agree, red meat is a risk, especially when it is charging at you and if it has got horns!

2695 The Requête goes on, in Item 5, to list countries and counties as banning or partially banning its use and it conveniently does not mention Guernsey on the list. But it should as we too have partially banned its use. No amateur use. Even our own States' Works do not use it.

2700 The residential use cited in Item 8 is irrelevant, again, to Guernsey, as there is no residential market, unless a professional NPTC user, and the three-month period between the announcement of the ban for amateur users and its introduction enabled retail stockists to deplete their current stocks and all their other products with less active ingredients. If you walk around the garden centre now and you pick up a spray gun of RoundUp, you will see the active ingredient, acetic acid, vinegar. So the market has already responded.

2705 Item 13 correctly records that the Vale Pond stream transfer station was switched off due to an excessive concentration of glyphosate in 2019. It goes on to state that the Mare stream exhibited similar raised concentrations. The UK maximum admissible concentration (MAC) for individual herbicides of 0.1 microgrammes per litre in treated water. However, it cites the elevated measurements taken in the stream and pond as a direct comparison and I do not believe that is the case.

2710 The comparison between Vale Pond and UK treated water is irrelevant. I certainly would not drink out of the Vale Pond or the Mare stream. I love what comes out of our taps. So you should not be confusing raw water at the Vale Pond or the Mare stream as they are not treated. So any comparison should not be drawn between that and our drinking water and the UK regulation. Or the MAC. I believe that Deputy de Lisle is misleading the Assembly by drawing that comparison.

2715 The Health & Safety Executive (HSE) inquiries have not linked professional users who have to record their application of pesticides to the areas where high readings were found. So, as Deputy Roffey said, it probably points to amateur use. As Deputy Inder stated there is not any, or hardly any, horticultural or commercial use in the Vale or near those streams ... unless there are some. So it does confirm, in my view, the incorrect amateur use and pollution risk there.

2720 I have stated already, glyphosate is regulated for use by professional users only, rather than by amateurs. The obtaining of the certificate of competence in the safe use of pesticides is mandatory. Members will recall that addressing the housing crisis in the Island is a number one action of the Government Work Plan. Deputy Ferbrache referred to it in the Scrutiny hearing last week and as recently as yesterday in his update speech.

2725 Building new homes will likely lead to a chain or cascade of existing homeowners selling and moving for whatever reason and, at the risk of invoking a 17(6) ruling, sir, I will explain where I am going with this. Japanese knotweed is a known, noxious weed that, if found on a homebuyers' survey may result in a UK mortgage provider not lending until a full, professional management plan is in place with an insurance-backed guarantee. The snappily titled Japanese Knotweed Management Plan (JKMP) is named not by me but by the Royal Institute of Chartered Surveyors (RICS). They state that the full eradication of Japanese knotweed takes up to three years with a known treatment plan to include, you have guessed, glyphosate.

2730 Additionally, to the three-year plan, there is a two-year no growth monitoring period built into that plan. But it is worse than this. Through my research with a local mortgage broker in Guernsey,

2740 one locally based building society lender and one retail high street bank will not lend at all if a surveyor reports that Japanese knotweed is found on a property in Guernsey. Another private bank and two other high street retail banks that provide residential mortgages in Guernsey state that Japanese knotweed has to be eradicated before a purchase can take place.

That is why the UK Environment Agency describe Japanese knotweed as indisputably the most aggressive, destructive and invasive plant and, yes, it can have a drastic effect on residential property sales, so buyers and sellers of knotweed-affected property should be aware. The Royal Institute of Chartered Surveyors amended their guidance note in March 2022 for the process for assessing Japanese knotweed risk with the so-called seven-metre boundary rule. They relaxed that to three metres from the boundary of a property of available purchase.

2745 The RICS professional standard paper was also reissued in March 2022. For residential properties there are usually only two remediation options available, either chemical control, using herbicides, or physical removal by extraction. We have heard already that physical removal by extraction is highly labour intensive and has to incorporate a significant amount of excavation and is not necessarily financially viable –

Deputy de Lisle: A correction, please, sir.

2755 **The Bailiff:** Point of correction, Deputy de Lisle.

Deputy de Lisle: Yes, that is not true, because Transport for London, for example, are able to leave plants on site to compost down and save many man hours in terms of eradication of Japanese knotweed and cut down on the number of people that they are employing currently or have been employing by utilising this new method of RootWave Pro, with regard to eliminating Japanese knotweed.

2760 Now, that can be used by companies here that have the equipment for urban usage of eliminating Japanese knotweed. A lot quicker, a lot cheaper than going for the glyphosate eradication method. It is too long, with Japanese knotweed, through glyphosate, and it is a lot shorter process. Only two controlled methods of dealing with it. So you have to speak to the work that is being done by the Transport for London because they had a real problem and they have overcome it.

The Bailiff: Deputy Gabriel.

2770 **Deputy Gabriel:** The RICS professional standard paper was also reissued in March 2022. They state:

Chemical control is the application of a herbicide to Japanese knotweed plants over a period of several growing seasons.

2775 The paper explains that their experience shows that this approach is both effective and economical but it does require a minimum of four years of treatment and monitoring before a completion certificate can be issued. The Property Care Association (PCA) are also heavily referenced in the RICS paper. The PCA guidance notes, published as recently as December 2022, states, I quote:

Chemical control is the application of a herbicide to Japanese knotweed plants over a period of several growing seasons. This is often the most economical treatment option but will usually require a minimum of four years, two years treatment and two years monitoring, before control can be assured. In fact it is not uncommon for treatment plans to take longer, especially for older, larger stands or those which have been subject to historical treatment.

It goes on to say:

2780 Modern herbicide treatment plans rely almost exclusively on glyphosate-based herbicides, which have been proven to be by far the most effective for treating Japanese knotweed.

I remind you, Members, those are not my words but those of a partner of a nearly 200-year-old organisation with Royal accreditation.

2785 I would also be interested to know, from perhaps Deputy Mahoney, as the property lead and also a signature of the Requête, a requérant, especially now that the States' properties are included in the Section 46 legislation, how they plan to keep Japanese knotweed eradicated from the many States of Guernsey properties – we have seen the list – without the use of glyphosate.

2790 If we, as a Government, want to continue to address the housing crisis our Island is in we cannot, as a joined up Government, be banning the most effective method of eradicating an invasive, non-native species, which by its very existence is contributing to our housing crisis by having their properties unavailable for sale because of the two or four, or whatever period of years a lender may put on a prospective buyer.

2795 It is not that we are ignoring the product. It is only available for a small number of users for professional use. It is monitored and reported on and legislated for separately and, in short, in my view, all mitigation measures are in place. Banning this product completely would have detrimental, unintended consequences.

Members, I urge you to reject this Requête.

The Bailiff: Deputy Aldwell.

2800 **Deputy Aldwell:** Thank you, sir.

I wanted to explain my personal reasons for putting my name to this Requête. It is not going to be very technical. We have heard lots of technical things. Biodiversity has always been important to me and the importance was instilled in me as a child. We employ a biodiversity officer and I felt we should practise what we preach.

2805 I thank Deputy de Sausmarez for her update on the work being done, which I appreciated. As Deputy Dudley-Owen has suggested, maybe we could look at subsidies given in future and they could be attached to the chemicals used on the land.

2810 When we moved to my present property in 2012, straddling Torteval and St Peter's, it was not the building which sold the house to us it was the renovation project. But as I stood on the back step, it was the profusion of perfume coming from the lavender, the rosemary, the jasmine, along with the buzzing of the bees and the buddleia and the honeysuckle.

2815 The garden strip stretches about 200 feet down the valley. At the bottom is a very old orchard of fruit trees and there is a forest of echiums, which are a favourite of the bees. In the middle of the garden is a grass area, left to grass and wildflowers, with buddleia and honeysuckle in the hedging and several native and ornamental trees. Nothing is groomed, all enticing biodiversity. We even have a hedgehog crossing and, finally, up to the patio with geraniums and planted across the back of the house is French lavender.

2820 The pleasure I receive on a summer's morning, opening my back door to the chorus of native birds, the perfume from an array of plants, a butterfly-covered buddleia and my lavender alive with humming bees to me is heaven on earth. Each year, for the past 10 years, I have awaited the arrival of the bees. They come up from across the valley, further down from the bottom of my garden. There are hives, which produce honey, which is sold down the lane, produced I am sure from the flowers in my garden.

2825 Last year, the bees did not arrive and I mentioned to my friend, Joy, who lives in the next lane, that I was so sad that this was the first year the bees had not arrived and she explained how sad her brother had been. Her brother owned the bees and produced the honey but the farmer had sprayed in the field above his property and had not told him, or he could have kept his bees in. He lost all his hives and he was heartbroken.

2830 Sir, that is why I signed the Requête. Thank you.

The Bailiff: Deputy Le Tissier.

Deputy Le Tissier: Thank you, sir.

2835 Now I have listened to the Committee Presidents with great interest but this Requête leaves me in a bit of a quandary. I do not believe Guernsey should be leading the field in banning glyphosate for home users. This decision was made by a civil servant over which we Deputies have no influence and the UK have not yet banned it. I believe Guernsey should neither be a leader nor a laggard in most things, glyphosate use being one.

2840 So, given that I cannot change that decision already taken, I do not see as a matter of fairness why large-scale users of glyphosate, such as farmers, should be allowed to pour hundreds of gallons onto our water table while banning Mrs Le Page of the Vale from keeping a few weeds off her drive. And it is literally just a few drops as garden centres did not sell the higher strength stuff.

2845 I went to B&Q before the ban came in, while they still had some. Did not buy any. And looking at the containers there was very weak solution in there. However, professional users, they can get the real deal, 100% glyphosate. But individuals cannot and they just dilute it to their will.

Now the letters of comment are interesting. More than one Committee mentions that glyphosate is the best or the only effective weed killer. That being so, what are poor home users meant to do? Acetic acid, we are told. Or strong vinegar. That is unbelievable. It is double standards being applied and it is that that causes me the concern.

2850 It is also used at the Airport, we are told, as the best solution, we are informed. But surely that is going to run off into our water supplies, just like PFOS did, but that is okay as they are licensed to do that.

2855 Now, in the letter of comment from E&I they state that acid-based alternatives, such as the strong vinegar, those that were available to the homeowner, are ineffective against larger or persistent weeds. So it is okay for large-scale users, professional users to continue using glyphosate but they wash their hands of homeowners who want to keep their property weed free.

2860 Now, I think as one other Deputy mentioned, luckily we agreed yesterday to exempt homeowners from the scope of the DPA eyesore regulations. It is a good job. Now Deputy Roffey seems to be saying that glyphosate is not as bad as it is made out. I think that is a fair idea of what he said. Most organisations do not consider it a risk to human health. Then why do we have any bans at all?

2865 As Deputy Prow said, it is either dangerous or it is not. There is no middle course. There is an order of magnitude, or even several orders of magnitude, difference here: banning glyphosate for small users while greenlighting massive industrial users. But I want to remind, I am sure people know this but I am going to remind you anyway, that glyphosate is agnostic when it comes to getting into our water supplies. It does not care who sprays it onto our soil, whether it is Mrs Le Page the homeowner or Mr Le Tissier the farmer. Any reference to any living person is just coincidental.

2870 I cannot un-ban, if that is a word, private uses of glyphosate, although I would like to. But I can ensure, by my vote, there is a level playing field. Dual standards in anything brings the States into disrepute, makes it a laughing stock. But in this case, it is worse because it does not protect our water supplies. So on that basis, I am going to support this Requête, even though Deputy de Lisle and I come at this from different perspectives.

Thank you, sir.

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The Bailiff: Deputy Dyke.

Deputy Dyke: Thank you, sir.

2880 I have listened carefully to the presentations from Deputies Roffey and de Sausmarez and Deputy Gabriel, which I found quite interesting and they seemed to be very well researched in what they have been saying. I think the point that comes out of this, Deputy Le Tissier has commented on the withdrawal of authority for private gardeners to use the glyphosate and he regrets that, regards that as a bad thing. I will not discuss that now because there is not an issue before us. But I would

2885 counsel to Deputy Le Tissier against applying fairness in a situation where voting for this Requête could make a bad situation worse.

I thoroughly respect Deputy de Lisle's reasoning for bringing this. It is perfectly understandable. But we have now gone through a situation where we have banned the private, unlicensed use of glyphosate. We have not seen how that has panned out. We have only just done it. So it may be, over a couple of years, the levels detected will drop just because of that.

2890 So I think it is too early to think of banning licensed use of glyphosate. If we do that, it seems that with some of these intractable weeds, like Japanese knotweed, we could put ourselves in an utterly disastrous position whereby it is flourishing all over the Island and there is absolutely nothing we can do about it.

2895 Digging it out manually is almost impossible to do. As I understand it, you leave the tiniest bit of root hanging around and it will grow again. So that really is not feasible because, even if you spend millions of pounds digging it out you will still have bits left and it will appear. So, with that in mind, I do think we should retain the power to license the use of glyphosate, the licensing can be discussed from time to time. It could become more restrictive, depending on how things go, but I think it will be the height of irresponsibility to totally ban the only product that it seems can get rid of an utterly disastrous weed.

2900 So I appreciate, with all these chemicals, it is very difficult to say this level is safe, this level is not safe and it is a clear bright line. It never is. It is always very difficult, requires judgement as these things always do. But I think at this point, I do see Deputy de Lisle's point in bringing this and I think it is a well-meaning Requête but I do think we must avoid the problems that have been discussed with Japanese knotweed and other weeds. We have a licensing system; that licensing system can be tightened from time to time, as necessary. But I do think we should not vote for this Requête.

Thank you, sir.

The Bailiff: Deputy Queripel.

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Deputy Queripel: Thank you, sir.

I will start by reminding colleagues of what Deputy de Lisle said in his opening speech. He said there is no safe level of glyphosate. And he gave us a whole list of health problems that have been linked to glyphosate. He went on to say, there are alternatives to glyphosate that are just as effective.

2915 With that in mind, sir, surely we should all vote in favour of this Requête? Now I am sure my colleagues recall the issues I had with obtaining answers to questions I asked about glyphosate in this Chamber last year, during a November debate on the water pollution policy letter, laid in front of us by E&I and Deputy de Sausmarez, as President of E&I, said she was sorry but she was not in a position to answer the questions and she advised me to submit them to ESS, which I duly did.

2920 I submitted six Rule 14 questions to ESS and I received an email back from an officer at ESS telling me the following:

Dear Deputy Queripel,

Thank you for your Rule 14 questions in respect of glyphosate and pollution monitoring and regulation. I have reviewed the questions, in consultation with officers at the States' Trading & Supervisory Board and the Committee *for the Environment & Infrastructure*. I can confirm that questions 2, 3 and 4 fall within the mandate of the Committee *for Employment & Social Security*.

With respect to question 1, water pollution is monitored by Guernsey Water (STSB) but given that the results of that monitoring are of relevance to ESS in discharging its responsibilities in respect of poisonous subsidies, the President is proposing to provide the answer to that question, noting that data has come from STSB.

Question 5 relates to the mandated responsibilities of the Committee *for the Environment & Infrastructure*. Responsibility for question 6 is arguably split between Environment & Infrastructure and the Committee *for Health & Social Care*. The Committee secretary for Environment & Infrastructure has confirmed that for ease that question will be addressed by E&I. Therefore, I would be grateful if you would direct your questions 5 and 6 to E&I.

2925 So I did as advised, submitted the questions as instructed. Not only did I do that but I also had emailed conversations with the Health & Safety Executive Officer, the Environmental Health and Pollution Office and the Water Quality Risk Manager at Guernsey Water and I will just take this

opportunity, sir, to publicly thank them for their responses. I eventually received answers to my Rule 14 questions and as was explained to me, Deputy Roffey provided answers on behalf of ESS and STSB.

2930 Two further questions I submitted to E&I and I received those answers and the thought that came to my mind, whilst I was trying to negotiate this maze was, 'Oh, what a tangled web we weave.' Also that glyphosate is –

I give way to Deputy Roffey, sir.

2935 **Deputy Roffey:** I do ask Deputy Queripel to withdraw that last comment. It is well known what follows that expression and accusing people of lying in this Assembly is not the done thing. 'Where we practise to deceive ...' is the next line of that well known expression.

2940 **Deputy Queripel:** I apologise if that offends anyone, sir. I did not actually say the second line because I did not want to offend anyone. I thought that my saying, 'what a tangled web we weave' actually relayed what I felt I was going through at the time but I do apologise if that offends anyone.

2945 Anyway, another thought that sprang to my mind was glyphosate is such a hot potato, pardon the pun, nobody wants the ultimate responsibility for it. But I do applaud Guernsey Water's quality risk manageress for making the statement she made in *The Guernsey Press* last October when she said it would cost tens of millions of pounds to deal with glyphosate and banning the pesticide is the best way to ensure the quality of our drinking water. I have the article with me, sir, if anybody wants to see it. Deputy Trott has asked to see it so I will gladly pass it onto him.

2950 I do not want to mislead any of my colleagues, sir, so I want to point out that she was referring in the article to amateur use and the article went on to tell us that it has been determined that pollution of water catchment areas has occurred through amateur use rather than professional because we typically see sharp increases in pesticide levels after a downpour, especially following a dry spell. As the rain brings it off the land and into our water supply. I am going to repeat that last bit because I want to make a crucial point on it in a second. We typically see sharp increases in pesticides levels after a downpour, especially following a dry spell, as the rain brings pesticide off the land and into our water supply.

2955 The point I want to make is surely pesticides that run off the land and into our water supply must also come from professional users. Surely it cannot just come from amateur users? Is there someone out there with equipment that can detect pesticides that have been used by professionals as opposed to used by amateurs?

2960 Are they standing there saying, 'Oh, there are pesticides in the rainwater that has just run by me off the land, but it is okay because it has been used by professionals'? And then the next moment they look at the next load of rainwater that runs off the land and say, 'Ah, there are pesticides in there, they must have been used by amateurs.' I do not understand how they can determine the difference.

2965 In his opening speech, Deputy de Lisle referred to the problems people are having in Jersey, with all sorts of health problems being caused by pesticides and they proved that because they set a blood testing scheme in place and that can all be accessed online. The Jersey Government put a blood testing scheme in place and some of those who undertook the tests were found to have toxins in their bloodstreams –

2970 **Deputy Roffey:** Point of correction.

The Bailiff: Point of correction, Deputy Roffey.

2975 **Deputy Roffey:** I believe – I stand to be corrected but I believe – what Deputy Queripel is talking about in Jersey refers to the firefighting chemical, or former one, PFOS, rather than to pesticides.

Deputy Queripel: Toxins in the bloodstream are toxins in the bloodstream.

2980 We often talk about working more with Jersey on issues and I can only hope that our Health Committee have been in contact with Jersey about this issue and if they have not I ask them to please contact the Jersey Government, someone in the Health Department in Jersey, and ask them all about this, if they have not already done that. Because it seems to me that we should set up the same blood testing scheme here in the Island.

2985 I did ask that the last time we had a debate, when I heard nothing back from HSC, which is why I am now repeating the request for them to at least talk to Jersey to find out what they did, why they did it and what the results were.

Moving towards a close, as we all know, glyphosate seeps into our vegetables. Those of us in the Assembly who always say we are in favour of cleaning up the environment and doing everything we can to reduce pollution, we need to support this Requête because cleaning up the environment and doing everything we can to reduce pollution is what this Requête is all about.

2990 Surely Members of the Assembly who do say they are all in favour of cleaning up the environment and doing everything we can to reduce pollution cannot justify voting against this Requête. None of us can justify saying one thing and then doing the opposite when the opportunity to prove we are sincere is laid in front of us.

2995 Thank you, sir.

The Bailiff: Deputy Haskins.

Deputy Haskins: Thank you, sir.

3000 In response to Deputy Queripel, I think I may be able to do so. This is also really for Deputy Prow, who said nobody has given him any evidence that people will use a different chemical. So I just wanted to do a quick timeline of other chemicals: fluoroacetamide, banned in 1964; then we move to the drins, the aldrin, endrin, dieldrin, they were banned in 1974; then we had the ban of DDT, that was 1972 in the US and 1986 in the UK, which kind of led to the increase of use in organophosphates.

3005 Organophosphates are things like sarin, you might have heard that from World War Two, not now used in the UK. Well, actually there is one product that is licensed. But then we had the increase of use of glyphosate, as a result of all these other ones being banned. You also had the neonics and they were developed in the 1980s to then replace the drins but these were banned in 2020 in the EU.

3010 So I think what is clear is if it is not one it will be another. I think it is also useful to highlight that glyphosate has a lower chronic and acute toxicity than 90% and 94% of all other herbicides. I just think that is useful to bear in mind. What I think I would also say is I do have faith in E&I working with all of the stakeholders, Guernsey Water included, to consistently reduce the amount of pollutants, including pesticides, year on year, in the most environmentally acceptable way and I urge Members not to support this.

3015 **The Bailiff:** Deputy Soulsby.

Deputy Soulsby: Thank you, sir.

3020 I will not be very long. I would just like to say I have got a lot of respect for Deputy de Lisle who has been tenacious on this subject for quite some time now. I think it is about the fourth attempt to really bring the subject to the attention of the States. I think something else Rule questions but now we have got Rule 14 questions and amendments but also the requête last term and the Requête that we have got now. He is always seeking to have a ban on glyphosate and I do have a lot of sympathy for what he wants to.

3025 Deputy Haskins mentioned DDT. I was very much influenced by the work of Rachel Carson, *Silent Spring*, all about the damaging impacts of DDT and it had a big impact on me which is why when I garden I used organic methods way before it was banned, RoundUp and glyphosate was banned for domestic purpose. So I have got real sympathy for what is behind this amendment.

3030 I think eventually it will happen, what Deputy de Lisle is talking about. I think we will be getting there at some moment in time and he mentioned Transport for London. I think they have undertaken a trial rather than bring it in as a permanent measure but the trial to basically zap Japanese knotweed, I think that could well be the future but of course it is a trial and right now we are unsure of the impact of other chemicals in the process for what we now use glyphosate for. We do not know the impact of other chemicals.

3035 That kind of leads me to what has really been the theme, the phrase of the debate and the phrase of the letter of comment from all Committees and that is unintended consequences.

The chapter, from my point of view, from E&I, I thought I would read it again because I think it is the most permanent part of the debate. They say:

3040 Prohibiting the professional use of glyphosate would not reduce the use of chemicals by farmers and other land managers, an aim that is better achieved by working with them to implement good land management methods. Conversely, it could result in the use of alternative products that are of greater risk to drinking water quality and cost significantly higher sums to treat, which is not acknowledged by the Requête.

Environmental Health have said that prior to any total ban, we need to see how the approval of alternative products will have and have an assurance that they are going to be less harmful. I think really that is another bit for me. There have been times listening to the debate and there has been a sense of *déjà vu*, I have to say. A lot of what has been said this time was said back in 2019 and, reading, I particularly remember the Health & Social Care comment, very much in keeping with what was said last time, although things have moved on and things happened last year, so it has been updated to that purposes.

3045 But Deputy Inder, he is not in the room at the moment, referenced why he could not support the Requête and that was because of the impact it might have due to our trading agreements. That was said in the previous debate back in 2019 by a previous President of Policy & Resources, Deputy St Pier. But Deputy Inder actually voted for the Requête back then but now understandably, now he has read it twice and he hears it twice, he accepts that is an issue. Another reason why we should not be voting for the Requête today.

3050 However, as I say, I do think that Deputy de Lisle will get his moment, that day will come and I think that day will happen sooner rather than later.

The Bailiff: Deputy Gollop.

3060 **Deputy Gollop:** I am over bit of a barrel. I noticed in his first speech this afternoon, Deputy Roffey said the ESS Committee, of which I am a Member, were unanimous in their opposition to the Requête. I am sure Deputy Roffey said unanimous, the ESS Committee, yes. I am kind of like Mrs Slocombe, for golden oldies of television, I am unanimous of that. No, it was difficult because I actually signed the Requête that Deputy de Lisle put to the States the first time around and I do actually see both sides of this argument and I see no harm in voting for Proposition 1 of this Requête, which is a commitment for action at some point.

3065 Point number two of a cut-off on New Year's Eve this year, for the reasons Deputy Inder and others give me a bit more worry, because as Deputy Soulsby summarised it, it is the rule of unintended consequences and we have had a lot of speeches of that nature and I was attracted to look in more detail at the Environment & Infrastructure letter, which is similar to the Social Security letter and, as Deputy de Sausmarez points out, not only are there research projects, such as what the Pollinator Project are doing to raise the knowledge of alternative weed control approaches but there are dangers because, as the letter says:

3070 Prohibiting the professional use of glyphosate would not reduce the use of chemicals by farmers and other land managers, an aim that is better achieved by working with them to implement good land management methods.

I entirely endorse what Deputy de Sausmarez has said, that we do need a new relationship with the farmers and growers on the Island, when they are subsidised for doing good things, rather than

over-production, and this should be part of that conversation as we move with the future of the dairy industry.

3080 I actually spent some time, too, listening to the Pollinator Project. It is not just bees. In fact, it is not even honey bees. There are other kinds of bees that help and other creatures as well and butterflies and other insects.

Where I think there is a little bit of a contradiction here, though, is Environment & Infrastructure are concerned a complete ban on glyphosate with a full understanding of the consequences could lead to an increased threat. I agree that there could be alternative herbicides being used that are less well-studied and we have the various examples.

3085 The remaining approved herbicides for use by the general public are Triclopyr based products. The label of such products advises only two applications per year as they are highly soluble and very toxic to the aquatic environment. They can also cause skin sensitisation/allergic reaction in humans. Any overuse of these products would therefore also be of concern.

But of course we already, because of the banning by a statutory official, have effectively banned glyphosate for domestic garden use. So, presumably, the general public, if they are obeying that instruction, which you trust they are, are using maybe alternatives and I would almost like a different requête that not only kept Proposition 1 but maybe put a longer timeframe on banning glyphosate, Proposition 2, but Proposition 3, would be an holistic look at banning virtually all of these herbicides and pesticides.

3090 Because Guernsey is a very small ecological environment. We do not have prairie farming here. We do not really have market gardening in the continental sense. We do not have extensive commercial, agrarian businesses. This surely is the perfect test bed for becoming a much more organic Island and for reframing this.

3095 So I am kind of not keen on voting for Proposition 2. I might not vote against it. I would vote for Proposition 1. But I agree with the overall sentiments that not only do we need to get rid of glyphosate but we actually need in a more organic, ecological way, to work across the piste with all the Committees and their researchers to ensure that we eradicate other pesticides over time.

3100 **The Bailiff:** Deputy Le Tocq.

Deputy Le Tocq: Thank you, sir.

3105 I will be very brief because Deputy Soulsby said a lot of the things I was going to say but I think I need to underline the fact, again, that I think this is really poor timing. I think it is all about timing. Bearing in mind what others have said regarding the good intentions of Deputy de Lisle and the requérants.

3110 Basically many of them will have signed, would have voted for our accession to the WTO organisation and to the recent efforts that we have put in to join new trade deals. Whilst it would make my life a lot simpler and less busy if we did not have to do that, the fact is if this Requête passes almost inevitably it closes the door on all of those things.

3115 We can forget trying to grow our economy, we can forget trying to open doors and, whilst I do believe at some point the future there might be a ban on glyphosate and indeed other chemicals, as there have been in the past, Guernsey should not, cannot be a leader in these sorts of areas and we are wasting time trying to resolve that and thinking that we can continue to do the other things like open doors to free trade elsewhere. It just is not possible. We have got to choose one or the other and I personally just think this is poor timing and so I cannot be supporting it.

3120 **The Bailiff:** Deputy Blin.

Deputy Blin: Thank you, sir.

I will keep mine brief, as well. It has just been very interesting hearing the detailed analysis and references and particularly Deputy Soulsby's was very much to the point and the last speaker as well, on the basis of the trade agreement.

3125 So I would like to say that I have been torn between whether I can give support for the Requête because the principle is 100% right – we need to stop this – but I do worry and I worry just now, hearing that the trade agreements will be affected and if I read the note from the Committee for Economic Development on the Report it mentions:

Referred to concerns over whether an outright ban would be consistent with the Bailiwick's ability to comply with international trade agreements, and comments that legal advice should be sought on this point.

3130 So if one supports point 1 of the Requête to look into it more this should surely be the first thing. So rather than just saying every time, 'Oh, it is due to the trade agreements, I cannot support it', as said by Deputy Inder, maybe we should look into this. Because otherwise we are going around just saying, 'Ah well, we will lose our ability and make life easier not to do trade agreements.' But that cannot be the be all and the end all, just saying it stops because of that.

3135 So it would be interesting. I am unsure if it is whether it is for the Committee for Environment & Infrastructure or was it for ED, or was it for Deputy Le Tocq to look into these things with the Law Officers, but I think it is about time. We have reached that point and again, on a responsible basis, I cannot imagine the impact or the effect if we end up in a situation where we cease all the use of glyphosates because, having spoken to various individuals, including from Soil ??? [17.13.35], they say the risk is we will have other products coming on the market, which could be equally damaging or worse.

3140 So we are in this sort of circle. Because we know it is right, we have to make these bans at some point and if we have already stopped the domestic market and there are land licences for others, some work should be undertaken and I would be really grateful to hear from E&I or from any Committee where they could look into or confirm they could look into the effect on the aspects that are brought in by Economic Development, such as trade agreements.

3145 That is all, sir. Thank you.

Deputy Leadbeater: I would like to try Rule 26(1), please, sir.

3150 **The Bailiff:** Will those Members who still want to speak – and that does not apply to the Presidents who get the opportunity to reply on behalf of their Committees – stand in their places. Is it still your wish that I put a motion, Deputy Leadbeater?

3155 **Deputy Leadbeater:** Yes, please, sir.

The Bailiff: The motion is, pursuant to Rule 26(1) that debate on this matter, subject to the usual winding up for a Requête, be terminated at this point. Those in favour; those against?

3160 *Members voted Pour.*

The Bailiff: I will declare that carried.

A Member: Could we have a recorded vote, please, sir?

3165 **The Bailiff:** Yes.
Can you open the voting, please, Greffier.

There was a recorded vote.

Not Carried – Pour 16, Contre 16, Ne vote pas 4, Did not vote 3, Absent 1

POUR	CONTRE	NE VOTE PAS	DID NOT VOTE	ABSENT
Burford, Yvonne	Aldwell, Sue	Oliver, Victoria	Queripel, Lester	Kazantseva-Miller, Sasha
Cameron, Andy	Blin, Chris	Prow, Robert	Roberts, Steve	
Falla, Steve	Brouard, Al	Soulsby, Heidi	Snowdon, Alexander	
Ferbrache, Peter	Bury, Tina	St Pier, Gavin		
Gollop, John	De Lisle, David			
Haskins, Sam	De Sausmarez, Lindsay			
Inder, Neil	Dudley-Owen, Andrea			
Le Tocq, Jonathan	Dyke, John			
Leadbeater, Marc	Fairclough, Simon			
Mahoney, David	Gabriel, Adrian			
McKenna, Liam	Helyar, Mark			
Meerveld, Carl	Le Tissier, Chris			
Murray, Bob	Matthews, Aidan			
Parkinson, Charles	Moakes, Nick			
Taylor, Andrew	Roffey, Peter			
Trott, Lyndon	Vermeulen, Simon			

3170 **The Bailiff:** On the motion to guillotine the debate, Rule 26(1), on the recorded vote, those in favour, 16; those against, 16; 4 abstentions and 3 did not vote; 1 Member is absent. So therefore it is declared lost on the equality of votes.

I call Deputy Moakes.

3175 **Deputy Moakes:** Thank you, sir.

It has been a really interesting debate and I can clearly see both sides of the argument. In fact, it is not really an argument, I think it is just a difference of opinion about timings, perhaps. I do not think there is probably anybody here who does not believe that this should not be got rid of at some point or another.

3180 So, without repeating, perhaps what some of the people have said, I agreed with Deputy Le Tocq. My understanding is that any border prohibition imposed on the importation, sale or use of glyphosate products, which are in free circulation elsewhere and approved by the UK and EU regulatory bodies, would be in contravention of Guernsey's international trading obligations.

3185 Now, please, if anybody disagrees with that, please interrupt. I do not want to mislead the Chamber but that is the information I have been given by officers. So, if anybody wants to check with our legal representatives here then I suggest that perhaps they ask for that.

3190 The point I want to make here is that the decision we have been given is binary. Get rid of/retain. What it has not proposed, I have spoken to Deputy de Lisle about this, is perhaps a middle way. Because we all want to get to the same conclusion but would it not be possible, perhaps, to make it a legal requirement for those that do use glyphosate, to inform their neighbours before they do so? So that they can move livestock and things to a safer area. Would it be possible perhaps to restrict how many times it is used *per annum*? I do not know whether that is allowed or not. Maybe, would it be possible to target subsidies towards organic farming?

3195 Now, some of those things may be already within the review that is going on and, if they are, I would welcome that, Some of them may not be possible. But at least they would be steps in the right direction and at least they would not put us in a terrible problem in terms of our global trade negotiations and trade position. I cannot vote for this, as much as I like the idea of it, simply because I think it could have a really detrimental effect on our business and our trading, moving forwards.

Thank you.

3200

The Bailiff: Deputy Matthews.

Deputy Matthews: Thank you, sir.

3205 I have an enormous amount of sympathy for this Requête and I think it is trying to do the right thing. I am afraid I will not be able to support Proposition 2, partly because I am a Member of two Committees, I think, that have opposed it, although I have not yet had a chance to meet with Environment & Infrastructure. But the Committee for Health & Social Care is also opposed to it and so for that reason I think it would not be possible for me to support Proposition 2.

3210 But I think supporting Proposition 1 is the right thing to do because actually if you look at a lot of the opposition it is because we have not been able to do the research to find out what the effects would be of eliminating glyphosate and Proposition 1, I think, would instruct Committees to do that, so I think that would set in train a motion of events where that could start to happen.

3215 So I think that would probably be a useful way to split what Deputy Moakes referred to as the binary option, to say if you vote for Proposition 1 you are starting the process, you are allowing this to take place but you are not enforcing any control that could have unexpected or unintended negative consequences. Of which, I think there are a few and I would like to see a reduction of glyphosate use in agriculture, especially where it is used blanket across fields. I think that is very harmful. But I am sure that there are some exceptional circumstances, as have been mentioned, about things like control of Japanese knotweed, where in very limited cases, it is the only option and it is the only way to do it.

3220 In terms of there being some other options, I did wonder about if one option to reduce the use of it might be to impose some sort of tax or duty on the sale of glyphosate locally and that might be something maybe Deputy Helyar could look at in time for the next Budget, as an option, because that would certainly reduce the use of it, if it were just to have a very large duty on it that made it less economic to use it.

3230 The only other comment I had was in response to Deputy Le Tocq saying that we could not be a leader in these sorts of things and I think these are the sorts of thing where we ought to be able to lead in some circumstances. Part of the point of being a small jurisdiction that can be fleet of foot is that we can lead on some things but we ought to do it in a way where we know what it is that we are doing and so, for that reason, I think voting for Proposition 1 to set these things in progress and to look at what is involved would be the right thing to do. So, for that reason I will be supporting the first Proposition but not the second.

Thank you, sir.

3235 **The Bailiff:** Deputy Helyar.

Deputy Helyar: Thank you, sir. I will be brief.

3240 This is an area where I actually have quite a bit of expertise because, over 30 years ago, after leaving university after my first of several degrees and professional qualifications, I became the Island's first water quality officer. So I actually set up all of the testing, which has gone towards the network, which reports on pollution on the Island. In those days, 30-something odd years ago, we used to put a lot more dangerous stuff all over the place.

3245 So one of the things we used to go and regularly do inspections on was the use of liquid fluoride. You would think that would be a good thing to have in the water supply, wouldn't you, because it is good for your teeth? No, it is incredibly toxic stuff. It can actually turn your bones to rubber. It is absorbed through the skin. Horribly toxic stuff.

3250 The reason it was used is because it used to melt a surface layer of the glass off, so it made the greenhouses easier to clean. So it was literally sprayed on by the guys that used to apply it from Stan Brouard. Other places are available, sir, obviously, to buy toxic chemicals! (*Laughter*) It was literally sprayed on by those applicators and it was done because it was the easiest way of cleaning the glass, to take the surface. And it was very carefully collected up in drums and disposed of in the sea!

3255 Which takes me onto my next point. We talk about these high concentrations and isn't it terrible that they are in the streams and so on and so forth? Where do we think the streams go when we aren't pumping them into our reservoirs? They go in the sea. These toxins we are talking about are going in the sea when we are not pumping them into our own reservoirs.

3260 I supported this Requête because of the same reason that we do not use fluoride any more. It was used because it was easy and glyphosate has been used by lots of farmers, unfortunately, on the Island at the moment because it is an easy option. Let us not let the crop die in the field, let us keep all the potatoes absolutely perfect by killing off this crop with a layer of glyphosate. Let us kill fields full of grass because it is easier than treating them in a different way. That is just laziness, I am afraid.

3265 It is causing a risk to the environment. It is acknowledged to be a dangerous chemical and toxic at certain concentrations and I am sure there are lots of members of the public, and this is one of the reasons why I supported the Requête, who do not want these kinds of chemicals in their water supply.

3270 If we want to reduce it down to a level where it is safe, we may have to, in the future, spend a lot of money on equipment to filter it out. That is quite expensive stuff to fit. As we have heard, tens of millions was quoted. I do not know the actual price. Whether this succeeds or not, I suspect the Requête may not succeed. It may succeed at some point in the future. But I do think it was important to have the debate and to recognise the fact that there are many people in the Island who are concerned about the growing practice of using large volumes of artificial chemicals in order to basically cut corners.

3275 I do know in fact that is one of Deputy de Lisle's concerns about fields being sprayed to kill off crops and so on and it is certainly one of mine. That is my concern about it, its excessive use. I have no problem with the right chemicals being used in the right places when there is a risk and that risk is being dealt with proportionately by the use of the chemical. But I think in many circumstances in the Island at the moment that is not the case and there are people who want to grow in an organic way and farm in an organic way who are prevented from doing so by the fact that their neighbours use vast amounts of these chemicals. That is not really acceptable either. It is anti-social for a start.

3280 I think there must be a medium way. The Japanese knotweed issue is certainly a legitimate one and this chemical at the moment is the best means of its disposal. There is no doubt about that. But there is no reason why that cannot be used for a specific purpose by specific individuals. It does not have to be licensed generally for the purposes of being sprayed out of the back of large farm vehicles, which it is at the moment.

3285 So that is why I support this. I accept there are many reasons and they are perfectly legitimate why a total ban would not be an appropriate way of proceeding. Many members may feel that is the reason why they will not support this but I do think –

I will give way.

3290 **Deputy Burford:** Thank you, I appreciate Deputy Helyar giving way.

3295 In terms of the reference he made to maybe an exception for Japanese knotweed, that is not what the Requête says and I am just wondering whether Deputy Helyar is intending to bring perhaps an amendment to it on that basis. I am very torn on this particular proposal and it could hinge on a vote or two, I do not know. So, I am just a little bit concerned about that because the Requête says to revoke all licences.

3300 **Deputy Helyar:** No, I am not planning to do that. I think these responsibilities sit properly with those Committees who have the responsibility within their mandate. So we speak very often as States' Members about sending messages. I hope the message that comes from this Requête is that there is a lot of concern about the excessive use of chemicals and we would like to see their use being more restricted and so if there is a middle way that comes out of this as a result of it, then I would certainly support that.

I do not have much else to say but thank you, Members, for listening. Thank you.

3305 **The Bailiff:** Deputy Fairclough.

Deputy Fairclough: Thank you, sir.

3310 I will not be supporting this Requête. Most of the reasons for this are the well-documented
evidence from the Committees, including the letter of comment provided by P&R and I will not go
back over old ground. But in brief and in particular, the apparent lack of consultation with business
and professional users directly affected by these proposals; concerns over whether an outright ban
would be consistent with international trade agreements; the fact that a complete ban on
glyphosate could lead to an increase in pesticide use overall, with an increased threat to health and
the environment; the potential extra cost to farmers at a time when they are already struggling
3315 financially; a lack of evidence to support the efficacy of alternative, proven products, especially to
treat Japanese knotweed; and the unknown or unquantified risks of alternatives, some of which may
pose a greater risk to drinking water.

3320 The list goes on. And considering all of these points, I contacted the Guernsey Farmers'
Association who, surprise, surprise, had not been consulted. They were keen to stress that it is not
the use of glyphosate that is the problem but the misuse. That historically this has been the go-to
easy option for domestic users who have not used it properly. Hence the restriction on domestic
use.

3325 In my view, we have to monitor the consequences of this approach before further steps are
taken. I think that is a pragmatic way of dealing with this. The local farming industry stress that the
safe use of chemicals is paramount. Glyphosate has to be applied to a living crop rather than
sprayed willy-nilly on patios, paths, hedge banks, near drains and water courses.

3330 Local farmers employ two licensed contractors. These are professional people with the
appropriate certification, who have to keep logs of its use and operate according to strict guidelines,
applying it directly to plants using a wetting agent to help avoid run-off. It is only applied where
necessary. Farmers are not in the habit or business of using more inputs than they have to. They
simply cannot afford to.

3335 Some local farmers have run trials where glyphosate is not used but their crops have simply been
out-competed. A false economy. So what would they do, I asked, if glyphosate was banned. The
answer I am told is that they would be forced to use a cocktail of different chemicals, ending up in
a worst-case scenario and indeed incurring higher costs.

3340 Our local farmers are not in a position to leave fields fallow. Deep ploughing and carbon release,
compared to practices now, would be significant. Moreover there is simply not the agricultural land
supply to adopt alternative farming practices. I will repeat that. There is simply not the agricultural
land supply locally to farm in this way. I urge Members to vote against this no doubt well-
intentioned Requête.

Thank you, sir.

3345 **The Bailiff:** Members of the States, it has just gone half-past five. Because of the number of
people who would be able to reply to the debate I am not tempted to invite you to sit to try and
finish this matter now. So we will adjourn until 9.30 tomorrow.

The Assembly adjourned at 5.32 p.m.