



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Wednesday, 24th April 2013

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Law Officers

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R. Domaille, A. H. Langlois, R. A. Jones

St. Peter Port North

Deputies M. K. Le Clerc, J. A. B. Gollop, P. A. Sherbourne,
R. Conder, M. J. Storey, E. G. Bebb, L. C. Queripel

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Deputies K. A. Stewart, P. L. Gillson,
P. R. Le Pelley, S. J. Ogier, L. S. Trott

The Vale

Deputies M J Fallaize, D. B. Jones, L. B. Queripel, M. M. Lowe,
A. R. Le Lièvre, A. Spruce, G. M. Collins

The Castel

Deputies D. J. Duquemin, C. J. Green, M. H. Dorey,
B. J. E. Paint, J. P. Le Tocq, S. A. James, M.B.E., A. H. Adam

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F. W. Quin, M. P. J. Hadley

Representatives of the Island of Alderney

Alderney Representatives L. E. Jean, E. P. Arditti

The Clerk to the States of Deliberation

J. Torode, Esq. (H.M. Greffier)

Absent at the Evocation

Miss M. M. E. Pullum, Q.C. (H.M. Comptroller)

Deputy G. A. St Pier (*absent de l'Île*)

Deputy M. G. O'Hara (*relevé à 10 h. 38*)

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The Assembly adjourned at 12.30 p.m.

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States of Deliberation

*The States met at 9.30 a.m. in the presence of
His Excellency Air Marshal Peter Walker, C.B., C.B.E.
Lieutenant-Governor and Commander-in-Chief of the Bailiwick of Guernsey*

[THE BAILIFF *in the Chair*]

PRAYERS

The Greffier

EVOCAATION

CONVOCAATION

The Greffier: To the Members of the States of the Island of Guernsey I hereby give notice that a meeting of the States of Deliberation will be held at the Royal Court House on Wednesday, 24th April at 9.30 a.m. to consider the items contained in Billets d'État Nos VII and IX of 2013, which have been submitted for debate.

5

Welcome to students from La Mare de Carteret High School

The Bailiff: Members of the States, before we start, can I just welcome a number of students from the La Mare de Carteret High School, who are in the public gallery this morning. (A **Member:** Hear, hear.) They are here as part of the States Initiative, which was an initiative introduced by the last Assembly to encourage interest in, and awareness of, the proceedings of the States of Deliberation, so a very warm welcome to you all.

10

15

Questions for Oral Answer

20

HOME DEPARTMENT

Non-disclosure of information Debate on Urgent Business Scrutiny Review

25

The Bailiff: We move on swiftly to Question Time, which I remind Members, under the Rules, normally lasts for one half hour (*Interjection*).

The first Question is from Deputy Gollop to the Minister of the Home Department.

30

Deputy Gollop: Well, thank you very much – I will have to get on with this one!

To Deputy Le Tocq: would your Board at the Home Department, unanimously or by a majority, wish to see a States Assembly debate on the content, context and findings of the Scrutiny Committee – Urgent Business Scrutiny Review into the non-disclosure of information relating to

35 the negotiated settlement with a firm of advocates, both the short report of findings and, indeed, the so-called *Hansard* transcripts?

The Bailiff: The Minister of the Home Department, Deputy Le Tocq, will reply.

40 **Deputy Le Tocq:** Mr Bailiff, the Home Department Board has discussed the AFR Scrutiny Review findings and I have recently issued my response. We wish to get on with the normal business of running a busy Department and would not intend asking for this matter to be debated. However, we would not object to a debate, should other Members consider it necessary.

45 **The Bailiff:** Deputy Gollop, do you have a supplementary question?

Deputy Gollop: Yes, will the response that I have, indeed, received and read, be intended to be publicly disclosed or is it just for the benefit of States Members?

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

Deputy Le Tocq: No, it is to be publicly broadcast.

The Bailiff: Deputy Gollop.

55 **Deputy Gollop:** A couple of supplementaries. Reference is made in the text to the acknowledgement that the Scrutiny Committee has a role, a legitimate role, in terms of improving practices and procedures of the States and its Departments. Would you acknowledge that they also have a duty to look into the policy implications of greater disclosure of information in negotiated settlements prior to delegated officials negotiating on our behalf?

60

Deputy Le Tocq: I can only respond personally on this matter because I have not had an opportunity to be aware of this supplementary and to ask my Board, but I have made it clear, I think, in the statement that that is the case.

65

The Bailiff: Any other supplementary questions arising from that Question?

No? Deputy Gollop would you like to ask your next Question of the Chairman of the Scrutiny Committee.

70

SCRUTINY COMMITTEE

AFR Scrutiny Report Reason for no debate

75

Deputy Gollop: Well, the questions are... and these were, of course, phrased before the Home Department had transcribed their response.

80

Why has the Scrutiny Committee decided *against* a debate on their Report relating to the Home Department settlement with a leading law firm, that is to say the non-disclosure of information relating to the negotiated settlement with AFR Advocates?

The Bailiff: The Chairman of the Committee, Alderney Representative Arditti, will reply.

85

Alderney Representative Arditti: Sir, in responding to Deputy Gollop, I would invite the Assembly to consider what could well have been the subtitle of this particular question: 'what *is* the Scrutiny Committee, or rather what should we *expect* of our Scrutiny Committee?' because, in many ways, these questions are one and the same.

90

In addressing these issues, it might be more straightforward to explain what the Scrutiny Committee is not. The Committee is not... under our current system it cannot, and should not, be the Government's political opposition. The Committee is not a shadow policy-making body and the Scrutiny Committee is a critical friend to nobody. We are a Committee whose role is to hold Government to account and, based on the evidence we gather, to identify shortcomings in the work of Government. But we should not presume to have the answers to the problems we identify or to

95 use our position of trust for political gain. I am aware that some current and former Members of this Assembly believe that, under our system, it is not possible for Scrutiny to be an apolitical process.

100 There are some who believe that everything begins and ends with the intricate workings of Government and who gleefully relish in subjecting every positive action undertaken in the name of this Assembly to circular debates in which the minutiae of procedure are debated *ad absurdum*. I do not intend to further feed such sterile discussion. Further, the apolitical status of the Committee remains an aspiration, but it is the *right* aspiration and the proper standard of scrutiny to which members of the Committee *should* aspire and which I am confident that Members of the Assembly would wish the Committee to aspire.

105 Members will, no doubt, have read the views of one former Member of this Assembly who, perhaps unsurprisingly, would seek to drag the Committee back to the glory days where it had an unashamedly political function and saw fit to prescribe what *it* thought should be Government policy on a whole range of issues. I am afraid that whilst Mr Roffey writes on this topic he is not, on this occasion, right. The Committee has neither the time nor the resources, nor does it have any special expertise to act as a shadow policy-making body and that is absolutely right because that is
110 *not* the Committee's function. Yes, it is for us to gather evidence. Yes, it is for us to make observations on that evidence where these are obvious and, yes, Members may not like what I am going to say next, but it is not for us to act as a self-appointed opposition or an alternative policy-making organ.

115 Members may, rightfully, observe that I have so far not addressed the *specifics* of Deputy Gollop's Question (*Laughter*), so I would thank Members for their patience in allowing me to place into context the following.

120 Sir, as Chairman of a politically neutral, politically impartial, apolitical parliamentary Committee, I have had to wait patiently for a Member of the Assembly to provide me with an opportunity to speak on this topic, on behalf of the Committee, and to remind fellow Members of the Committee's work. So I am grateful to Deputy Gollop for the opportunity to do just that in response to his questions.

125 On 5th March the Committee announced its intention to conduct an Urgent Business Review into the AFR matter. Three days later the review panel published its terms of reference and, a fortnight later, held its public hearing. Less than a week after the public hearing took place, the review panel published the transcript and commentary, placing the evidence gathered by the panel, and its observations, into the public domain for States Members and the public to use howsoever they wished. Three weeks from decision to delivery! Not only have the public and the States of Guernsey *never* seen such a thing like an Urgent Business Scrutiny Review before, but they have
130 never had an expectation of having such a thing delivered in three weeks. The Scrutiny Committee can take pride that it has delivered something of public interest and value to the taxpayers and people of Guernsey and in the most expedient manner possible. Sadly, in this respect we are perhaps only now breaking new ground almost a decade following the establishment of the Committee.

135 The work of the Scrutiny Committee in respect of this Urgent Business Review has now concluded. The terms of reference have been fulfilled and States Members have been provided with the tools necessary to initiate a debate into *any* of the many issues arising out of the AFR Review. For the avoidance of doubt, at its meeting on the 12th April the Committee most certainly did *not* decide against any debate on the issue. On the contrary, neither I nor the Committee should, could or would, wish to object to the States debating any of the many issues arising out of
140 the AFR Review, using the evidence gathered by the review panel. However, for the Committee – your apolitical Scrutiny Committee – to have brought forward such a debate would have been a highly political act. The Committee could not have been the initiator of such a debate and at the same time retained its apolitical status.

145 **The Bailiff:** Deputy Gollop, do you have a supplementary question?

Deputy Gollop: Changed under the new Rules... but I have got four supplementaries for this.

150 The first is that why has the new Scrutiny Committee viewed themselves as apolitical when, under the current constitution, all nine members are democratically elected Members of this Assembly for one of the seven Parish districts, or the people of Alderney?

The Bailiff: Alderney Representative Arditti.

155 **Alderney Representative Arditti:** Two answers to your question. One is that the Committee
have resolved to be apolitical, that is to say politically neutral and politically impartial, because
they believe that is the only way that they can do anything of value. Previously, you quite rightly
identify that the previous Scrutiny Committees took a different view about that and I will leave the
Assembly to judge which Committees had a reputation for being meaningful and valuable and
160 timely in the service to the Assembly and the public and to compare that with this Urgent Business
Review, which has been so well received.

The Bailiff: Deputy Gollop.

165 **Deputy Gollop:** The next question is –

The Bailiff: Is this another question or a supplementary ...

Deputy Gollop: It is a supplementary, pardon me.

170 In the third paragraph in the response to Question one, Deputy Arditti talks about the
Committee not being a ‘critical friend’. Previous Scrutiny Committees came to the conclusion, at
different levels, that they *were* a critical friend. Should we not have a States debate on the role of
Scrutiny?

175 **The Bailiff:** Alderney Representative Arditti.

Alderney Representative Arditti: I would not stand in the way of any debate about anything.
(Laughter)
This Scrutiny Committee –

180 **The Bailiff:** Deputy Gollop.

Deputy Gollop: My third question is one of the issues that emerged from the brief Scrutiny
Review which I, too, was extremely grateful for, was whether the Minister who is being, if you
like, interrogated or questioned at the session, should have an opening statement and a closing
185 statement pre-arranged and the opportunity for other, perhaps dissenting, members of the Board to
address the Committee. Would you consider there is work to be done on those issues for the future
in amending Scrutiny’s procedures?

190 **The Bailiff:** Alderney Representative Arditti.

Alderney Representative Arditti: Right, firstly, there are three questions wrapped up in one
there. If I can unpack them, firstly, Deputy Gollop, this was the first of something brand new. Do
we claim that we got every bit of it perfectly right? No, we do not. We will, between this one and
195 the next one, study carefully what we have done, the effects of what we have done, the views that
we have heard expressed from all round the Assembly and we promise to do better. We will
always do better: every time we do a piece of business we will scrutinise what we have done and
try and make sure that the next one is better than the last.

As far as dissenting members, I think the Deputy misunderstands the terms of reference. The
200 Committee, in the terms of reference – except the Panel – was not in the remotest bit interested in
dissension, if any, within the Home Department. What were, or were not, the different views of
different Board members of the Department was wholly irrelevant. If we had invited a Board
member to attend, I cannot think of a single *relevant* question to have asked them under the terms
of reference we had. We were not investigating ministerial Government or non-ministerial
205 Government, or good behaviour between members of a Board and their Minister: we were
investigating *very specifically* – the terms of reference were entirely clear – we were investigating
decisions made not to disclose and how those would compare with good governance, the
resolution of this States some two years ago, that there should be a presumption of transparency.
Now, dissension within the Board would have just been a waste of taxpayers’ money. Exploring
210 that topic would have been a complete waste of taxpayers’ money.

The Bailiff: Deputy Gollop, is this another supplementary?

Deputy Gollop: As some of the conclusions in the brief Scrutiny Report accompanying the

215 *Hansard* arguably range wider than the evidence collected within the *Hansard*, how can Scrutiny ensure those conclusions are politically valid?

Alderney Representative Arditti: I am sure that, over the months, when we look at what we have done and review what we have done, as I have said we will do, I am sure that we can perfect the summary report.

220 I think the word ‘Report’ – I have not discussed it with my Committee – but, personally, I think the word ‘Report’ is a misunderstanding, it is confusing for people. We might have thought that ‘Summary Report’ was an accurate label but the emphasis seems to end up on the word ‘Report’. It was intended to be a précis, it was intended to be a commentary, it was intended to do no more than lift out the obvious – the obvious observations – to be made from the transcript. The important thing is the *Hansard* transcript of the evidence.

225 We called before us *the* Minister, who either would, or should, know the facts, the facts about the reasons for not disclosing and he was invited to bring with him assistance, which he did: he brought with him his Chief Officer and he brought with him the Chief of Police. Between them they should have known, and we have every confidence that they did know, the facts. We were not interested in *his* opinion, or any other Board member’s *opinion*, we were looking for the evidence. Now that is all the Summary Report was intended to be, a précis. Is it the best label to give it? Perhaps not. Perhaps we can come up with a better one for next time.

235 **The Bailiff:** Is this another supplementary?

Deputy Gollop: No.

The Bailiff: No, well I know Deputy Fallaize wants to ask a supplementary question, so –

240 **Deputy Fallaize:** Thank you, two supplementaries, if I may.

First of all, in his response to Deputy Gollop’s initial Question, Mr Arditti repeatedly referred to the apolitical Scrutiny Committee. Although, clearly, there is room for all Departments and Committees to interpret their own mandates to some extent, is Mr Arditti aware that the mandate of the Scrutiny Committee prescribed by the States of Deliberation is:

245 ‘Through a process of political scrutiny, to subject Departments and Committees to regular reviews with [...] emphasis on *[inter alia]*
Determining the effectiveness of the policies of, and services provided by, Departments and Committees; [and]
Promoting changes in policies and services where evidence persuades the Committee that these require amendment?’

250 Is the Committee confident that it can fulfil its mandate to provide political scrutiny while it considers itself apolitical?

255 **The Bailiff:** Alderney Representative Arditti.

Alderney Representative Arditti: Entirely confident. We are not going to take procedure into its *minutiae ad absurdum*. If anyone thinks we should do so, then there is a Vote of Confidence procedure and I, for one, would be very happy to go. The mandate is there, the mandate is there, it gives us our powers.

260 I can say now, with the resources at our disposal, there is no way that we will complete every line of that mandate between now and the end of this term. I doubt whether we will succeed in doing it by the end of next term, either, if we are still here.

The shortest answer of all is, if we are not politically neutral, if we are not politically impartial, then I see no purpose in scrutiny whatsoever.

265 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

270 Political impartiality is not the same as ‘apolitical’ but I just wonder, given that there appears at the moment to have been a view taken that the Committee’s impartiality is compromised somehow if it reports its findings to the States, can the Committee conceive of any circumstances when it would put its work before the States of Deliberation during this term of the States or does it intend, in the case of *all* the reviews that it carries out, that it will simply publish its evidence and not bring matters to the States for debate?

275

The Bailiff: Alderney Representative Arditti.

280 **Alderney Representative Arditti:** I think fair-minded Members of the Assembly will accept that I have defined very clearly what the Committee means by the word ‘apolitical’ and I do hope we are not going to descend into semantics about different people’s understanding of the word ‘apolitical’. I think I made it entirely clear that by ‘apolitical’ we mean politically impartial, politically neutral.

285 As far as future work of the Scrutiny Committee, I can assure my friend, Deputy Fallaize, that we *do* intend to bring States Reports. This summary report was a panel report, it is not a States Report, but we do intend to bring Committee Reports on our forward work programme, which is ‘Security of Electricity Supply’ and the other one, ‘Who Regulates the Regulator?’ (**A Member:** Hear, hear.) (*Interjection*). I would be very surprised if the Committee is not keen, and eager, to bring forward a States Report. What debate will arise from that I really do not know: we have not even taken the evidence yet.

290

The Bailiff: Deputy Trott, do you have a supplementary question?

295 **Deputy Trott:** Yes, it seems to me that the Chairman of the Scrutiny Committee is drawing a distinction between the scrutiny of agencies and policy, as opposed to Departments.

I took heed of his request not to press the point regarding ‘apolitical’ but I do feel I need to ask this question for clarity. How would the Chairman of the Scrutiny Committee respond to the *specific* accusations that because all 47 Members of this Assembly constitute our Government’s executive, it follows that the nearly one fifth of Members who sit on the Scrutiny Committee cannot be ‘apolitical’ by virtue of their membership of said executive and to suggest otherwise is, in my view, sir, to fundamentally misunderstand our system of government. Further, to be ‘apolitical’, the Scrutiny Committee would need to be populated by persons *not* Members of this Assembly.

300

I would be grateful for his thoughts.

305

The Bailiff: Alderney Representative Arditti to reply.

Alderney Representative Arditti: Well, do I dare?

310 Do I dare say to the former Chief Minister of the States of Guernsey that it is not the Committee that has misunderstood the system of government, I am afraid it is the former Chief Minister who has misunderstood proper scrutiny.

The Bailiff: Deputy Paint – sorry, Deputy Trott do you wish to follow that?

315 **Deputy Trott:** May I just say I am *obliged* to the Chairman (*Laughter*) of the Scrutiny Committee.

The Bailiff: Deputy Paint, do you have a supplementary question?

320 **Deputy Paint:** Sir, could Mr Arditti explain to the Assembly the benefit there is to the taxpayer for this AFR affair to continue on and on. Our very busy Deputies are already stressed with the amount of work they have to carry out.

The Bailiff: Alderney Representative Arditti.

325

Alderney Representative Arditti: Throughout I have been convinced that there are fair-minded, sane Members of the Assembly. Indeed, they are in the overwhelming majority, I feel sure, and here is one of them. (*Laughter*) Deputy Barry Paint has come to restore our sanity: no benefit to the taxpayer whatsoever! We have delivered the tools, the evidence is there, the Minister said what he said. Everybody is just as capable as the Scrutiny Committee of looking at that transcript – job done.

330

For the benefit of the taxpayer and the good people of Guernsey, I can assure Deputy Paint that Scrutiny Committee will move forward with, and catch up on the delay to its important forward work programme.

335 **The Bailiff:** If there are no more supplementary questions – yes, Deputy Brehaut.

Deputy Brehaut: Thank you.

340 The likelihood is that the Scrutiny Committee will do a number of reviews, public hearings, call them what you will, have a *Hansard* record of a hearing or a review that is critical of the States Department... Am I to understand from Mr Arditti that the scenario, hereon in, is that the likelihood is, to get a Scrutiny Report debated then it would probably be through the mechanism of a Requête? If that is the case, is that a good thing for Scrutiny or a bad thing?

345 **The Bailiff:** Alderney Representative Arditti.

Alderney Representative Arditti: I think I have already answered most of Deputy Brehaut's question. He needs to distinguish between Urgent Business Reviews on the one hand and our ordinary pre-planned business on the other.

350 I have already assured my friend, Deputy Fallaize, that he, and I suggest Deputy Brehaut as well, have nothing to fear about our ordinary planned business. As far as Urgent Business Reviews are concerned, these things pop up and take us by surprise and we have to form a decision as to whether it is worthy of an Urgent Business Review. If it is, then different procedures will apply.

355 And if I can just lay one last ghost to rest, one last misunderstanding, we have been critical, I suppose – have we? No, *we* have not been critical. Some people might think that the evidence – the transcript evidence – is critical of the Department, but not the Board. We have not investigated the Board, we have not looked as to which member of the Board was in favour, not in favour, to blame, not to blame – of complete disinterest, in our humble opinion, to the hard pressed taxpayer and the public of Guernsey. We simply looked at the Department as a whole, the staff, the political members and the person who pours the tea – the Department as a whole and it is open to any Board member to take any steps that they deem appropriate but I do not believe it is fair, or right, for anyone to suggest that any individual political member of the Board has anything that they need to be ashamed of. We simply do not know, we have not got the evidence.

365 **The Bailiff:** Deputy Brehaut.

Deputy Brehaut: Thank you.

I might have another stab at it. If the Scrutiny Committee are to have their Reports debated by the mechanism of a Requête, is that a good thing or a bad thing for the scrutiny process?
Thank you.

370 **The Bailiff:** Alderney Representative Arditti.

375 **Alderney Representative Arditti:** If Members, on receipt of the evidence, deem a Requête to be appropriate, then that is a good thing but Requetes have a proposal, Requetes have a Proposition. It would be quite wrong – *quite* wrong – for Scrutiny Committee to pretend that it can hang on to its political neutrality on the one hand and favour one faction of the Assembly, who might have one Proposition that they wish to persuade the Assembly about on the other hand. So if Members take the view, on receipt of the evidence, that there is a Proposition to be made, then it is entirely proper that *those* Members make *that* Proposition by way of Requête.

380 **The Bailiff:** Members, our thirty minutes have now elapsed. Under the Rules I have a discretion to postpone dealing with any more Questions. In my discretion, I have decided Question Time should continue. (*Laughter*)
Deputy Fallaize.

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

390 The Chairman of the Committee just said the political Members of the Home Department had nothing to be ashamed about and that the Committee did not criticise politically the Department. How is that consistent with the very final conclusion reached by his Committee in its commentary, which is:

395 ‘the panel concluded that at the point where the negotiation of the settlement ceased to be a matter to be resolved amongst individual parties, and became a matter of spending public money on behalf of the individuals concerned, the Home Department abrogated political oversight of the process by failing to support the Chief of Police in his negotiations by providing the necessary political safeguards to ensure that it was the Department and not the Chief of

Police that was responsible for exercising political judgement on this matter.’

400 Secondly, given the way that the States Departments are set up and the way that their mandates are constructed, how is it possible for the Committee to draw a distinction between a States Department and the Board of a States Department when, constitutionally, they are one and the same thing?

The Bailiff: Alderney Representative Arditti.

405 **Alderney Representative Arditti:** Right. I really am repeating myself now, Deputy Fallaize.

Any criticism that you derive from the transcript, or from the commentary, by the Panel is a criticism of the Department. It is not a criticism of any individual member or members of that Department. For all I know, the political Members were not consulted and it was some civil servant went off on a frolic of his own. We have not investigated that. Those were not our terms of reference: we simply made comments about the evidence and the evidence was given to us as to what the Department had done and that evidence was given to us by someone who, unquestionably, is in a position to know those facts.

410 Now, really, constitutionally, back to the *minutiae ad absurdum*. Well, here we are, here are the beginnings of a good political debate. I stood here and said that this constitutional issue, this *obsession* with our current system of government and the fact that I think possibly everybody agrees there was some adjustments could be made – I doubt whether there is agreement about what adjustments (*Laughter*) – and I have Deputy Brehaut on my left shouting ‘Shame’... Well, there is a political debate to be had. Scrutiny does not have a forward work programme item/topic, ‘machinery of government review’ and the reason for that is because I think we have a Committee that is doing a machinery of government review and, when it delivers its Report all Scrutiny members will take their politically neutral hats off and they will roll up their shirt sleeves, along with their fellow States Members, and engage in that political debate. But no way are the Scrutiny Committee going to get sucked into that sort of political debate when they are trying to earn the trust and confidence of fellow Members that, when they do a piece of work it will be quality, it will be professional, it will be something that *all* political factions in this Assembly can rely on because we work without fear, without favour and we do not work for political gain.

The Bailiff: Deputy Perrot.

430 **Deputy Perrot:** I hope that this supplementary arises out of the last answer. I am not entirely sure myself, I have to say. (*Laughter*)

435 Despite the passion of Mr Arditti’s various responses, I bet a dollar to a doughnut that his idea of the mandate of the Scrutiny Committee is one not shared by a majority of people in the States of Deliberation. Against that background – I suspect that I know what the answer is going to be – but, against that background, could I receive, or could we receive, his assurance that he would bring before the States a Policy Letter which would allow us, actually, to debate the mandate of the Scrutiny Committee.

The Bailiff: Alderney Representative Arditti:

440 **Alderney Representative Arditti:** No, I cannot give that assurance because I first need to know from Deputy Perrot... When Deputy Perrot got to his feet I thought he was going to announce that I had won another audition as drama queen. (*Laughter*) I know I did in February. (*Laughter*)

Deputy Perrot: He is still in with a chance on that one! (*Laughter*)

450 **Alderney Representative Arditti:** No, he has thrown me an impossible question. He has not shared with me what he alleges a majority of the Assembly would disagree with anything I have said. I have had so many phone calls from Members, I am afraid I am satisfied that nothing I have said would upset any of the fair-minded majority of this Assembly.

455 What I have said, and what I have reported my Committee’s views to be, are entirely consistent with the manifesto – my five minute manifesto – when I stood for election. I have it here and we can discuss it outside later. I have not taken this Assembly by surprise with anything I have said. It is entirely consistent with what I have been saying since immediately before I was elected Chair.

So if Deputy Perrot would kindly share with me what it is that he asserts has offended a majority of this Assembly during Question Time, then, yes, I will consider it. I will put it to my Committee and we will see where to go.

460 **The Bailiff:** Deputy Gollop... Oh, sorry, Deputy Gillson, you have a supplementary question?

Deputy Gillson: Given that the Minister of the Home Department has issued a fairly robust reply to the Scrutiny's summary report and comments, would the Chairman of Scrutiny be confident in being able to defend and justify all the contents of the summary report if it were to be debated in this Assembly.

The Bailiff: Alderney Representative Arditti.

470 **Alderney Representative Arditti:** Well, the short answer is the Home Department has not.

Deputy Gillson: The Chairman has answered the preamble, not the question. The question was would the Chairman be comfortable in defending all, and justifying all, of the contents of the summary report if it were to be debated in this Assembly.

475 **The Bailiff:** Alderney Representative Arditti.

Alderney Representative Arditti: I still do not understand the premise of the question. What has that got to do with the Home Minister's personal response?

480 **Deputy Gillson:** We can decouple it from that: it was just his response that prompted this question. So the question, ignoring the Home Department is, would the Chairman of Scrutiny be confident in defending and justifying everything that is included in the summary report if it were to be debated in this Assembly?

485 **Alderney Representative Arditti:** Thank you for clarifying the question. Absolutely everything without question: every comma and every full stop. It is that report which I have already explained – it is probably a misnomer: it should probably better be called a commentary or a précis – simply, simply serves up the evidence. That is all. The Minister said what the Minister said. The *Hansard* transcript shows it, and there is no debate about it.

490

AFR Scrutiny Report Public and parliamentary interests

495

The Bailiff: Deputy Gollop, shall we move on to your second Question.

Deputy Gollop: Yes, to a certain extent Mr Arditti and Deputy Paint, in a way, have answered it. But, Question 2 is: has the Scrutiny Committee fully considered the precedents, public interest and parliamentary interest in a full and frank debate on the relevant topics?

500

The Bailiff: Alderney Representative Arditti.

Alderney Representative Arditti: Thank you, sir.

505

In response to Deputy Gollop's second question, of course there is public and parliamentary interest in debating the many issues arising out of the AFR Review. I have just said that we have provided Members with the tools for precisely those sorts of debates. But the purpose of an Urgent Business Scrutiny Review of this kind is to enable the Scrutiny Committee to gather evidence on a matter of sufficient public interest and place that evidence into the public domain as quickly as possible for the public and States Members to use as they see fit.

510

I am aware that some Members of the Assembly have taken to Twitter and other media in order to criticise the Committee for the manner in which it undertook what has, otherwise, been regarded as an extremely successful public hearing. It may surprise Members to learn that, as a rule, I do not do Twitter, so I would like to take this opportunity to reply to all in response to criticism from certain sections of the Assembly that the review panel should have questioned other

515

Members of the Home Department Board and not just the Minister. As anyone who cared to study the terms of reference of the Review would know, the Review considered the decisions made by the Home Department to not disclose information relating to the settlement with AFR Advocates. Our remit was to explore the decisions made by the Home Department, with particular regard to the principles of good governance relating to transparency. Having gathered the evidence and made observations, the work of the Review Panel has concluded.

I say this to my fellow States Members: the Committee has given you the tools to do whatever you wish to do but we cannot, and must not, prescribe which choices you make.

The Bailiff: Deputy Gollop.

Deputy Gollop: My supplementary is in two parts.

The first part: I am aware, certainly when I was on Scrutiny, we started a Facebook social media site and will his Scrutiny Committee start, or consider starting, a Twitter site for Scrutiny?

The second, and perhaps more serious, question is one way in which scrutinising committees have taken forward their mandate, in particular the Public Accounts Committee, has been to publish Reports as an Appendix to a Billet. Did the Committee consider publishing their Report as an Appendix to, say, the May Billet. That would have allowed the States Members to have requested a debate, should that have been considered useful.

The Bailiff: Alderney Representative Arditti.

Alderney Representative Arditti: I think perhaps the second question was the most important. Can I deal with that one first?

Deputy Gollop referred to an Appendix Report, in order to allow Members to debate. Scrutiny Committee has not forbidden a debate. Scrutiny Committee is irrelevant to a debate. The tools are there and the procedures are there for Members to have any debate that they deem appropriate. An Appendix report was not necessary in order for there to be a debate, not least because of the fact that the Scrutiny Committee was written to by a group of eight Members – that is one more than a Requête.

Published Reports as an Appendix to a Billet, the Scrutiny Committee is going to consider. I happen to know that because the staff are doing the work to enable the Scrutiny Committee to consider what seems to me, at least, without the benefit of the wisdom of my other Committee members, important that the work of Scrutiny, the Urgent Business Review work of Scrutiny, should for posterity, find its way into a Billet. Indeed, one or two Members have made an important point – and, forgive me, you are pressing me *before* the Committee has met and considered this and I am watching members of my Committee as I speak to make sure that I do not offend them in any way – but people have suggested that it ought to come before parliament for posterity. One idea that we shall put to the Committee is that yearly, or maybe even 6-monthly, probably yearly because the resources issue is always haunting us, yearly we would put together a Report comprising Urgent Business Reviews during that year and ask the Bailiff if he would kindly append that to a Billet so that it is there for posterity.

The Bailiff: Do we have any other supplementary questions?

Alderney Representative Arditti: Sorry, sir, I forgot to talk about Twitter book or Face something...

Deputy Ogier: Sir, could he do it in 140 characters, please. *(Laughter)*

Alderney Representative Arditti: Yes, I am sure the Committee will consider it.

**AFR Scrutiny Report
Consultation and legal advice**

The Bailiff: Your next question, please, Deputy Gollop.

Deputy Gollop: My third and final question, hopefully. Has the Scrutiny Committee, in

coming to this decision, consulted fully with the Home Department, the Policy Council and sought legal advice.

580 **The Bailiff:** Alderney Representative Arditti.

Alderney Representative Arditti: Shall I just wait, pause for a second... I hope I did not say anything to offend them, sir! (*Laughter*)

585 **The Bailiff:** Right. Alderney Representative Arditti.

Alderney Representative Arditti: I thank Deputy Gollop for his third question.

The decision not to instigate a States debate on the AFR Review was taken *solely* by the Scrutiny Committee and not in consultation with the Home Department, Policy Council or legal advisers.

590 Members of the Assembly may recall that Deputy Gollop was a member of previous incarnations of the Scrutiny Committee. He would, therefore, be the first to recognise, I feel sure, that given the new emphasis on political neutrality, it would have been inappropriate for the Committee to have consulted with the Home Department or the Policy Council on this decision. As far as legal advice is concerned, we are not aware of any legal issues on which we would have
595 needed to take legal advice. Perhaps by way of a supplementary question, Deputy Gollop may like to let me know what legal issues he feels may have arisen in relation to the Committee's decision.

The Bailiff: Deputy Gollop.

600 **Deputy Gollop:** Yes, well, my supplementary was based on two aspects.

The first point is that the Scrutiny Committee probably acknowledges – does the Committee Chairman acknowledge, that the Home Department's decisions that led to the settlement were generally the decision-making of a previous Home Department with different membership and a different emphasis?

605 The second point is I thought perhaps the Committee might wish to have sought legal advice, had the Committee considered that a debate on this matter might have led to Members discussing irrelevant issues relating to the original incident prior to the Review's content.

610 **The Bailiff:** Alderney Representative Arditti.

Alderney Representative Arditti: Right: the Department's decisions were largely the decisions of a previous Department. Well, yes and no. I mean the political Board's decisions, if any, were – I do not know where we are going with this. The point is there is a political Board and there is a Civil Service. There was not a 'previous' Civil Service. I think the Chief Officer straddled both political Boards, as did other officers: the Department carries on. Political Boards
615 come and go... I mean, if the suggestion is that this political Board were not properly briefed at a handover from the outgoing political Board, well, I do not know... No doubt, the Head of the Civil Service will... I mean it could be a disciplinary matter between civil servants.

620 But this is all speculation, Deputy Gollop, all speculation, and none of it was part of the Panel's brief. None of it fell into the terms of reference. That was not what we were looking at: no mileage for the taxpayer there.

625 Legal advice in case a debate ensued in which some Members might stray into the operational aspect of the raid on the offices of AFR – pretty far-fetched, really. I mean it is pretty tenuous. No, we did not is the answer to your question and we were concerned *post*-operational matters, we were concerned with a non-disclosure concerning a settlement, the settlement with AFR, the settlement of legal proceedings and compensation. We were not concerned with the operational matter, the police operation of a raid on the offices. That was all history.

630

**Primary Care Company Limited
Non-compliance with minimum UK medical practices**

The Bailiff: I see no one else rising so we will move on to the next set of Questions that are to be asked by Deputy Hadley of the Minister for the Health and Social Services Department.

635

Deputy Hadley.

Deputy Hadley: Thank you, sir.

640

Has the Minister and his Board considered ending the contract with Primary Care Company Limited, as they are not complying with the contract which requires them to conform, as a minimum, to the standards of generally accepted medical and surgical practices prevailing in the United Kingdom.

The Bailiff: Deputy Dorey, the Minister, will reply.

645

Deputy Dorey: Sir, I have interpreted the word ‘considered’ to mean any discussions at a Board meeting and not just a formal paper presented by staff. So my answer is the Board has considered the ending of the contract with Primary Care Company Limited as one of the possible options to progress the situation but feel that, due to the terms of the contract, negotiations to improve the service will provide a preferable outcome.

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The Bailiff: Deputy Hadley.

Deputy Hadley: I am sorry, Mr Bailiff, I perhaps did not make the question as clear as I might.

655

To clarify that, what I am asking the Minister is, has the Department considered ending the contract on the grounds that PCCL are not complying with the contract requiring them to meet certain standards.

The Bailiff: Deputy Dorey.

660

Deputy Dorey: I have answered the question. I have nothing more to add, other than we are monitoring the contract and negotiating with Primary Care Company Limited and, as part of the contract, there is a formal review in 2013.

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The Bailiff: Anybody else –

Deputy Dorey: Thank you, Mr Bailiff, I take that as

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The Bailiff: If you do not have another supplementary, Deputy Bebb, I think, has a supplementary question.

Deputy Bebb: Thank you.

675

Would the Minister agree with me that, given the report in today’s *Daily Telegraph*, specifying that patients within the NHS who are attending A & E are sleeping in cupboards and that there are generally an expected waiting time of *twelve hours* within Accident and Emergencies, with doctors having to disappear around the hospital in the morning to find patients that, indeed, we have an excellent standard of service at the Accident and Emergency, in comparison to UK standards?

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Deputy Dorey: I have not read the *Telegraph* report but I have heard reports in the media yesterday about waiting times and I completely agree. That was one of the points made by the College of Emergency Medicine Report, which I will refer to later.

**Primary Care Company Limited
Complicity in breach of contract**

685

The Bailiff: No further supplementaries so, Deputy Hadley, your second Question.

Deputy Hadley: Thank you.

690

In your answer to my Questions in February you said ‘the training and experience of participating doctors will be partially implemented to a level appropriate to the Island’. In the light of my comment and the context, do you now agree that this answer means that you are actually complicit in the contract actually not being complied with?

695

The Bailiff: Yes, Deputy Storey.

700

Deputy Storey: Could I ask the Deputy to withdraw the last part of his question, sir, which I object to in the strongest possible terms. This part of the question – the latter part of the question – implies, and I think it is fairly evident to most people reading the Question, it implies financial malfeasance on the part of the current Board, which I take as a personal insult, which I cannot accept, and which I vigorously deny on both my own behalf and on behalf of the rest of the Board. I can assure this Assembly –

The Bailiff: This is not an opportunity for you to make a statement, Deputy Storey.

705

Deputy Storey: I am not making a statement, sir. I was explaining –

The Bailiff: But you have invited me to –

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Deputy Storey: – why I would ask the Deputy to withdraw part of his Question, sir. Perhaps if it is in your power, perhaps you might ask him to withdraw it, as well.

715

The Bailiff: Under the Rules I can decline to allow a Question to be put on the ground of public interest. I do not consider that that Rule comes into play here, but I will take advice from H M Procureur.

The Procureur: It is only a matter of public interest and my understanding is that notice of the Question has been properly given and the Minister is prepared to answer it.

720

The Bailiff: Yes, so I will not direct that it be withdrawn.
Deputy Dorey.

Deputy Storey: Sir, has the Deputy still got an opportunity to withdraw part of his Question?

725

The Bailiff: No. The Question has been put in due time and, as H M Procureur says, the Minister, as we understand it, has prepared an answer which he is about to deliver.
Deputy Dorey.

730

Deputy Dorey: It is a relatively short answer to the Question.
No, because the answer which I gave in March, and not February as said in the Question, was in relation to the College of Emergency Medicine recommendations and not in relation to the contract.

735

The Bailiff: Deputy Hadley. Sorry, Deputy Adam. Do you have a supplementary? No.
Deputy Adam.

Deputy Hadley: Yes, sir, I do.

The Bailiff: You do.

740

Deputy Hadley: Sorry, sir. I still think it is a valid question to ask the Minister why he is accepting a lower standard of expertise than is required in the UK.

The Bailiff: Deputy Dorey?

745 **Deputy Dorey:** Sir, I am not going to answer that question. All I will refer to is the fact that we are monitoring the contract and negotiating the contract and there is a formal review in 2013. I have nothing more to say.

750 **The Bailiff:** Deputy Adam, you had a supplementary question?

Deputy Adam: Yes, sir.

I become rather concerned when we go backwards and forwards about what is a correct standard of training, what is not a correct standard of training.

755 I think the easiest thing for the Minister of HSSD would be to say what is the standard that is maintained for the training of doctors working in A & E, who regulates it and, if there is any disquiet about it, who can that person go to, as far as one might consider whistle blowing.

760 It does not help the overall population of Guernsey to hear this going on but, at the same time, the States do have the right to know what are the standards in place – have they been kept to; are they regulated in a reasonable manner; are these doctors keeping up the CPD etc? – so they can have some assurance concerning... One has to accept that standards do change over time and thus one has to accept the Report saying that these standards should be looked at and possibly increased. But it would be nice to know what are the basic standards; have they been regulated properly over the last three years and have the CPDs of the doctors concerned been maintained?

765 **The Bailiff:** Deputy Dorey, are you in a position to answer that supplementary question.

Deputy Dorey: I cannot answer that question without due notice. I do not have the information. All I would say is that we do monitor the contract and we are in active negotiation. That is all I can continue to repeat. But if Deputy Adam wants to ask me that question, I would ask him to put it in writing and I can reply to him.

770

**Primary Care Company Limited
Lower emergency medical standards than Jersey**

775

The Bailiff: Deputy Hadley, your third Question.

Deputy Hadley: I am sorry, this might sound repetitive, I should have looked ahead.

780

Can you explain why this Island needs less well trained doctors than the UK or Jersey, where, in Jersey, they employ five consultants in emergency medicine, three associate specialists in emergency medicine and two and a half staff grade doctors trained in emergency medicine.

785 **The Bailiff:** Deputy Dorey.

Deputy Dorey: As previously reported by the College of Emergency Medicine, the Accident and Emergency Service in Guernsey is already substantially better than many parts of England.

790

Jersey has a very different model of provision and funding of emergency medicine services. There is not, therefore, a valid comparison. I am not aware of any review of Jersey's service, which demonstrates that it is a more appropriate model.

Deputy Hadley: Mr Bailiff, I would like to ask the Minister, therefore, if he agrees with the College of Emergency Medicine, which said that the mechanism of funding in Guernsey, with PCCL, is a barrier to the development of the service and that this is the only reason why it is not a valid comparison?

795

The Bailiff: Deputy Dorey.

800 **Deputy Dorey:** I can only repeat what I have said and I will carry on repeating it. We are monitoring the contract and we are actively negotiating with PCCL and the contract has a 5-year formal review. That 5-year and 10-year formal review – it is a 15-year contract – that 10-year review is in 2013 and the contract specifies what parts of that contract will be reviewed.

The Bailiff: Deputy Trott, you have a supplementary?

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Deputy Trott: For clarity, sir, as much for those listening as those within the Assembly this morning, is the contract compliant or not?

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The Bailiff: Deputy Dorey.

Deputy Dorey: The contract has many different clauses and I can only repeat that we are actively negotiating and monitoring the performance of PCCL in relation to the contract.

815

**A & E Department
Progress in effecting change**

820

The Bailiff: Deputy Hadley, your fourth Question.

Deputy Hadley: Shall I go to the next Question?

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The Bailiff: Yes, please.

Deputy Hadley: Question 4 was: have you made any further progress in effecting change in the Accident and Emergency Department?

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The Bailiff: Deputy Dorey.

Deputy Dorey: Yes, this was answered in full in responses to previous Rule 6 Questions that were dated 25th March, and in related media releases. It is not beneficial to report to this Assembly every month on contract negotiations.

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The Bailiff: Deputy Hadley.

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Deputy Hadley: Mr Bailiff, is not the real reason that, in fact, nothing has happened? Why does he not be honest with the Assembly and repeat the information that we were both given at a meeting we had with staff on Monday, at his request, when it was made clear that the Department has not got the staff time or the resources to negotiate properly and, in fact, there have only been one or two substantive meetings. The reason for his Department not having the staff time and the resources we were both told was because of the overspend last year and the need to deal with SAP and FTP. This is a major problem in moving this issue forward.

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The Bailiff: Deputy Dorey.

Deputy Brehaut: Sir, may I ask was it Deputy Dorey's understanding and Deputy Hadley's understanding that the meeting was confidential?

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The Bailiff: Deputy Dorey.

Deputy Dorey: It was specifically said, in fact by Deputy Hadley himself, that it was a private meeting, so I am disappointed that he feels that he can start quoting from a meeting which he himself said was a private meeting.

855

All I can say is that we are actively making progress. I refute what he said. Unfortunately, considerable amounts of our resources have been spent dealing with Questions from other politicians and also dealing with media enquiries from that, which has disappointedly affected our ability to make progress, when we have a limited amount of time. As with any Department, we have to prioritise issues and we have prioritised... The previous Board have prioritised other issues very, I think, accurately prior to participating in negotiations on the PCCL contract, because of the specific review date in 2013, while other matters had review dates earlier than that and there needed to be staff time dedicated to those other matters.

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The Bailiff: Deputy O'Hara, just before we continue, do you wish to be relevé?

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Deputy O'Hara: Yes, please, sir.

The Bailiff: Thank you.

870

Deputy Hadley, either a supplementary or your next Question.

**Primary Care Company Limited
Contract value for money**

875

Deputy Hadley: Does the Minister believe the contract with PCCL provides the Island with value for money? 10:38:45

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The Bailiff: Deputy Dorey, this is the fifth Question.

Deputy Dorey: No.

885

I would remind Members that HSSD commissioned the College of Emergency Medicine Report and the Capita Reviews, and those reports led HSSD to believe that value for money could be improved. HSSD continues to negotiate with the Primary Care Company Limited to improve value for money within the constraints of the existing contract, which expires in 2018.

The Bailiff: Deputy Hadley.

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Deputy Hadley: Sir, I would like to just comment in the light of the criticism a few minutes ago. This is a Government which continually says –

The Bailiff: Is this a question?

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Deputy Hadley: – it believes in transparency. Why does the Minister not press for the resources to enable it to negotiate with PCCL?

The Bailiff: Deputy Dorey, I think this is a supplementary question.

900

Deputy Dorey: Priority setting is a decision of the Board of HSSD. I have only been on the Board since the middle of December. I am comfortable that we are progressing, we have set the priorities correctly and we are progressing negotiations with the Primary Care Company Limited.

905

The Bailiff: Do you have a supplementary question, Deputy... *[Inaudible]* because Deputy Adam does...
Deputy Adam.

Deputy Adam: Yes, sir.

910

I would like to ask... Deputy Dorey keeps mentioning about negotiating the part of the contract with PCCL, as the £850,000 that they pay for what is called the 24/7 cover for the hospitals, that is essential. But has the HSSD or SSD got any clout whatsoever as far as other income from that contract that PCCL achieves, which I think you would have to agree is probably the larger of the sums concerned and affects the individuals of our community because they have to pay.

915

Has the sum that they have to pay when they go up to A & E Department to be seen by a doctor not recently increased upwards? That is one of the main concerns of the people who attend A & E, rather than what HSSD pays PCCL for providing 24/7 cover.

Thank you, sir.

920

The Bailiff: Deputy Dorey, are you able to answer that?

Deputy Dorey: As I am sure Deputy Adam knows, the contract specifically sets the parameters by which they can set the fees which they charge patients. I have gone back through the minutes: the scheme was already set up when it started in November 1987 and there has always been the combination of – as I can understand from the minutes – a payment of a fee and

925 also charges to the patients.

930 **Princess Elizabeth Hospital
Recruitment of nurses to fill vacant posts**

The Bailiff: I see no-one else rising with a supplementary question so, Deputy Hadley, can you move on to your sixth Question, please.

935 **Deputy Hadley:** What efforts and what costs have been incurred in the recruitment of nurses to vacant posts at the PEH in the first quarter of this year.

The Bailiff: Deputy Dorey.

940 **Deputy Dorey:** The Human Resources Department of HSSD continues to support recruitment to appropriate levels of qualified nursing staff across all of its services.

For example, HSSD has successfully recruited 17 nursing staff since January and is currently advertising in the UK, Guernsey and further afield. The HSSD recruits to posts across all of its services and it has not been possible to separate the cost of recruiting to nursing vacancies in the PEH from the other parts of the organisation.

945 **Deputy Hadley:** Supplementary, sir. Is the Minister not aware that, in fact, these costs have been given to Board members in the past, and does the Minister not realise that he was elected to his position with a clear understanding that re-opening of wards was a major priority and, in fact, this is why the last Board lost their role? This would require an increase in staff. Does he not realise that he was expected to make special efforts to ensure that staff were recruited, so I am asking what special efforts have been made?

950 **The Bailiff:** Deputy Dorey.

955 **Deputy Dorey:** I am aware of the situation that led to me becoming the HSSD Minister. We have had many discussions at HSSD about staffing, and the Board have given a very clear instruction to staff to recruit to the necessary levels to re-open the De Sausmarez Ward, which was primarily for orthopaedic surgery. We get regular reports from the staff about recruiting but, unfortunately, they have not been able to recruit the necessary staff at this current time. The numbers I gave were recruited and not necessarily staff that have started employment.

960 **The Bailiff:** I have been asked if Members who wish can remove their jackets. It is warm in here – those who wish to do so may remove their jackets.

965

**Vacant nursing posts
Comparative cost of agency and permanent staff**

970

The Bailiff: Deputy Hadley, no-one seems to have any supplementary question to your sixth one, so can you move on to your seventh Question?

975 **Deputy Hadley:** Sir, what is the cost of agency nurses to fill vacant posts and what would have been the cost of permanent staff to these posts in the first quarter of this year?

The Bailiff: Deputy Dorey.

980 **Deputy Dorey:** The current monthly costs of employing agency nurses between January and March 2013 is approximately £275,000 per month. Permanent staff would cost approximately half of this. The question assumes that staff will always be found on-Island but some posts will always have to be filled by specialist agency staff, particularly in the short term.

**Reduction in private medicine
Potential Quarter 1 revenue loss**

985

The Bailiff: Deputy Hadley.

Deputy Hadley: What was the loss of revenue in the first quarter of this year due to the reduction of private medicine as a consequence of ward closures.

990

The Bailiff: This is the eighth Question, Deputy Dorey.

Deputy Dorey: At this stage there is no indication from the accounts that HSSD's income is below budgeted levels.

995

**Revenue from private medicine
Comparison between Quarter 1, 2012 and Quarter 1, 2013**

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The Bailiff: Deputy Hadley.

Deputy Hadley: Can the Minister tell me how much revenue from private medicine did HSSD receive in the first quarter of 2012 and the first quarter of this year?

1005

The Bailiff: This is Question 9, Deputy Dorey.

Deputy Dorey: In the first quarter accounts, income from private patients for Quarter 1, 2012 was £971,000 and income from private patients for Quarter 1, 2013 was £1,195,000.

1010

The Bailiff: Yes, Deputy Storey, you have a supplementary question?

Deputy Storey: Sir, I have a question for the Minister.

By his Questions, the Deputy claims he is concerned for the Department's financial affairs: would the Minister agree with me that the Questions posed by Deputy Hadley have cost the Department this year at least 7 or 8 days of senior staff time at a cost of some £3,000 or £4,000? But, more important is the opportunity cost of taking senior staff away from their task of achieving FTP savings and the longer-term task of making the Department more efficient and cost effective. In addition, would he not agree with me that this continued vendetta against the Department is having a very corrosive effect on morale throughout the Department? (**A Deputy:** Hear, hear).

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The Bailiff: Deputy Dorey

Deputy Dorey: I agree that there is considerable cost in answering these Questions and also the related media questions which follow from that. I fully accept the need for reasonable political scrutiny but I think that when it becomes unreasonable it becomes a burden and a cost to the Department: and not only that, it is the opportunity cost of developing things which are lost.

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The Bailiff: Yes, Deputy Queripel – Deputy Laurie Queripel.

1030

Deputy Laurie Queripel: Thank you, sir.

Can I ask Deputy Dorey what he considers to be unreasonable in regard to Questions to the Department.

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The Bailiff: Deputy Dorey.

Deputy Dorey: I think repeated questions every month on the same issue, particularly asking for progress on, for example, contract negotiations is, to me, ridiculous.

1040

The Bailiff: Deputy Hadley.

Deputy Hadley: I would like to ask the Minister if it is his considered opinion that the Questions I have been raising about the Accident and Emergency Department – and we are talking about safety and the expenditure of very large sums of public money – does he really consider that

1045 that is a vendetta against him and his Department?

The Bailiff: Deputy Dorey.

1050 **Deputy Dorey:** I said I fully understand reasonable political scrutiny but I think this situation has gone beyond the level of reasonableness. You have to leave Departments some space to get on with the job they have to do.

1055 We are fully aware of the College of Emergency Medicine Report. We are fully aware of the Capita Reports and we have a contract. We have to work within those three constraints and the priorities set by the political Board and I would ask that Members give us some space to do our job, let staff get on and take forward the policies, so we can reach the best conclusion for the public of Guernsey, which is what we want to do.

As I said, unreasonable political scrutiny just delays progress. Like all Departments, we have a limited budget and limited staff.

1060 **Deputy Brehaut:** May I touch on the supplementary and I am sorry, Members, it is all so.... I know it is cringeworthy when Board members exchange questions but is the other cost to this the fact that the community are led to believe, for the third month in a row, that A & E is unsafe and for parents who have, whether it is a sick child or a sick relative, they believe that they are taking their child, their relative, to a place that is 'unsafe'? Is that not the real damage that is done, rather than the staff costs, potentially?

The Bailiff: Deputy Dorey.

1070 **Deputy Dorey:** I agree that some people might be concerned. All the professional statutory officers have given me the reassurance that the service is safe but, as I said, the definition of 'safe' is different to everybody. And as I have said in a previous meeting, yes, a service can be safer but there is also a cost to that and it is a matter of balancing those two. That is what the Department wants to do.

1075 **The Bailiff:** Deputy Hadley.

Sorry, Deputy Trott, have you got a supplementary that arises from that answer?

1080 **Deputy Trott:** Well, sir, I know you do not like preambles but I have answered as many questions in this Assembly as anyone else. I realise how difficult it is, but the Minister for the Health and Social Services Department told us, in the response to the previous Question, we have a contract and we need to work within the constraints of that contract. A laudable statement, but when I asked is the contract compliant or not, I did not receive an unequivocal answer. It seems to me that the Health and Social Services Department must be able to tell this Assembly whether the contract is compliant or not, otherwise how on earth can they make the assertion that we have a contract and we need to work within the constraints of that contract. The two are ambiguous, sir, and I would ask for clarity.

The Bailiff: Deputy Dorey.

1090 **Deputy Dorey:** There has been a contract which was signed in 2003 and it was amended in 2007. We have not monitored that ... as every contract, there are many clauses in the contract and we have not monitored those clauses perhaps to sufficient levels, as should have been done or could have been done, because of staff time. We have the College of Emergency Medicine's Report and we are actively monitoring that Report.

1095 I do not have the information to make a statement, as Deputy Trott would like me to. I can only make the statement from the information I have in front of me, that we are monitoring the contract and we are negotiating with the Primary Care Company Limited. Like any contract, there are many clauses and there are many complex words which can be interpreted in different ways. Therefore, I cannot because somebody else might pick up the contract and be able to give a different interpretation of it so, without having the necessary legal and staff interpretation of the contract, I cannot answer his question.

1100 **The Bailiff:** Deputy Soulsby, you had a supplementary?

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Deputy Soulsby: Yes, sir.

I have heard a lot this morning about 'safe', and what is 'safe', and does the Minister consider A & E 'safe'? Deputy Hadley obviously has concerns, but I would like to know from the Minister whether he has done, or his Department has done, any risk management, risk framework, any risk-based analysis on A & E and compared risk against acceptable cost?

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The Bailiff: Deputy Dorey, are you able to answer that?

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Deputy Dorey: Not really, but I can just talk about the word 'safety'. Doctor Bridgman, who is the Medical Officer of Health, has said it is important to note that... he said, in respect of the safety of the service, in Doctor Bridgman's opinion 'it is important to note that the risk, or the probability of an untoward outcome, is inherent in any health service and safety is not an absolute concept but a relative one'.

1120

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Sir, Deputy Trott –

The Bailiff: I am sorry... Deputy Soulsby.

1125

Deputy Soulsby: I am sorry, I do not think he has actually answered the question.

I was asking whether the Department has looked at the acceptable level of risk within the Accident and Emergency Department.

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The Bailiff: I think he said he could not answer that but, Deputy Dorey, would you –

Deputy Dorey: I do not have the information to be able to give you an answer at this point in time. If you want to contact me, I can, but that is a significantly different question and I do not think would be classified as supplementary to the questions we have been asked.

1135

I do not think Members can expect me to answer questions which I have had no notice of, accurately.

Deputy Soulsby: Sir, it is a simple yes or no, whether the Department have done it or not. If he does not know, then that is fine.

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The Bailiff: That is the answer he has given.

Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

1145

When Deputy Trott asked the question about is the contract compliant, I presume that what he means is are all parties who have signed up to the contract acting in compliance with it. Now, there seems to be some doubt, or at least the Minister was unable to give the States an unequivocal assurance, that all parties are complying with the terms of the contract. There are only two parties involved here: is the Minister able to assure the States that the States of Guernsey, or the Health and Social Services Department, is acting in full compliance with the terms of that contract?

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The Bailiff: Deputy Dorey.

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Deputy Dorey: Once again, I have not had notice of that question and, as I said, the contract is complex, with many clauses. I cannot and... often you sign a contract, as in any service things develop during the terms of that period... That original contract was signed in 2003 and it was amended in 2007, so I cannot give you that assurance (a) because I have not got the information –

1160

Deputy Fallaize: Sir, can I request that the Minister answer the question in writing?

Does he require me to put that question in writing or could he just circulate a response in writing once he has established with the staff at the Department whether the States of Guernsey is fully in compliance with the contract, please?

The Bailiff: Mr Procureur, do you wish to –

1165 **The Procureur:** That, of course, would be a matter for the Minister's judgment and for your ruling about the public interest.

Deputy Fallaize is fully entitled to put in writing any question that he wishes. What I would say is that when you have a complex contractual arrangement there is clearly potential for people to take different views of the standard of service being provided under all the circumstances. What I
1170 understand the Minister to have said now, on several occasions, is that the way in which HSSD are considering it best to proceed at the current time is to continue with monitoring and negotiation, in view of the life of the present contract with the providers of the service and that that is the advised course which is being undertaken.

1175 It would not be usual for it to be possible for one party to a contract to make a definitive public statement as to what the position is when the situation is in flux and changing and subject to negotiations. And if – I am not saying that there is – but if there were to be a dispute on a particular aspect of the contract, even then the Minister could not say 'I guarantee that this is the *de facto* situation.' It would be a matter, if it came to that, for a Court to determine. Not that we are in that place at the moment, as I understand it.

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The Bailiff: Thank you, Procureur.
Has that answered your... Right. You are not pursuing your question further?

1185 **Deputy Fallaize:** I will reflect on whether to submit it in writing, sir, I think.

Revenue from private medicine Comparison between charges in 2012 and 2013

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The Bailiff: No-one else is rising with a supplementary question, so Deputy Hadley has one final Question to... (*Interjection*) Well, I think notice of the Question has been given. It is a short question and a short answer – (*Interjection*) the tenth one.

1195 **Deputy Hadley:** Sorry, can the Minister tell me how much higher are the charges in 2013 compared with 2012?

The Bailiff: Deputy Dorey.

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Deputy Dorey: Generally, fees and charges were increased by 3%, in line with RPIX.

The Bailiff: Thank you. Deputy Brehaut.

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Deputy Brehaut: Sorry, I thought the question was finished, I do beg your pardon, sir.

The Bailiff: Deputy Hadley, do you have a supplementary question?

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Deputy Hadley: Can the Minister explain why the revenue from private patients has remained so high while a large number of operations have been cancelled? Is this because preferential treatment is being given to private patients?

The Bailiff: That does not arise from the reply that –

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The Procureur: That might arise out of the reply to Question 9 but, procedurally, I am afraid we have moved on.

The Bailiff: We have moved on to Question 10, thank you.
Deputy Brehaut, you have a –

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Deputy Brehaut: It is just that I tried to get your eye after Deputy Soulsby, sir

The Bailiff: That's right.

Deputy Brehaut: It was just the question was: are there robust risk-in-governance measures in

1225 place across the hospital and in A & E and there clearly are. That was the answer to the question. I think the Minister was making a subtle distinction.
Thank you.

1230

PUBLIC SERVICES DEPARTMENT

Kerbside Waste Collection

Cost and funding of trial; impact on refuse rate

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The Bailiff: I think we will move on.

Right, the next set of Questions are to be placed by Deputy Spruce and they are to be asked of the Minister for the Public Services Department.

Deputy Spruce.

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Deputy Spruce: Thank you, sir.

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As we are all aware, the Public Services Department propose to introduce a trial kerbside collection service for all domestic dry recyclable materials, in the Parishes of St. Martins, St. Sampson's and St. Peter Port. The following questions seek clarity on a number of points, especially as this trial paves the way for a new Island-wide service which, in due course, will impose significant increased costs on the community. An Island-wide service will also have a detrimental impact on all existing Parish waste collection contractors and these proposals do form the very first part of the proposed new Waste Management Strategy. There is also concern in the community that this first step is considered by many to be very expensive. Also, this first step is being taken in advance of PSD advising the Assembly of the likely capital and operational costs associated with implementing the in-principle new Waste Strategy resolutions agreed by the Assembly last February.

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Could the Minister please... I will ask him the five questions separately: is that right, sir?

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The Bailiff: Well –

Deputy Spruce: One at a time?

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The Bailiff: Well, I think you have then got points (a), (b), (c) and I think he is replying to those –

Deputy Spruce: I will do that as one.

1265

The Bailiff: – together. Then you have got a Question 2, which he will reply to later.

Deputy Spruce: Could the Minister please confirm:

(a) How you intend to finance this trial, i.e. where will the funds come from?

(b) What is the total cost estimate for the trial? and,

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(c) What will the current annual domestic household refuse charge have to increase by in order to pay for the provision of an Island-wide kerbside collection service of all dry recyclable materials, it being accepted that PSD have stated that the current average refuse rate is £100 per house?

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The Bailiff: The Minister, Deputy Luxon, will reply.

Deputy Luxon: Thank you, sir.

I am here to talk about rubbish but to avoid talking rubbish, my answers are quite long. I apologise to the Assembly.

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Mr. Bailiff, I am happy to answer Deputy Spruce's many questions, but before I do, it is important to provide some context on this issue of cost.

Deputy Spruce makes various references, such as 'significant additional costs to the community' and 'very expensive proposal'. Any regular service provided for every local household will involve significant cost, probably in the millions. And as much as it is easy to use these big numbers to concern Islanders, we need to be careful.

1285 So let us look at waste. I can leave this Assembly now and go and buy two litres of milk, which
will cost me a little over £2. That is more than the average household pays each week to have all
its waste dealt with. Less than two litres of milk to pay for someone to come around in the middle
of the night at least once a week to collect whatever waste we have produced and to pay somebody
1290 else to deal with it and dispose. It has gone away: we do not have to worry about it again. And that
same two litres of milk also pays for all of our recycling services, and the provision of the bring
bank sites, the collection from them seven days a week, all of the on-Island processing prior to
export, the shipping costs and any subsequent off-Island processing, which we also have to pay
for. Plus the recycling/re-use facility at Longue Hougue, which is open seven days a week,
1295 including bank holidays, where Islanders can drop off a whole range of materials or pick up a host
of otherwise unwanted items. For all of this, local households, on average, pay less than the price
cost of two litres of milk per week.

Yes, bills do vary significantly but, overall, the bar is currently set very low. One of the
reasons for this is because, for decades, we have been happy to take thousands of black bags every
week containing tons of rotting, putrescible waste and simply bury them in holes in the ground –
1300 these are holes that, fortunately, were already there for our generation to fill up with our waste.

Sir, I believe Members of this Assembly will agree we do have to do something else, not least
because Mont Cuet is fast filling up. Whatever else we do is going to cost more money. That is a
fact. How much more, then? I have already said that the current cost of waste services equates to
less than two litres of milk per week, per household. Once the new Waste Strategy that the States
1305 agreed – not in principle – last year, but *agreed*, has been fully implemented, we are confident
that, even with all the additional facilities and services, the total amount households will pay, on
average, for all of their waste to be dealt with will still be less than they spend on milk each week,
less than they spend on newspapers and magazines, less than they spend on bread. And it is a
fraction of how much the average household currently spends on food that just ends up in their
1310 bin, which is something we will be targeting as part of the Waste Strategy, that Islanders could
spend less on waste not more.

I would, therefore, ask Members to bear in mind that while we are sensitive to any increase in
costs to Islanders, when we talk about millions of pounds that are being spent now on waste on the
Island and will be in the future, this is still a very small element of Islanders' weekly budgets. In
1315 future, this will not only pay for better services but a more sustainable method of dealing with
waste, for which there is not a no-cost option. However, unlike now, with the new Waste Strategy,
households will have some control over how much they pay because that will be linked to how
much waste they produce.

I apologise about that preamble to set the context and, moving on to Deputy Spruce's first
question, last year, in approving the Waste Strategy, the States directed Public Services to
1320 implement kerbside recycling at the *earliest* opportunity, and to fund this by a loan from States
Treasury. In assessing the requirements for progressing this, it became clear that the timescale to
set up all of the infrastructure and facilities for processing materials collected through a full
kerbside and recycling scheme, including food waste, was far longer than necessary for the
1325 implementation of collections of just dry recyclables.

Introducing an interim scheme has a number of advantages, not least enabling the Department
to begin implementing these new services at the earliest opportunity, as directed by the States.
This interim scheme does not involve the capital investment that would require a loan from States
Treasury. Therefore, it is proposed to fund the operating costs from the balance in the Waste
1330 Strategy Fund, which has accumulated from the surcharge at Mont Cuet. Given the current balance
of this Fund and the predicted income and expenditure, it may be necessary to also apply a
marginal increase to the gate fee for Parish waste at Mont Cuet to fund this interim scheme.
However, the effect of this could be more than offset by a reduction in black bag waste arising as a
result of the introduction of recycling collections.

I also need to correct one point Deputy Spruce makes in his preamble to his Questions. The
Department will not be returning to the States for approval of this interim phase. Public Services
has already been directed to introduce kerbside collections of recyclables and food waste, and
given approval from Treasury and Resources for the business case. There is no requirement to re-
1335 visit this decision to the States for further approval.

The Department gave States Members an update on its progress on the Waste Strategy last
month, and the presentation was subsequently sent out to any Members who could not attend. This
included details of the proposed scheme and the estimated costs and similar presentations have
since been given to Parish representatives and to the media. These details are, therefore, in the
1340 public domain already.

1345 The estimated cost for introducing collections of dry recyclables only on an interim basis was approximately £1.2 million, to begin with 55% of local households, rising to around £1.8 million for full Island-wide coverage. We believe this represents the worst case scenario and some elements of these costs can be improved upon, and have been, and reduced. We are making progress on that.

1350 The final, full kerbside scheme the Department is currently working on includes separate food waste collection, not just recyclables. This would be implemented once all the infrastructure and facilities at Longue Hougue have been commissioned, including the food waste processing. The estimated cost of this will be significantly less than the interim scheme which, in the short term, is likely to require temporary sorting facilities, which will be more expensive to run. Currently, the model that we have carried out indicates that the collection element of this final, full service would be somewhere between £800,000 to £1.2 million per year, or between £30 and £45 per household a year. However, this would be offset by reductions in some costs that are already covered by the Parish refuse charges, such as the requirement to service and collect from bring banks.

1360 More importantly, the introduction of kerbside recycling will enable us to reduce the amount of material requiring disposal, which will actually save money elsewhere in the Strategy. This highlights the danger of trying to unpick individual elements of the integrated Waste Strategy. All of the various components cost money and, taken in isolation, can be made to look expensive, even though they achieve savings elsewhere. They contribute to what is, overall, a more cost effective solution than Deputy Spruce's preferred option of building an on-Island incinerator to dispose of more of our waste than we actually need to.

The Bailiff: Are there any supplementary questions arising from that reply.
Yes, Deputy Spruce, you have one.

1370 **Deputy Spruce:** Given the Minister's final sentence, could I ask the Minister why he feels it necessary to make snide comments about my previously expressed opinion that an on-Island waste energy plant is a more viable long term option than export of waste – especially given the hypocrisy of those that are opposed to incineration when all exported waste will be incinerated only a few miles away from Guernsey? The questions today are quite reasonably being asked, because the proposals will ultimately impose another cost burden on an already cash strapped public.

The Bailiff: Deputy Luxon.

1380 **Deputy Luxon:** Sir, I am not sure how I should answer that. I do not believe that anything I have said this morning, in answer to Deputy Spruce's questions, has been snide.

1385 I am responding to Deputy Spruce's questions in an appropriate manner, as the Minister of PSD. If, however, Deputy Spruce feels that I have made an inappropriate comment then I clearly would apologise but it was certainly not my intention and I do not believe that that is what I did do.

The Bailiff: Do you have another supplementary question? I think Deputy Gollop has.
Deputy Gollop.

1390 **Deputy Gollop:** Well, the Minister has explained that maybe 55% of households will benefit from the kerbside initiative – which I personally support and endorse – but my questions are, is it not a touch unfair on the 45% of the seven parishes who will, to a degree, cross subsidise the initiatives on the eastern half of the Island? My second point is will the three lucky parishes, including St. Peter Port, on the east, perhaps see a reduction in their rates to the householders because of the work and initiatives that the Public Services Department will be doing?

The Bailiff: Deputy Luxon.

1400 **Deputy Luxon:** Sir, there will be no changes whatsoever at all with the kerbside recycling interim scheme – the first phase – because it is entirely separate from the black bag collection. So the Parish arrangement that is in place would carry on as is. The kerbside is an addition and, as I mentioned earlier, it is being funded from the Waste Fund.

In answer to the question, the Board looked very hard at would this Assembly, would the people of Guernsey, want to see an early introduction of the beginnings of this Waste Strategy

1405 Implementation Plan with this first phase? Would they prefer that, or would they rather we waited until we have the ability to build all of the infrastructure and go out to what are very lengthy tender processes for the final scheme and, of course, not gather any learnings from the process of those first three Parish trials?

1410 I do not feel that the other seven Parishes should feel aggrieved. 63,000 people on this Island generate the waste that we have and 63,000 people need to be part of the solution. It is not a PSD problem, it is not a States of Guernsey problem, it is *our* problem!

The Bailiff: Deputy Langlois had a supplementary question, then Deputy De Lisle.

1415 **Deputy Langlois:** Yes, sir.

Accepting that we are discussing a trial here, which may set a general direction to be followed later, would the Minister agree that, in order to satisfy a very pure ‘user pays’ philosophy, he is at grave risk of effectively introducing a perversely regressive tax, which will hit the poorest of our population hardest, especially since they can have only partial control over the quantities of waste they produce.

The Bailiff: Deputy Luxon.

Deputy Luxon: Thank you.

1425 No I do not think that this risks introducing, as he said, a stealth tax or raise a tax. The issue is if we, as citizens of this Island, are able to both reduce the waste we generate by buying selectively, by buying carefully, if we are prepared to recycle whether with the current bring bank system or, indeed, with the kerbside system, I do not see why *any* householder, from whichever level of our social strata, should be inconvenienced or impoverished more. So for me and the Board, we very early on felt that some element of ‘user pays’ principle was the most appropriate way and all I can do is share with you the experience that, as the gate fee charges at Mont Cuét were increased, that was a significant contribution to the levels of recycling that we have achieved.

1430 If I can talk, sir, just very briefly, if I get my numbers right, residual waste at 55,000 tons, 10 years ago, is now 35,000 tons – sorry, 33,000 tons – going to Mont Cuét and the plan of the Waste Strategy is to reduce that even further – significantly further – so that the final disposal cost of exporting is as low as possible.

The Bailiff: Deputy De Lisle, you have a supplementary question.

1440 Sorry, Deputy Langlois, you have a...

Deputy Langlois: Sorry, sir, very, very briefly, and with respect, I think the Minister has not gone to the core of my question: would he agree that the charging mechanism which is being tested, and hence proposed for the future Island-wide is, by its very nature – we can argue about charges and taxes – but by its very nature it is definitely a regressive tax which will hit the poorest harder?

The Bailiff: Deputy Luxon.

1450 **Deputy Luxon:** There is no new charging mechanism with the kerbside recycling phase one. There is no change to what householders will pay for this initial phase of the 55%. There is no additional charge to householders.

What will happen is, as the full scheme is implemented before the end of 2015 – as we presented the timeline of all the different workstreams to States Members and the stakeholders – there will be a charging that will need to come in to fund it because the whole principle of the Waste Strategy, and within the Report, is that it should be self-funding. That is the idea. \

1455 I cannot agree entirely, although I empathise with the point that Deputy Langlois is making, in terms of a regressive tax. The bottom line is this Island has been dealing with its waste inappropriately for decades. We have been disposing of rotting waste in holes produced by previous quarrying activities and covering it with soil. It is inappropriate, it is not sustainable, it is not sophisticated and Mont Cuét is coming towards the end of its natural life. The Waste Strategy looked at that. We have explored and aborted £12 million of costs on exploring on-Island incineration and the previous Assembly – and I totally agree with their vote last February – has agreed a Waste Strategy. It is an integrated Waste Strategy: it is going to cost more to deal with our waste properly than to continue dealing with it inappropriately.

1465 Whichever solution, the Waste Strategy proposals we have in front of us would not be as expensive as the option of the Suez proposal that was on the table three years ago.

The Bailiff: Deputy De Lisle.

1470 **Deputy De Lisle:** Yes, sir, thank you.

I am so pleased to hear the Minister speaking positively about kerbside collection of recyclables, about reducing waste going through to Mont Cuet at the earliest possible period. Members will know that I have been banging on about this for many years. It has been very frustrating, waiting for kerbside to be introduced, particularly considering other jurisdictions already have the service, reducing waste –

The Bailiff: Is this a question or a statement?

1480 **Deputy De Lisle:** Sir, like others in this House, *(Laughter)* I am giving a preliminary to my question, *(Laughter)* but my preliminary is far shorter than many others. The question being: in that we have had three years, my question is, would the Minister confirm that the existing refuse collectors have offered to continue their current service but alternate between collecting rubbish destined for Mont Cuet and dry recyclables and thereby would not increase the number of collections to households and would not increase costs to householders? Can the Minister provide the current status of those proposals and discussions with the bin men?

1485 Thank you.

The Bailiff: Deputy Luxon.

1490 **Deputy Luxon:** Sir, I am happy to answer that question but I do recognise Deputy Spruce has four other Questions and certainly one of them, I think, reflects this area so I will answer Deputy De Lisle's question relatively briefly, on the basis that I think we will come back to it in a short period of time.

1495 PSD was very conscious – and we have had some fairly strong criticism about both how we have consulted and what we have consulted about... At the turn of this year, the Board became very clear about the details of the Waste Strategy implementation and, very early, we decided we wanted to come out, we wanted to brief States Members, which we did on 5th and 6th March, we briefed the Douzaines and the Constables, which we did on 14th March, the media, too, on the same day and we briefed various other stakeholder groups.

1500 One of the final parts of that presentation of the Waste Strategy implementation was to the Parish waste collectors, the bin men, so the answer is, yes, we have met with them, we have presented our Waste Strategy implementation update and their reaction was clearly one of concern about the future of their role. We tried to disavow them of any concern there and they came up with some ideas about how they could operate and provide the kerbside recycling service, either as a whole or on each individual basis. There are six different contractors across the ten Parishes. The PSD Board invited them and said we would be very happy to look at their responses so we have now gone to the Douzaines, written to them and asked for the Douzaines, in conjunction with their contract with their waste collectors, to come back with proposals of how they may well be able to offer a kerbside recycling scheme different to the centralised Island-wide kerbside trial that we were proposing in our briefings.

1505 So the answer is we are in dialogue. Yes, the waste collectors will propose something and PSD is prepared to look at that with the Douzaines.

The Bailiff: Deputy De Lisle.

1515 **Deputy De Lisle:** I thank the Minister for the answer.

The Bailiff: Deputy Fallaize, do you have a supplementary question?

1520 **Deputy Fallaize:** A supplementary which arises more out of Deputy Luxon's preamble – and I should say, at this point, that SACC is proposing time limits on Questions and answers at next month's States meeting and perhaps today illustrates why they are necessary – is the Minister able to advise whether his Department envisages that the States Assembly will be involved at any point between now and the final implementation of the Solid Waste Strategy and, if so, in respect of

1525 what parts of the Strategy and when will the Department next lay a States Report before this
Assembly on this matter?

Deputy Luxon: Thank you.

1530 Specifically, in September of this year PSD will be coming back to the States as per one of the
Resolutions in the States Report about the export solutions and in December of this year we will
be coming back to the States regarding a whole raft of legislation and funding charging issues
which, again, was reflected in the States Report, so those are two specifics.

1535 I mentioned also that, in terms of some of the Resolutions that we are progressing with, we
need to take a business case to Treasury and Resources for their sign-off in terms of the process,
again as outlined in the States Report but, yes, there will be other capex elements of the Waste
Strategy that will be coming back. All I was trying to reflect is that PSD is keeping to the
programme and instructions and directions that was in the February 2012 States Report: PSD is
not looking to circumnavigate any process through this process.

1540 **The Bailiff:** Are there any other supplementaries?

**Kerbside Waste Collection
Glass recycling**

1545

The Bailiff: Deputy Spruce, your next Question, please.

1550 **Deputy Spruce:** Is it correct that the proposed kerbside collection service will not involve the
collection of glass?

The Bailiff: Deputy Luxon.

1555 **Deputy Luxon:** Glass will be included in the interim scheme but not as one of the main
materials collected.

1560 The reason for this is that glass presents specific issues, in particular related to noise, if
collected separately at night, or potential contamination of other materials if collected together.
For this reason we are including glass collections only on a limited number of the routes of the
trial so that we can assess the impact and practicalities of incorporating this into the final scheme.
That would be the ideal and we are proceeding on that basis.

If, however, glass could not be included in the final kerbside scheme – if it could not – we
would still be able to offer ample facilities for Islanders to recycle this material.

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**Kerbside Waste Collection
Role of Parish refuse contractors**

1570 **The Bailiff:** Deputy Spruce.

1575 **Deputy Spruce:** Question 3. Could you please confirm why the Public Services Department
advised various Island Douzaines, at recent presentations, that the proposed trial kerbside
collection scheme for dry recyclables would not involve the existing Parish refuse contractors?
Would the Minister agree with me that, although theoretically possible, it is likely to be practically
impossible for the average Parish-based contractor to tender for the provision of an Island-wide
refuse collection service for both black bag and dry recyclables once the trial is complete?

The Bailiff: Deputy Luxon.

1580 **Deputy Luxon:** Thank you, sir.

The kerbside collection of recyclables is complex and there are a number of practical issues
and challenges that we need to investigate before we are able to roll out this Island-wide. There
are many different options available for doing this and we have to assess which one is going to be best
for Guernsey in the long term. The purpose of introducing the interim scheme is to enable

1585 recycling collections to be progressed at the earliest opportunity, as we have been directed to by the States, but in a way that also enables us to test out the system before full implementation and, if necessary, to adapt it. We need maximum flexibility and the Department has, therefore, considered the use of States Works Department in the short term as being the optimum means of delivering this.

1590 The final kerbside scheme, once all the issues have been ironed out, would then be put out to tender and any existing Parish waste contractors would be able to tender for this. At the recent meeting between the Departments and waste contractors, various ideas were offered up, as I said earlier, and we made it clear we would be happy to receive suggestions. We have, therefore, written to all Douzaines to ask them if their current contractors would be interested in providing separate collections of recyclables and have asked them for responses by the end of next month.

1595 There are, however, some important points that we need to be clear about. First, the Department cannot interfere in the contractual arrangements between any of the Parishes and their contractors. We have no powers to do so. Second, the Department has been directed by the States to introduce kerbside recycling for all Island households at the earliest opportunity. It is difficult to see how this can be achieved if some individual Parishes can choose between going it alone or opting in to a central scheme. More likely, any interim system would have to be on the basis of all Parishes providing the service or it being done centrally – more likely – and it would have to replicate as near as possible the final preferred scheme otherwise we do not have the ability to test out and assess the key issues.

1600 The final point, which is a very important one, is the proposed interim scheme would have no impact whatsoever on the existing arrangements for black bag collections. This scheme is purely for dry recyclables and the current Parish waste collections will continue completely unchanged. Separate to this, we are currently consulting with the Douzaines to try and identify what advantages, or disadvantages, there are in the Parish system as part of the wider review of current waste policy and legislation. However, that has no bearing on the interim scheme: they are separate and we should not confuse the two issues.

1605 Which brings me to Deputy Spruce's assertion that it would be impossible for the average Parish waste contractor to tender for the provision of an Island-wide refuse collection service for both black bag waste and dry recyclables. No, I do not agree with that. The interim scheme will give the Department a great deal of experience to enable us to identify the optimal long term arrangements. I am confident that we will learn a lot from this and all of that will be shared with anyone and everyone who wishes to tender for the final scheme. There is no reason why that should exclude existing contractors and I am happy to give whatever assurance this Assembly requires that the procurement process will be completely fair and open.

1610 Sir, if I can just add, the plans that the PSD laid in a presentation of our implementation plan is a moving feast. We have met with the waste contractors, they have come back with some very sensible and surprising suggestions and we are engaged with them and will explore with them. PSD wants to try and make sure the Waste Strategy is delivered successfully and in the most cost effective way, minimising the cost to the Islanders of this Island, I guess.

1625 **The Bailiff:** Deputy Spruce, you have a supplementary question arising from that reply, do you?

Then I will call Deputy Laurie Queripel, also with a supplementary.

1630 **Deputy Spruce:** Having heard the Minister suggest that all the waste contractors will be able to tender for an Island-wide service, could he give some indication about how much capital would be required for vehicles and plant to actually perform that service? Because he will be aware that I am aware what the number is, but I will leave it for him to say.

1635 **The Bailiff:** Deputy Luxon.

Deputy Luxon: Sir, could I just ask for Deputy Spruce to clarify that question for me, just to make sure I can deal with it properly.

1640 Thank you.

Deputy Spruce: I would like you to tell the Assembly how much capital will be required for distribution trucks, collection trucks, in order to perform the Island-wide service. You have an estimate of how many vehicles you will need and what type of infrastructure you will need to be able to provide the service. We all know that our local Parish contractors are relatively small

1645 business units in their own right and what you say, by association, is incorrect. I still believe that it would be immensely difficult for the average Parish waste contractor to find the capital funding required to provide an Island-wide service, as you suggest. So maybe you could tell us all what is the scale of the numbers involved.

1650 **Deputy Luxon:** That is a complicated question but I think what I would say is that the costings for the 55% rollout was estimated at £1.2 million and that the full scheme, when rolled out to all ten Parishes, would be about £1.8 million per annum.

1655 In terms of the cost of vehicles in the programme that we have been looking at, we were looking at a potential cost of £1.3 million for vehicles to cover the Island-wide scheme. But coming back to the issue about the waste contractors, perhaps if I can give a specific example, one Parish waste collector actually offered to provide the service – I will not say free of charge but at no *extra* charge – on the basis that that Parish was prepared to enjoy, instead of two week pickups of black bags, to have one weekly pickup and the other week to pick up dry recyclables. In that case, that particular waste contractor was able to make that offer without any on-cost at all to himself and he was able to use the vehicles he had. Talking to some of the other Parishes, some of the other Parishes' contractors are looking at changing their vehicles or, indeed, bringing in vehicles, so I cannot give you an answer about exactly what the capex would be that all of the waste contractors would need to do this for an Island-wide scheme. I just do not have that information.

1665

Deputy Spruce: A further supplementary, sir.

The Bailiff: Yes.

1670 **Deputy Spruce:** Given what you have just said, that illustrates the point I have been trying to make that, one month ago, PSD met with the Douzaines and you were going to roll out an Island-wide scheme. Now, because of a certain amount of pressure, you have opened dialogue with the Parish waste contractors, so do you agree now that a system of kerbside collection and black bag waste collection can be accommodated with the Island's Parish waste contractors?

1675

The Bailiff: Deputy Luxon.

1680 **Deputy Luxon:** That is possible. If there are lots of hurdles it would need... if the Island-wide scheme is going to work and, as I said in my earlier comments, it is going to very difficult to imagine where you have half a dozen or several different schemes because, remember, this is a precursor to also collecting food, separating food, so the kerbside is not just between dry recyclables, it is also to be able to pick up kerbside collections of food waste.

1685 Part of the Waste Strategy is to minimise the final export tonnage and in our Waste Strategy plan we are looking at collecting something like two and a half thousand tonnes of food waste. Without having a kerbside recycling system in place, that simply will not happen. So all I can say is we will talk openly and genuinely with both the waste collectors and the Douzaines. Deputy Spruce is absolutely right. Rubbish is clearly very emotive to many of the Islanders and what we are trying to do is to engage. If PSD can find a solution that the Douzaines and the waste collectors and, indeed, the overall the States of Guernsey can be comfortable with, I see no reason why we should not amend our plans. Much of what we have talked about at PSD Board meetings has been about future proofing and flexibility. What we want to do is to try and make sure we get best value for the money that we have to spend, rather than less best value.

1690

1695 **The Bailiff:** Deputy Laurie Queripel had a supplementary question, then Deputy Fallaize.

Deputy Laurie Queripel: Thank you.

1700 Deputy Luxon, in his reply, referred to a letter that PSD sent to the Douzaines, asking whether they would be interested in organising parish kerbside recycling. Would the Minister agree that the deadline attached to that letter, in regard to the Parishes replying to PSD, is unreasonable – I think it is something like towards the end of May, about a month away – bearing in mind that PSD have taken three years to get to the position they are in now? Parishes have had to talk to contractors, obtain prices... It is a very complex matter.

Will PSD be prepared to extend the deadline to allow the Parishes to obtain proper considered information and figures?

1705 Thank you, sir.

The Bailiff: Deputy Luxon.

Deputy Luxon: Thank you.

1710 The intention with the letter that was sent to Douzaines was in no way meant to be unreasonable or to demand too much. You are actually right, Deputy Queripel, that it asks for responses by the end of May...

Would you like a cloth? I am the Public Services Minister... Deputy Queripel. (*Laughter*). Deputy Queripel. (*Interjection by Deputy Laurie Queripel*) We are here to serve the public!

1715 Sir, if I may continue, the waste collectors were very clear – I will not say unanimous, but the majority were very clear – that they wanted to go away and come back with some schemes for PSD, some suggestions for PSD to consider. We accepted that. We asked them to go away, speak to each of their individual Douzaines, with whom they have the contract, and ask them then to have their Douzaines come back to us. This letter was a follow-up to that process, so we were not
1720 intending to put an unrealistic timescale in, we were simply responding to the requests of the waste collectors.

Finally, yes, if there are some problems in meeting the end of May then, of course, PSD is not going to close that option off, if there is a need for further time.

1725 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

I commend the Minister's willingness to listen to, and talk with, the existing Parish waste contractors but he will be aware that there are already private contractors collecting recycling.
1730 There is already private kerbside recycling schemes in operation. Is he prepared to speak with those operators, as well as with existing Parish black bag waste contractors, to see whether the former, as well as the latter, might be able to take advantage of anything which the Department plans?

1735 **The Bailiff:** Deputy Luxon.

Deputy Luxon: I will have to give you an opinion which I need to confirm because I do not believe my Board has clarified that, but I would tend to say I do not think that is possible. At the moment the Parishes look after the collection and charging of the black bag bin waste, on behalf of
1740 the States of Guernsey, through PSD.

The two or maybe three very small operators that Deputy Fallaize refers to were invited to the meeting that we had with the waste collectors. They either did not, or were not able to, attend for whatever reasons so the dialogue we have been having is with the formal contractual parish waste collectors. I cannot see that confusing the issue by broadening it even further is going to help, but I
1745 make that as a personal comment and I am happy to take that away and ask my Board and project team to consider it.

But, one thing for sure is the legislation issue, that we are having to refer across, to even be able to consider allowing the contractors, gives us great problems. Indeed, we have had advice from the Law Officers in terms of what we can and cannot do under current laws and legislations.
1750 I wish rubbish was simpler to deal with but it is not. It is a very complex issue.

1755 **Domestic and commercial waste**
Quantity and cost

The Bailiff: I see nobody else rising to ask a supplementary question so, Deputy Spruce, would you like to ask your fourth Question.

1760 **Deputy Spruce:** Could you please answer the following questions, let us say using figures based on year end 2012 statistics:

(a) what is the total annual domestic and commercial residual waste tonnage figure, excluding inert waste and green waste?

(b) what is the total annual domestic residual waste tonnage figure, excluding green waste?

1765 (c) what is the annual dry recyclable residual waste tonnage figure and what does that recyclable material represent as a percentage of the total annual waste stream, excluding inert waste and green waste?

(d) please confirm how much additional dry recyclable tonnage you expect to collect annually by introducing an Island-wide dry recyclable kerbside collection scheme? Finally,

1770 (e) what is the estimated annual collection cost per ton for collecting all dry recyclables, when compared to the existing cost per ton for utilising the bin bag system?

The Bailiff: Deputy Luxon.

1775 **Deputy Luxon:** Thank you, sir.

In 2012 the total residual waste which was disposed of at Mont Cuet was 33,441 tonnes, of which 13,911 tonnes was from households. The latest waste composition analysis carried out last year indicated 25% of Parish black bag waste was from recyclables and a further 5% was garden waste that could have been composted. This would equate to around 4,200 tonnes of waste or 19% of all household waste, excluding inert and green waste. In addition, an estimated 4,500 tonnes of household food waste was disposed of in 2012 and, with the new Waste Strategy, this material will be collected and processed separately, as I mentioned before. That brings the total amount of potentially recyclable material that was disposed of in Parish waste, in 2012, to 8,700 tonnes, which is 40% of all household waste, excluding inert and green waste. The Department does not currently have full figures for commercial waste generated in 2012 but we are working with the Environmental Health Department and waste contractors to try and obtain these statistics. However, based on figures for 2011, the total commercial and household waste last year, excluding inert and green waste, would have been approximately 63,500 tonnes. 14% of this total, or one in every 7 tonnes, was household waste that could potentially be recycled. There are 19,000 tonnes of commercial waste.

As previously stated, other than for the interim scheme, there is no proposal for kerbside collections for dry recyclables only. As directed by the States, the Department is currently working on the implementation of collections that include separate food waste, as well as dry recyclables. However, I am happy to provide a breakdown of these two elements. We estimate that by introducing kerbside collections we will see an increase of approximately 2,000 tonnes per year in dry recyclables, including what will still be collected through bring banks. Compared to 2012, that is an increase of around a third. In addition, we would expect to collect around 2,500 tonnes of food waste, not all of it, some of it. Taken together, this would contribute an additional 4,500 tonnes to the Island's recycling, compared to the tonnage of materials collected through the banks last year. This would represent an increase of around 75% and would push up the household recycling rate to around 60%.

Equally important, it will result in a corresponding decrease in the amount of materials that need to be disposed of. 4,500 tonnes would represent a reduction of nearly 15% in waste being disposed of at Mont Cuet, compared to last year, and a decrease of almost a third in the household element of this. The annual cost for kerbside collections will include food waste, as detailed in the Waste Strategy, and as directed by the States. Based on 10,500 tonnes of dry recyclables and food waste being collected from the kerbside, the current estimate would give a collection cost of around £75 to £110 per tonne. This compares to approximately £26 per tonne for the bring bank system of 2012.

What this very basic comparison does not reflect, however, is the significant cost that is avoided by removing these recyclable, compostible materials from the waste stream destined for disposal, so the real cost of maintaining the current recycling level through the bring bank system alone would be much higher than the difference in collection charge implies. By way of example, sir, households currently pay £152 per tonne to dispose of waste at Mont Cuet. Parishioners are, therefore, paying more than £680,000 now to dispose of 4,500 tonnes of material that is not currently collected through the bring banks but could be through kerbside recycling.

The focus of this Waste Strategy is, quite rightly, to reduce the amount of material this Island has to dispose of by encouraging Islanders to reduce, re-use and recycle more. The success of the Strategy, therefore, depends to a great extent on not only enabling Islanders to participate fully but encouraging them to change their current behaviour. The introduction of kerbside recycling is part of the key to effecting that behaviour and these figures outlined above and the savings that they represent elsewhere in the Strategy, arguably, are only the start of this long and difficult journey.

The Bailiff: Deputy Gollop, unless Deputy Spruce has a supplementary question... Deputy

1825 Gollop has one.

Deputy Gollop: Well, it is just a quick one.

1830 Would it be possible before, let us say the end of July, early August States of Deliberation meeting, for the Public Services Department to collate these views and data into a short Report for debate by the States of Deliberation at that time, as a preliminary direction of travel Report, because I think that would be easier than this format of presenting policy.

1835 **Deputy Luxon:** I am not sure what Deputy Gollop would be wanting to achieve after more than a dozen years of deliberating over the Waste Strategy solution for this Island and two aborted incinerators on-Island, at a cost of over £12 million, which I think all States Members would agree, Islanders regret very much. A Waste Strategy was worked on and developed and put before the previous Assembly in February last year – an integrated Waste Strategy – in which the core and key was, at the beginning, to reduce waste as much as possible and, at the end, to export to another destination. It is an integrated Waste Strategy solution. What bringing back component parts to the States would do, I am not sure.

1840 What we have to accept is that the time has now come to implement the Waste Strategy that this Government has agreed on and directed PSD to deliver. We simply do not have the time to pick like a scab at this issue. It is long overdue to implement the Waste Strategy.

1845

Waste management facilities Capital and operational costs

1850 **The Bailiff:** Deputy Spruce, your next Question.

1855 **Deputy Spruce:** Could the Minister please provide the Assembly with some indication of what the anticipated capital cost, to the nearest £2 million, will be to build the entire waste management facilities required to achieve the resolution as agreed by this Assembly in February 2012? Could you also provide some indication of how much PSD expect the annual capital and operational costs will impact on the average domestic household refuse bill if this Assembly were to finally approve the new Waste Strategy proposals? Finally, whilst I understand that negotiations are still under way with many waste export destinations, could you please supply the currently known minimum and maximum range of cost per tonne, including sea freight costs, for the export of waste operation?

1860

The Bailiff: Deputy Luxon.

1865 **Deputy Luxon:** Sir, the report which the department brought to the States when the new waste strategy proposals were approved last year contained indicative costs for the various elements, including infrastructure requirements. Having completed a lot more of the detailed work in preparation for procurement, the estimated cost of some of these elements have increased significantly. Equally, the estimated costs of other key elements of the Strategy have decreased significantly. The key point, however, is we are still confident that the average of c. £190 per household per year is a fair reflection of the total cost of dealing with this waste, including all the new additional services that will be provided. There are still key decisions in terms of which infrastructure requirements we look for the States to procure and which we leave to the private sector. I mentioned earlier that we are talking to many different on-Island contractors and we will explore with them other solutions, as well as those we have presented in the implementation update.

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1880 Clearly, the final costs will only be known once all of the facilities and services that we choose to procure have been through the full tendering and construction process. There is still a great deal of work required before we reach even that first stage, including the approval of any business cases by Treasury and Resources. Currently, any estimates would reflect the extensive uncertainty over prices, given the very preliminary stage of the process we are currently in. It is, therefore, premature to speculate at this stage as to what the final capital costs of the infrastructure would be when we have not yet finalised all of the detailed specifications. However, for the benefit of Members, I can say that the Department has submitted a capital prioritisation bid submission of around £29 million for the overall future waste infrastructure requirements, not for the Waste

1885 Strategy itself, but for the overall waste infrastructure requirements.

Of that total, around £24 million is directly linked to the Resolutions themselves. However, this currently includes facilities that we may still choose not to build, and it also includes additional costs not included in the Waste Strategy, such as the development of the Longue Hougue site, the infrastructure costs and also the capping of Mont Cuet, which are requirements we have to meet, anyway. Those elements that were included in the indicative costs for the Waste Strategy and have increased in cost are expected to be offset by much lower than anticipated costs for the final elements of the Strategy, which is the export of waste for off-Island treatment. At this stage it would be unwise to give any detail of those specific export costs, given that we expect very shortly to begin a competitive tendering process. However, I would repeat that, when taken as a whole, we anticipate the overall cost of the Waste Strategy, including the cost to households, will still be in line with the previously quoted figures in the States Report.

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1900 My Board and the project team are determined to successfully deliver this Waste Strategy implementation over the next two and half years to give our Island an appropriate, sustainable, efficient and cost effective system for managing our waste. We shall be challenging – and I give my personal commitment as Minister – we shall be challenging every aspect of the plan to strive for best and better value to ensure that the cost to Islanders is minimised wherever possible.

The Bailiff: Deputy Spruce.

1905 **Deputy Spruce:** Just one supplementary, sir.

I would like to ask for some clarification from the Minister on the last answer.

Deputy Luxon, you have just said that PSD will be submitting a capital prioritisation bid for £24 million specifically to build the waste infrastructure required to fulfil the Waste Strategy Resolutions agreed during last February's debate. Many Members will not be here so do not know the background to this but I will try to give you a brief idea of what we have done, so could you please also confirm that, at last February's debate, PSD were recommending Option B, which was the finally agreed proposal, using a capital cost estimate of only £3.15 million. You have just mentioned £24 million. The capital cost estimate, therefore, significantly reduced the lifetime cost of Option B to the detriment of Option A and C and led directly to the decision that Option B was the most cost effective when, in fact, it was not.

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1915 Will the Minister agree to revisit the full lifetime costs of all the options agreed last year so that this Assembly can be confident that it is not moving forward with the most expensive option, rather than the least expensive option?

1920 **The Bailiff:** Deputy Luxon.

Deputy Luxon: Thank you, sir.

Deputy Spruce is absolutely right that Options A, B and C in the Waste Report, a very detailed document... There were three options and I believe, from what I have been informed, that the PSD Board were minded to favour Option A for quite some considerable time in the build-up towards the Report being finally drafted and then, towards the end, Option B, which is the option that was selected by the previous Assembly for going forward.

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1930 Yes, the capital costs are slightly more than £3.1 million that Deputy Spruce talks about because there was also £380,000 on four vehicles which were elsewhere in the Report but, nevertheless, £3.5 million – we will not quibble about that when we have gone from less than £3.5 to £24 million. In terms of why are the costs that we have put into the capital prioritisation submission earlier this month – why is it higher? – well, my Board, when we saw the costings and the modelling, clearly we had some questions about that increase, as well. I well remember, Deputy Spruce, that in the Report it very clearly talked about 'indicative costs', where further investigations were necessary, but one of the most important points, in answer to his final point, is that the increased costs for the kerbside collection that emerged from the IBC were constant across all three. So whatever increased costs there are in relation to those three items in Option B, they equally would apply and uplift Option A and C.

1935
1940 In terms of how the £24 million is got to, one of the issues is that the States Property Services' advice is that on all construction projects there should be an inflation uplift of 1.7% so for any project that one would achieve in the UK, a 1.7% ratio uplift would be applied. That was not included in the States Report. Also, in terms of a standard approach, the optimism bias which is, again, a ratio that is used to try and make sure, on projects that are technical difficult or where costs are unknown, is equally applied. So when we look at the £29 million that we have put in our

1945 capital prioritisation, £5.4 million relates to items that are nothing to do with the Waste Strategy. They are separate, they are part of PSD's normal waste infrastructure. The Guernsey factor, Guernsey uplift factor, and optimism bias amounts to £11.5 million, which is the result of that 1.7% and c. 1.5% ratio uplift. There were no costs included for any of the options for the site works at Longue Hougue to create this infrastructure: again, they simply were not included in that

1950 States Report and then there are some marginal costs of the new kerbside vehicles, which we now estimate at £1.3 million because we do not believe secondhand vehicles will be available out there.

So, in actual fact, the core number difference is between £3.5 million and circa £8.7 million: Deputy Spruce could say why was the Guernsey uplift and optimism bias figures not included. I cannot answer that but he was a Board member, as were other Members in the Assembly back

1955 then. Nevertheless, that is the explanation as to why it has happened. In answer to your question, do I think it is appropriate that PSD goes back and revisits the full time costs, lifetime costs, of each of the three options, I do not think that is necessary but I am more than happy to take that away and talk to the PSD Board about that. But I do not see any absolute need: yes, overall, there is a higher capex cost but, in actual fact, there is a significantly lower cost for the gate fee on the

1960 export which, overall, means, by our modelling, that the lifetime costs of Option B remain in line with the lifetime costs that we had in the States Report that was approved. So regardless of any movements – and, for me, the indication of charges to householders, again remain within exactly the same parameters – yes higher capex costs but significantly lower costs to export our waste, a massive, massive advantage. It is clearly regrettable that there is any kind of movement in the

1965 Report in terms of the numbers but, as the PSD Minister of the PSD Board now, all I can do, in implementing the Strategy on behalf of the States of Guernsey, is to make sure that we put forward proposals that are true and transparent.

My final comment – and I apologise yet again for another long answer – is that my Board is determined, where we can, to find ways of mitigating and minimising the level of capital

1970 prioritisation submission we have made. This is a 4-year capital prioritisation programme which will come to the States in September for approval and it would have been remiss of us not to have put in what we regard as being the upside full costs to deliver the scheme by the end of 2015 but my Board is determined that we find ways that we can actually mitigate that. We believe that we will be able to do that.

1975 Apologies, again, for the long answer, sir.

The Bailiff: Deputy Spruce.

Deputy Spruce: Sorry, I have to come back with a supplementary, too, really. The Minister did not really commit to my request to come back with a full lifetime cost analysis for the three

1980 options and I would beg you to do that so that we can have confidence, in this Assembly, that we are actually, finally, before we commit to building anything, doing the right thing. Because how can we have confidence that PSD's *guesses* – and they are guesses because they have not got the export of waste technical proposals tendered, they have not got a contract signed with anybody for

1985 export – as we said, there are seventeen, we have been told there are seventeen jurisdictions – so we do not know yet what the final cost is. I think it is absolutely essential that the public of this Island know they are getting the best deal because waste is expensive.

I think being out by a factor of £8 million only last February deserves, well, more than 'I might, or I might not, discuss it with my Board'. I think you have to come back to this Assembly with lifetime cost comparisons based on the proposals which were debated last February because those decisions taken last February were based on inaccurate detail with regard to Option B.

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Now for those that were not here, with regard to Option A...

The Bailiff: Is this becoming a speech, Deputy Spruce? (**A Member:** Hear, hear.) Only you had asked a question... You are either moving on to yet another question –

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Deputy Spruce: Okay, sir, I will ask it again: will the Minister please bring

Deputy Luxon: I think I have got it!

2000 I picked up your questions right at the beginning (*Laughter*) and the rest was helpful, in a way, but I think I have got the two questions, sir – or have I? I may have forgotten... (*Laughter*)

Deputy Spruce: Thank you, okay.

2005 **Deputy Luxon:** You are right, Deputy Spruce. I did not commit absolutely to coming back to
the States with a Report that would look at the full lifetime costs of each of Option A, B and C.
What I said I would do was that I was very happy to go back to the Board and, in principle,
personally – you know, this is not the sort of Government where the Minister can just make
2010 decisions, as my Deputy Minister often reminds me, usually after I have done it! (*Laughter*) – but I
will take that away. I do understand the point and I am not taking this lightly.

This Waste Strategy is very important to the Island and, in terms of the cost implications, we
need to get it right. I would refute, – I did not think it was a snide comment, but I would refute –
that is not about guesses. Deputy Spruce has had far too much business experience to know that
2015 you make estimates, not guesses. You might even call them ‘guesstimates’ sometimes, but we
have detailed estimates that we have developed using professional advisers and these are the
figures that we have put before you. Yes, some of these things have to be confirmed but that is the
reality. So I undertake that I will take away his request and I will confirm what the PSD Board
decides.

2020 Thank you.

The Bailiff: Deputy Perrot.

2025 **Deputy Perrot:** Just in case the Minister had not understood the question, and arising out of
those answers, and given that Options A, B and C from February last year were actually quite
different, and given that we now are told that, suddenly, there is an ‘optimism bias’ – I think that
was the expression –

Deputy Luxon: It was.

2030 **Deputy Perrot:** One unknown to me, but –

Deputy Luxon: And was to me, too, sir.

2035 **Deputy Perrot:** – plus an inflation uplift and given that if that ‘optimism bias’, whatever that
means, and the inflation uplift might apply differently to different schemes, does it not reinforce
the request from Deputy Spruce that really the Minister and his Board should, indeed, come back
with proper comparators for all three schemes so that we can have confidence. It may well be that
Option B is the all-singing, all-dancing scheme which we ought to adopt, but we ought to have
2040 confidence in these figures. So, in a way, I repeat Deputy Spruce’s question.

The Bailiff: Deputy Luxon.

2045 **Deputy Luxon:** Sir, I do think Deputy Perrot is trying to entice me to not operate within the
processes and procedures of this Assembly by making a unilateral decision as the Minister of PSD
– but I am going to, anyway! I think it would be perfectly reasonable (*Laughter*) that we conduct –

Deputy Perrot: We are most obliged.

2050 **Deputy Luxon:** I have not finished yet. You do not know if you will be or not! (*Laughter*)
I will go away. The work needs to be done and most of it has been done and the Board will
decide whether we bring a States Report back, or the Board will decide whether we circulate that
information to all Members. I undertake that I will take away the questions, and the intent behind
the questions, of doing that. I am happy to do that, sir.

2055 **The Bailiff:** Deputy Brouard and then Deputy De Lisle.

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

2060 I very much welcome the questions that Deputy Spruce has brought forward and also the very
full answers that have come forward from the Minister of PSD. This Strategy is obviously moving,
it seems to be living and it is changing over time. That is not a criticism, it is just the reality of it is
as the hares are chased down.

We have heard a lot of information this morning. There are a lot of people who are very
interested in the detail and it is sometimes quite difficult to take all that detail on board in this way,
especially as now we are perhaps looking at re-opening the whole debate again. Would the

2065 Minister be so kind as to let the copies of the answers and the questions come out to all Members sooner, rather than waiting for *Hansard*, so that we can actually go over the actual bones of it and so that we can understand it fully.

2070 **The Bailiff:** Deputy Luxon.

Deputy Luxon: Thank you.
I think there were some positive comments in there from Deputy Brouard so thank you for that.
As long as everybody recycles them as soon as they are finished with them, (*Laughter*) yes, we will distribute them straight away.

2075 **The Bailiff:** Deputy De Lisle.

Deputy De Lisle: Yes, sir, with regard to all these questions under Question 5, I think there were three parts. Can the Minister remind Members of the Assembly that Deputy Spruce's support for the Suez Incinerator Proposal was to cost the Guernsey taxpayer £260 million. That was £194 million in terms of the Suez value of contract and £66 million of financing charges born by the Guernsey taxpayer.

2085 **The Bailiff:** Deputy Luxon.

Deputy Luxon: As I am not completely sure what the question was, I would quite like to answer one that I had in mind, anyway, sir. (*Laughter and applause*) I am beginning to think I am a schizophrenic here: I will start answering myself!

2090 **Deputy De Lisle:** I would be very pleased to repeat my question, sir.

Deputy Luxon: I would rather not! (*Laughter*).
I thank Deputy De Lisle for what was meant to be constructive. The sewers and Lurgi proposals are long dead and buried, not in landfill, they are part of the history of Guernsey's waste strategy and waste management plans. We have a Waste Strategy now.

I understand Deputy Spruce's keen interest. I do not believe it is an element that he was very much in favour of, an incinerator on-Island, although clearly he was but his questions today and through the media, have been about wanting to understand best value and fairness implications for stakeholders. I may think some of his positions are not reasonable, perhaps, but nevertheless I believe they have been made genuinely. So whatever the costs were of a very big, expensive, on-Island incinerator that did not have de-commissioning costs attached to it, we have a Waste Strategy, and Option B, I am confident, and the Board is confident, is the best option for this Island, in terms of most cost-effective.

2105 So, in answer to Deputy De Lisle's position, we must move forward with this Waste Strategy solution. We simply cannot wait any longer. Mont Cuet has nine and a half years left to live: we are supposed to keep a five year strategic reserve. Those of you who can do maths will realise that we have no time to waste, which is why I want Members to try and understand that, regardless of the capex changes, which clearly are significant from the original Report – and the original Report did not include all of the component parts that would make up the solution – nevertheless, because the market for exported waste has changed, we have many jurisdictions that will take our waste at prices that we could not even dream about and the good news is, when that modelling is conducted, we still remain within the parameters of cost that were in this Report.

I am not sure if I have dealt with Deputy De Lisle's question, I apologise.

2115 **The Bailiff:** Deputy De Lisle.

Deputy De Lisle: I thank the Minister for a very comprehensive answer.

2120 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: Yes, first of all, I thank Deputy Luxon for what he has just said about Deputy Spruce and the way he has answered his questions because I think it demonstrates that there can be legitimate exchanges between Members who disagree and I applaud Deputy Luxon for that.

2125 When he goes back to his Department and they discuss whether they will either bring a States Report or issue some kind of circular with revised lifetime costs for Options A, B and C, could he also include Option D because Option D has been forgotten about in these exchanges, but there was an Option D in that February 2012 States Report, so could he include D along with A, B and C in whatever he produces or circulates?

2130

The Bailiff: Deputy Luxon.

2135 **Deputy Luxon:** Sir, if this was a game of euchre, I would just say that Deputy Fallaize is playing the policeman here! What we will do is we will listen to the points that Deputy Spruce and Deputy Perrot made so well. Clearly, A, B, C were the options that were considered and put forward realistically. If we are able to do what is asked, we will do it. I do not want to put in any restriction: it is not a case of I do not want to do this for any reasons because I do not want to see the result. My worry is that the PSD team and the waste manpower project team is, like you have heard before, very small and all I can tell you is that it is already a very tight timescale. That does not mean that we should make decisions in haste and repent at leisure. Absolutely not, but what I do not want to do is to just get embroiled in a whole lot of naval gazing and checking back on things that we do not need to. I take the point, if there are Members who could... because the capex costs are higher than they were in the States Report... It is a perfectly reasonable question. It is a question the Board asked ourselves when we saw the numbers and, if we can give comfort and clarity to States Members, then I will be happy to do that. So I will come back and let Members know what the Board decides.

2140

2145

Thank you, sir.

2150 **The Bailiff:** Deputy Trott.

Deputy Trott: Sir, briefly, the irony will not have been lost on Members that the Chairman of the States Assembly and Constitution Committee recently asked a question some two hours and thirty-five minutes into Question Time this morning on, if you like, the assembly eve of his Committee's intention to bring Question time-limiting proposals to this Assembly, but I rise not to make that comment (*Laughter*) –

2155

Deputy Fallaize: Since he has, sir, I must correct him because what the Committee is proposing is an *extension* to the period of Question Time, not a limitation.

2160

When Deputy Trott gets up and retracts his comment, I will (*Laughter*) welcome that.

Deputy Trott: Well, I am delighted that the States Assembly and Constitution Committee intends Question Time to last more than two and a half hours at future Assembly meetings: it is going to be less than that.

2165

But, that was not my reason for rising. It was really to compliment and ask a question, but to compliment the Minister of the Public Services Department on answering questions which I think now extend to some sixty-eight minutes. He now has the record in this Assembly and he has answered those questions in a very comprehensive manner.

2170

My question relates to a comment he made about the history of our waste management plans and I am sure he will be familiar with the history of the Fontaine Vinery waste separation plant which my constituents were promised in the early part of the last decade would last for no more than five years. Their expectation is that that facility will cease to inconvenience them, let us say, by 2015. Can the Minister of the Public Services Department confirm that that is still an expectation that they can take at face value?

2175

The Bailiff: I am not sure whether that is a supplementary question, but do you wish to answer it?

Deputy Luxon: Well we are having such fun, sir, are we not, so why not?

2180

2002 was the year and it was, from the Environment Department/Planning Department, a temporary arrangement and I guess you could say, ten years – is that temporary? Well, in Guernsey terms maybe it is temporary, but, yes, the plan would be that all of the waste infrastructure – whoever is involved in it, the States, current contractors or whatever – would be centralised at Longue Hogue and that is why there are considerable costs there.

So my only caveat would be, Deputy Trott – you said that by the end of 2015, which is when

2185 this Board and this project team want to deliver the full implementation of this Waste Strategy to finally give the Island a resolution to this long saga – is we have to get on with it and there are many, many hurdles. If there are any delays, then we will not hit 2015. I just make the point that two and a half years sounds a long time. There is an awful lot to be done to implement the Waste Strategy but, yes, that is our intention.

2190 **The Bailiff:** Deputy Langlois.

2195 **Deputy Langlois:** Just very briefly, assuming we are moving towards the end of these questions – a rash assumption, maybe – will the Minister assure the Assembly that, when recalculating the costs of the various options, he will not be borrowing Deputy Lester Queripel's calculator? *(Laughter)*

Deputy Lester Queripel: I have got a new calculator, sir, so he can have that one. *(Laughter)*

2200 **Deputy Luxon:** We may do, but it will be switched to Central European Time! *(Laughter)*

HOME DEPARTMENT

2205

Head of Law Enforcement Concentration of power

2210 **The Bailiff:** I think that concludes the questions to Deputy Luxon, so we will move on to Deputy Laurie Queripel's question to the Minister of the Home Department.

Deputy Laurie Queripel: Thank you, sir.

2215 I must apologise for my unintended spillage before, which has slightly smeared my notes, so if I talk in a slightly slurred accent, please forgive me. *(Laughter)*

I would ask the Minister of the Home Department, would the Minister agree that a great deal of power and responsibility has been concentrated into the new position of Head of Law Enforcement now that the roles of the Chief of Police and Head of the Border Agency have been combined?

2220 **The Bailiff:** Deputy Le Tocq, the Minister, will reply.

Deputy Le Tocq: Mr Bailiff, no. The power and authority are those as defined in the relevant legislation for both the Police and the Guernsey Border Agency and these do not change. They are now vested in a single postholder which gives a very clear line of accountability to the Home Department Board.

2225 The Head of Law Enforcement has a direct line of accountability to the Home Department for which there are significant monitoring arrangements in place to safeguard the provisions and function for both organisations within Law Enforcement.

2230 **The Bailiff:** Any supplementary questions?
Deputy Laurie Queripel.

Deputy Laurie Queripel: Thank you, sir.

2235 I thank the Minister for his answer but he did not address one word that I used in my Question. I do accept, or I think I understand, that the power is invested in the post as defined in legislation but, by definition, the combining of the two roles into one post has created a position of greater responsibility. That is the word that was not addressed, an extended brief, in effect a new job description. In the light of that, was it considered were, or have, the lines of accountability or reporting been reviewed, revised, and strengthened to reflect the obviously wider brief and greater responsibility attached to the role?

2240 **The Bailiff:** Deputy Le Tocq.

Deputy Le Tocq: Yes, indeed, I can confirm that what we have here – and Deputy Laurie Queripel has mentioned it – is a *new* role. It is effectively not a combination of existing roles. The

2245 existing heads of both Law Enforcement Agencies, their roles ceased to exist: a new role was created and, therefore, in terms of accountability and definition, the Board is absolutely certain of that. Of course, on-going, as this is a new role, we will continually review it and produce guidelines to ensure that those lines of accountability remain strong and robust.

2250 **The Bailiff:** Mr Procureur.

The Procureur: I am not sure that it matters too much but just to clarify, as a matter of law, there is still a statutory officer, the Chief Officer of Police, and a statutory office of, he is called the Chief Revenue Officer so, as matters of law, those officers continue to exist.

2255

The Bailiff: Deputy Laurie Queripel.

Deputy Laurie Queripel: Thank you, sir.

2260 Clearly, from the findings of the Scrutiny hearing into the AFR affair, policy guidelines were *not* in place to adhere to in regard to the negotiations and settlements reached and, as a result, the Head of Law Enforcement was left, in effect, to his own devices and to reach his own judgements. In the light of this, will the Home Department be further reviewing, and possibly amending, the processes of lines of accountability in regard to the Head of Law Enforcement, so as to render it unlikely that the sort of agreement and settlement negotiated with AFR could be reached without
2265 the approval of the Department's political Board, bearing in mind that the first the Board were made aware of the developments in regard to the AFR affair was in November 2012?

Thank you.

2270 **The Bailiff:** Deputy Le Tocq.

Deputy Le Tocq: Sir, I am not sure whether that really arises out of the initial Question as such. I thank Deputy Queripel for giving me some indication of the previous supplementary – but not of this one. I think our Board will have to certainly go back and consider what he is saying exactly because, at the time that he is referring to, there was no Head of Law Enforcement, it was
2275 the Chief of Police.

Certainly, the import of what he is getting at: yes, the Board is always concerned that we have clear lines of accountability and we feel, with this new post of Head of Law Enforcement, that actually they are better than they were in the past. Really, what he has been talking about is the past because it was dealing with matters that, in fact, had been initiated under the previous
2280 Assembly and the previous Home Department Board. So I can assure him of that, certainly.

The Bailiff: Deputy Fallaize.

Deputy Fallaize: In his reply to the original Question, Deputy Le Tocq said that there were very direct lines of accountability between the postholder and the Home Department. Does he not
2285 agree with me that, actually, that is at variance with the decision of the last States to introduce a Law Enforcement Commission to whom the Head of Law Enforcement is accountable and that, actually, it is through the Law Enforcement Commission that that accountability is now established and not through the Home Department?

2290 If he does agree with that, has his Department yet resolved whether to either populate, put proposals to the States to populate, the Law Enforcement Commission, or to rescind the decisions of the States and the legislation which the previous States approved, to set up the Law Enforcement Commission. If his Department has made that decision, when will that Report come to the States, and if it is yet to make that decision when does he envisage the Department will
2295 make a resolution on that matter and put it before the States again?

The Bailiff: A number of questions there, Deputy Le Tocq.

Deputy Le Tocq: Yes, absolutely. I think I may be able to answer them in one paragraph, as it
2300 were.

Deputy Fallaize is absolutely correct, that there is existing legislation to enact a Law Enforcement Commission and were that to remain exactly as previously proposed then that Law Enforcement Commission would act effectively as the governance body for law enforcement in Guernsey.

2305 The current Home Department Board has undertaken to review that in the light of the change
to have one single head of law enforcement. We have begun to do so and, as part of that, we have
set up a shadow law enforcement commission which, for the current time and the next few
2310 months, is going to review the effects of that legislation and come back to this Assembly with
proposals either to enact that legislation as it stands or, more than likely, to amend it in some way.
We anticipate that will be later this year.

The Bailiff: No further supplementary questions?

2315 No? The next Question is to be asked by Deputy Lester Queripel of the Minister of the Home
Department.

Correction
Waste Strategy export options

2320

Deputy Luxon: Excuse me, sir.

The Bailiff: Deputy Luxon?

2325

Deputy Luxon: Inadvertently, I misled the Assembly earlier when I said that we would be
bringing back to the States in September the export options. In actual fact, we will be bringing it to
the Policy Council first in September and then to the States.

I just did not want that to go down uncorrected.

2330

HOME DEPARTMENT

Sexual abuse
Reporting and support schemes

2335

The Bailiff: Deputy Lester Queripel.

Deputy Lester Queripel: Thank you, sir.

2340

Jersey has in place an historic abuse redress scheme for children who were abused as children
whilst in care in the Island. They also have Operation Amber, which encourages Islanders to report
sexual abuse at any time throughout their lives. Can the Home Department Minister please tell me
what schemes are currently in place here in Guernsey for Islanders to not only report sexual abuse
but also to receive support and even protection if need be.

2345

The Bailiff: Deputy Le Tocq.

Deputy Le Tocq: Mr Bailiff, the historic abuse redress scheme was set up by the States of
Jersey to process claims and to financially compensate victims directly involved in the Haut de la
Garenne case. As Guernsey has not seen a case like this one, there has, to date, been no need to set
up a similar scheme.

2350

Operation Amber is a campaign progressed by the States of Jersey Police to help rape victims,
as well as change perceptions about sexual violence. The campaign is aimed mostly at educating
men about the issues of consent, what rape is, and informing victims of what help is available after
2355 they report such matters.

Operation Amber looks like a good initiative and Guernsey Police are following it closely to
see whether it would be of benefit to Guernsey. Furthermore, this campaign has underlined the
importance and opportunities for savings, by collaborating more closely with our colleagues at an
early stage when embarking upon initiatives such as this.

2360

It is important to highlight that Guernsey has had some notable successes in recent years in
investigating cases of historic sexual abuse. To evidence this requires the release of a level of
detail to satisfy the Question: if the answer is given in a public forum, the incidents may be readily
identifiable to the victim and needlessly cause further anguish. Amongst the new legislative
provisions, however, proposed under the umbrella of the draft Sex Offenders Law, are additional

2365 safeguards for victims regarding the admission of recorded evidence in certain cases and in connection with upholding confidentiality in respect of the publishing of any particulars that might reasonably lead to the identification of a complainant in such cases.

2370 **The Bailiff:** Deputy Lester Queripel, you have a supplementary question?

Deputy Lester Queripel: Thank you, sir.

2375 I thank the Minister for his reply and, whilst I realise this is an extremely sensitive issue, I do have concerns that a victim of sexual abuse may be too frightened to report it for fear of repercussions. So I apologise to the Minister for asking this supplementary but, by saying that additional safeguards for victims regarding the admission of recorded evidence are proposed in the draft Sex Offenders Law, is he actually saying that protection will be provided for a victim, if requested?

I would like clarification of that, please, sir.

2380 **The Bailiff:** Deputy Le Tocq.

2385 **Deputy le Tocq:** Sir, I am saying certainly that the current situation will be improved as a result of the new Sexual Offenders legislation, in that there will be more protection and opportunity for victims. This is also an educational matter and, like I said in response to his initial question, the Guernsey Police Force are looking at collaboration, working with Jersey, looking at current schemes that are operating there and seeing whether we can benefit from some of the schemes here. That will continue.

The Bailiff: Any further supplementary questions?

2390 No? Deputy Lester Queripel, then, you have a Question, which will be our final Question this morning – it is afternoon now! (*Laughter*) – of the Health & Social Services Department Minister.

2395 **HEALTH AND SOCIAL SERVICES DEPARTMENT**

**Abuse in UK care homes and hospitals
Monitoring of Guernsey placements**

2400 **Deputy Lester Queripel:** Yes, thank you, sir.

2405 Reports are rife in the national media of abuse and incompetence taking place in care homes and hospitals throughout the UK and this concerns me greatly, so can the Health Minister please tell me, do HSSD undertake regular checks on care homes and hospitals in the UK where our vulnerable fellow Islanders are either currently placed or intended to be placed in the future?

The Bailiff: Deputy Dorey, the Minister, will reply.

Deputy Dorey: Thank you.

2410 The Department will only give consideration to placements with providers that are approved and regulated in accordance with the laws of the jurisdiction in which they are located. For example, in England and Wales residential placements for children have to comply with strict regulation and guidance. They must be registered and they are subject to inspection and regulation by Ofsted, the Office for Standards in Education, Children's Services and Skills, that reports directly to Parliament and is independent and impartial.

2415 We also ensure that all placements are reviewed on a regular basis. HSSD social workers and/or key professionals visit the client at the placement to ensure the client's needs are being met, a care plan is in place and, when appropriate, a discharge plan is agreed. The frequency of the reviews is based on the needs of the client and can vary between monthly and annual visits for more settled clients. In the case of looked-after children, legislation requires that six to nine visits per annum are made. All placements are subject to at least one multi-disciplinary care programme approach meeting per annum, for which the provider is required to produce a detailed report and all key professionals, including the HSSD key worker, attend. Unplanned ad hoc visits are also made to placements in order to maintain a level of scrutiny on the provider.

2420

2425 **The Bailiff:** Deputy Queripel, you have a supplementary question?

Deputy Lester Queripel: Thank you, sir.

2430 Checks by Ofsted and other such organisations may *sound* impressive and robust but have obviously failed on occasion in the past. Proof can be found in numerous reports in relation to neglect and abuse and I have a cutting from a paper for this week – national paper, ‘Danger on the Wards’ – to prove that is the case. So, can the Minister give me an assurance that HSSD will consider reviewing their current approach to checks carried out on care homes and hospitals in the UK. Also, can the Minister tell me if there are any reports on record of vulnerable Islanders having suffered abuse in UK institutions and, if so, what action was taken?

2435

The Bailiff: Deputy Dorey, are you able to answer?

Deputy Dorey: I am not able to answer a question like that without pre-notice.

2440

The Bailiff: Deputy Queripel?

Deputy Lester Queripel: In that case, sir, I will have to resort to a Rule 6 question.

2445 Surely, sir, the first part of the question could be answered, because the first part of the question was simply ‘Can the Minister give me an assurance that HSSD will consider reviewing their current approach to checks carried on at care homes and hospitals in the UK?’

The Bailiff: Deputy Dorey.

2450 **Deputy Dorey:** I feel that I have answered it. I think we have comprehensive checks that we do.

I will take his point forward and discuss it with the Department, whether we need to review our checks that we do.

The Bailiff: Any further supplementary questions?

2455

No? Well, Members of the States, that concludes Question Time.

2460 It has been an unprecedented Question Time. Can I just say I might perhaps have intervened more than I have done with some of the questions and answers but I felt that, as next month there will be a debate on the States Assembly and Constitution Committee’s Report on Question Time, I thought it would be inappropriate for me to be intervening *this* month for fear that I might perhaps have been seen as pre-judging what might be next month’s debate.

So I look forward to seeing what is resolved as a result of next month’s debate and whether there will be any changes to Question Time or whether the sort of morning that we have had this morning might become a regular occurrence. *(Laughter)* I wait to see.

Greffier, can we move on, please.

2465

Billet d’État VII

2470

The Criminal Justice (Miscellaneous Provisions) Bailiwick of Guernsey (Amendment) Ordinance, 2013, approved

Article I.

2475

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled ‘The Criminal Justice (Miscellaneous Provisions) (Bailiwick of Guernsey) (Amendment) Ordinance, 2013’, and to direct that the same shall have effect as an Ordinance of the States.

2480

The Greffier: Billet d’État No. VII, Article I. The Criminal Justice (Miscellaneous Provisions) (Bailiwick of Guernsey) (Amendment) Ordinance, 2013.

The Bailiff: Members of the States, this Ordinance is at pages 1 and 2 of the Brochure.

2485 Is there any request for clarification or debate? No? We go straight to the vote.
Those in favour; those against.

Members voted Pour

2490 **The Bailiff:** I declare it carried.

Ordinances and Statutory Instruments laid before the States

2495 **The Greffier:** Ordinances laid before the States in Billet d'État No. VII:
The Rehabilitation of Offenders (Bailiwick of Guernsey) (Amendment) Ordinance, 2013;
The Egypt (Freezing of Funds) (Guernsey) (Amendment) Ordinance, 2013;
The Iran (Restrictive Measures) (Guernsey) (Amendment) Ordinance, 2013; and
2500 The Tunisia (Freezing of Funds) (Guernsey) (Amendment) Ordinance, 2013.

Deputy Gollop: Can we mention any issues in those Ordinances, or are they just –

The Bailiff: We have not had notice of a Motion to Annul them.

2505 **The Procureur:** There is a prescribed procedure for those and also for the Statutory
Instruments and no notice has been given.

The Bailiff: No, no notice has been given.

2510 **The Greffier:** Statutory Instruments laid before the States in Billet d'État No. VII:
The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment)
Regulations, 2013;
The Health Service (Payment of Authorised Suppliers) (Amendment) Regulations 2013;
2515 The Health Service (Payment of Authorised Appliance Suppliers) (Amendment) Regulations
2013; and
The Social Insurance (Benefits) (Amendment) Regulations, 2013.

The Bailiff: As the Procureur said, there has been no notice given of any Motion to Annul
2520 these Statutory Instruments and Ordinances, so we just note them.

Billet d'État IX

2525

SCRUTINY COMMITTEE

Election of a Member Deputy Laurie Queripel elected

2530

Article I.

The States are asked:

2535 *To elect a sitting Member of the States as a member of the Scrutiny Committee to complete the
unexpired portion of the term of office of Deputy P. L. Gillson, who has resigned as a member
of that Committee, namely to serve until May 2016, in accordance with Rule 7 of the Rules
relating to the Constitution and Operation of States Departments and Committees.*

The Greffier: Elections: Billet d'Etat No. IX, Scrutiny Committee, election of a Member of
2540 the Committee.

The Bailiff: It is for the Chairman of the Committee to propose a candidate, first of all.

Alderney Representative Arditti: I would like to nominate Deputy Laurie Queripel.

2545

The Bailiff: Deputy Laurie Queripel.
Is there a seconder?

Deputy David Jones: Yes, I am happy to second that nomination.

2550

The Bailiff: That is proposed by Alderney Representative Arditti and seconded by Deputy David Jones.

Are there any other candidates, any other nominations?

2555

No? In that case we will go straight to the vote, whether to elect Deputy Laurie Queripel to the Scrutiny Committee. He is proposed by Alderney Representative Arditti, seconded by Deputy David Jones.

Those in favour; those against.

Members voted Pour

2560

The Bailiff: I declare him carried.

(Interjections and laughter) That concludes the business for this meeting, Members of the States.

THE GRACE

The Greffier

The Assembly adjourned at 12.30 p.m.