



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Tuesday, 24th September 2013

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Present:

Richard J. Collas, Esq., Bailiff and Presiding Officer

Law Officers

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

People's Deputies

St. Peter Port South

Deputies P. A. Harwood, J. Kuttelwascher, B. L. Brehaut,
R. Domaille, R. A. Jones

St. Peter Port North

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

St. Sampson

Deputies G. A. St Pier, P. L. Gillson,
P. R. Le Pelley, S. J. Ogier

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

The West

Deputies R. A. Perrot, A. H. Brouard, A. M. Wilkie,
D. de G. De Lisle, Y. Burford, D. A. Inglis

The South-East

Deputies H. J. R. Soulsby, R. W. Sillars, P. A. Luxon,
M. G. O'Hara, 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

S. M. D. Ross, Esq. (H.M. Senior Deputy Greffier)

Absent at the Evocation

H.E. Roberts Esq., Q.C. (H.M. Procureur)
Deputies A. H. Langlois (*relevé à 14h 30*), M. J. Storey (*indisposé*),
K. A. Stewart and L. S. Trott (*relevé à 14h 30*)

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*The Assembly adjourned at 12.32 p.m.
and resumed its sitting at 2.30 p.m.*

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The Assembly adjourned at 5.31 p.m.

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States of Deliberation

*The States met at 9.30 am 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 Senior Deputy Greffier

EVOCATION

Billet d'État XV

POLICY COUNCIL AND TREASURY AND RESOURCES DEPARTMENT

Strategic Asset Management Plan Debate continued Amended Propositions carried *nem. con.*

Article VII

The States are asked to decide:- [as amended]

Whether, after consideration of the Report dated 3rd and 4th June, 2013, of the Policy Council and the Treasury and Resources Department, they are of the opinion:-

- 5 1. *To adopt the vision statement and the principles underpinning the Strategic Asset Management Plan as described in Paragraphs 9.1 and 9.2 of that Report.*
- 10 2. *To direct the Policy Council and the Treasury and Resources Department, after having undertaken in conjunction with departments the further feasibility studies referred to in paragraph 16.5 of that Report, jointly to lay before the States detailed proposals for any*
programme of works they consider necessary to contribute towards fulfilling, in part or in
whole, the vision statement and principles outlined in paragraphs 9.1 and 9.2 of that Report.
- 15 2A. *To note that paragraph 11.3 of that Report acknowledges that no determination has yet been made about the extent of the practicality and benefits of separating strategic and*
operational functions and, as referred to in paragraph 10.12 of that Report, locating in one
building all chief officers and their immediate strategy/support teams; and therefore to direct
that in advance of any such separation, and after having undertaken in conjunction with
departments further feasibility studies, the Policy Council and the Treasury and Resources
Department shall lay before the States, either in the report referred to in Proposition 2 above
or in another report, their considered opinion of the likely advantages and disadvantages of
implementing such a separation.
- 20 3. *To note that all capital projects to be undertaken by States' Departments in fulfilment of the Strategic Asset Management Plan, including those identified in Phase 1, shall be subject to capital prioritisation.*
- 25 4. *To note that the Treasury and Resources Department shall be responsible for making decisions on all disposals of property in fulfilment of the Strategic Asset Management Plan, including all disposals associated with the provision of 'affordable housing'.*
- 30 5. *To direct Policy Council and Treasury and Resources Department to work in conjunction with the States Assembly and Constitution Committee to ensure that the Strategic Asset Management Plan is consistent with Resolution (z) of the Report of the Public Accounts Committee, Scrutiny Committee and States Assembly and Constitution Committee report on Improving Governance in the States of Guernsey dated January 2012 (Article XVI Billet d'État No. V dated 8th March 2012).*

The Senior Deputy Greffier: Billet d'État XV, Article VII. Policy Council and Treasury and Resources Department: Strategic Asset Management Plan. Continuation of the debate.

35

The Bailiff: Members of the States, welcome back after your summer recess. We will resume the debate on the Strategic Asset Management Plan. For those who have not yet spoken in general debate, you will recall that two amendments have been approved, and you should have in front of you the Propositions as amended by those two amendments, with the amendments showing as tracked changes.

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So Deputy Laurie Queripel, welcome back, and I will call you first.

Deputy Laurie Queripel: Thank you, sir.

45

The Bailiff: Members may remove their jackets if they wish to do so. Sorry, I have just been passed a note: we do not have a...?

The Senior Deputy Greffier: We do now, sir.

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The Bailiff: Oh right. There had been a hiccup with the recording equipment, but it is now recording so that is fine.

Deputy Laurie Queripel.

Deputy Laurie Queripel: Thank you, sir.

55

Sir, it seem quite clear to me that there is broad support, whether it be in the political or public arena, for the rationalisation and making better and more efficient use of States property. It is a good idea, and I share that view, sir.

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States Members had a SAMP presentation in April of this year, and despite it being a good concept, I had concerns after that presentation which remain to this day – although they have been somewhat alleviated by the success of the amendments that were placed in July. I think by adopting those amendments, this Assembly acted responsibly, recognising the enormity of an idea that made good sense in principle, but also realising that more detail was required and a greater degree of political oversight and involvement was necessary.

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Following that presentation, an exchange of e-mails ensued and I duly raised my concerns, as did others, and Deputy Luxon, sir, to his credit, set about trying to address all those doubts and queries.

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During that exchange, Deputy Brehaut wrote something that really resonated with me and confirmed my concerns as to the, at least in part, motivation for this plan. Deputy Brehaut said something like this: 'Property rationalisation should not drive policy. There are aspects of this plan that require enormous amounts of planning and cross-departmental discussion. It is alarming that plans have got to this stage with little political input on issues that have significant political consequences.'

75

Sir, I always feel some disquiet when I suspect that anything other than policy – be it FTP objectives or whatever – becomes the main driver. I know the majority of this Assembly signed up to the FTP, but it should not be at the cost of well informed, properly considered, heavily evidenced policy making. So Members can imagine my relief, sir, when listening to the radio at home and trying not to burst my stitches, at the amendments being approved.

80

Sir, it seems clear to me that as yet there has not been enough in-depth cross-organisation consultation, in order to fully understand the consequences and the impact of this plan. Sir, if we want to exercise proper corporate practice, working at high level only should only be a part of that practice. When this matter returns to the States, sir, I want to hear that, amongst other things, frontline staff have been spoken to – staff who have practical experience, staff who deliver services – to gauge their views on the benefits and perhaps downsides of this plan.

85

I still believe, sir – I *really* believe – that a public consultation should take place. Some of the remodelling of these properties, the future use of premises, perhaps not by the States, could impact upon residential areas, the operation of private businesses, perhaps cause significant road and traffic disruption. In other words, there are not only implications to States Departments and staff, but for the public as well.

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Sir, being a cautious person, I am always wary when I am confronted by big plans. The first thing that I look for are potential points of failure or weakness. Strangely enough, that view is supported by a paragraph in Environment's Coastal Defence Flood Studies Report in Volume 2 of the Billet, paragraph 9.2.7. The second bullet point says:

95 'Large scale constructions often have "vulnerable areas", such as access points, which, should they be left open or give way, could undermine the operational effectiveness of the defence as a whole.'

We have seen big plans hit the buffers along the way. The FTP has not had a smooth ride, sir. SAP has been beset with significant problems. So we need a brutally honest appraisal when the more detailed SAMP report comes back, clearly citing the benefits and possible pitfalls. What we
100 do not need is something that is overly optimistic or akin to sales pitch.

So what are the potential weak points for me?

Selling in a flat market: are we going to do a Gordon Brown, who sold half of the UK's gold reserves in a very depressed market in a very depressed market for \$3.5 billion, only to find that just few years later that same quantity was worth \$19 billion? Sir, once the assets are gone, they
105 are gone. They are public assets; we owe it to the public to get the best possible return.

Is it wise for the States to divest itself of too much land and property? The only thing we can be certain of is that the future is uncertain. We cannot predict with pinpoint accuracy all of our long-term and strategic needs. We may leave ourselves with no options, with no wiggle room at all. There may be a need, for example, to construct a new modern dairy, just as we have been
110 required to build a new slaughterhouse to satisfy modern-day standards.

And who would have thought, perhaps 10 or 15 years ago, the idea of relocating all the emergency services onto one site? Was that even a twinkle in anybody's eye? Depending on your view, luckily enough, we have the sites where we can consider relocating those services onto one premises. We never know what the future brings, sir. We should leave ourselves some wiggle
115 room and some options.

So might the option of leasing out some States properties, rather than selling outright be worth considering? I know it has only been floated as an idea, but the selling of the social housing stock needs to be very carefully considered. I can see the appeal and merits – a massive injection of cash into the States coffers – but it would not be a gift, sir. There are risks for the States. For a start, who would re-own this stock of properties? In a real sense it will be the bank or the lender. In the very unlikely event of an association failing, the States would face an enormous liability. The question I would ask is how would we cover against that eventuality? Can we insure against it, and at what cost?

I have concerns about the tendering scoring process. Will substantial amounts of SAMP-generated work be awarded to off-Island contractors? If so, the funds that have been realised by SAMP – taxpayers' money – money that should provide a stimulus for the local construction industry and benefit the local economy, may do no such thing. I think we need to get that clear, look at that process before we go much further.

New computers systems and upgrades: I know that the Home Department and Income Tax have significant technical and IT projects in the offing. Both may end up in new locations, as part of SAMP. Will those new systems be suitable in regard to location in new premises? Has any thought been given to these matters? Are there potential problems?

Sir, it may not sound like it, but I do cautiously welcome this concept. I look forward to a more detailed, thoroughly researched report, where all the options have been explored.

135 Thank you, sir.

The Bailiff: Thank you. Deputy Green.

Deputy Green: Mr Bailiff, Members, very briefly, I will be supporting this Strategic Asset Management Plan, now that it has been subject to some very sensible amendments.

The core idea of SAMP has always been a thoroughly sensible idea – that is to say, you should try to align the use of Government property assets with the overall strategic direction and objectives of the States. But the original policy letter that we saw on this, I think was a very imperfect document. It managed to turn a fundamentally sound idea into something of a political
145 gamble.

In July, that policy letter was, quite rightly, subjected to what was actually some very lengthy forensic scrutiny on the floor of this Assembly and I actually think that was *real* scrutiny in action. (A Member: Hear, hear.) I feel that was a very good day for this Assembly and a very good day for parliamentary accountability and scrutiny of Government decisions.

150 There were obvious flaws in that original policy letter and there were obvious flaws in the Propositions, but they have been substantially mitigated, and that is why we will be supporting this plan today.

I do believe in the general thrust and the general concept behind the SAMP, because I do want to free up land for social housing; I do want to utilise States assets sensibly; I do want to generate and save taxpayers' money if possible. But Deputy Laurie Queripel is absolutely right, when he
155

says – quoting Deputy Brehaut – that policy must drive the management of the assets, and not the other way round.

160 So I just sincerely hope that policy letters like this in future will be more strongly argued, will be more carefully crafted, certainly in terms of the Propositions, and that when you are positing the potential benefit of separating, for example, strategic from operational functions, there is basically some more evidence in the paper to actually persuade Members of that, rather than just asserting the fact and expecting people to support it. That has got to be the case, when you are faced with a plan which, like this, is actually, in terms of its scope, vast and the stakes are so evidently high.

165 So I will be supporting this and I urge Members to do likewise.

The Bailiff: Deputy De Lisle.

Deputy De Lisle: Yes, thank you, sir.

170 Rationalising all buildings and assets seems a very desperate measure to me at this time - not that we have not to maximise our assets, but we need the detail, and also we have to get the timing right.

175 I supported the amendment calling for more detail before it is taken further, because the Strategic Asset Management Plan would, if taken forward, represent one of the most far-reaching, transformational initiatives ever to be undertaken by the States, with implications for all States Departments and Committees, their staff and the public at large.

180 The expenditure of £12 million in 2013 and 2014, at a time of recession, when we are desperately trying to control spending and reduce the deficit, puts additional stress on the States' financial position, and the fact that the whole rationalisation process, including the sale of buildings will only yield £3 million by 2017. Twelve million pounds' spending, sir, for £3 million return by 2017 appears to make the benefit cost of the project unrealistic and, certainly at this time, paltry.

185 There are concerns in the community also which have been communicated to me over the discounting of States assets and property values on the sale or transfer. The assumption is made in the Report that any States-owned land released for housing development, consequent on the adoption of the Strategic Management Plan shall be purchased by the Housing Department at 70% of the market value for each site, and then passed on to the Housing Association.

190 But with respect to the environmental impact, it is important that all aspects are considered, particularly in this case, as the changes will mean relocations of staff and plant and land-use change in different parts of the Island. The need for policy gateways for new developments on St Andrew's Quarry site and the King Edward VII Hospital site, as well as others, is just another example of Government driving coach and horses through the rural and urban plans.

195 It is not good enough to have consultations with Planning once the Strategic Asset Management Plan has been approved. It should be known what is possible before approving the Strategic Asset Management Plan. I would hope that this would be considered as part of the additional feasibility work, to be done before returning to the Assembly with any amended report and proposals.

Thank you, sir.

200 **The Bailiff:** Deputy Brouard.

Deputy Brouard: Thank you, sir. Unfortunately I cannot remember if I have spoken during the debate, but I do not think I have.

205 **The Bailiff:** Yes, it is questionable whether you did speak generally (*Laughter*), but certainly the bulk of your speech was on the amendment. I will give you some latitude.

210 **Deputy Brouard:** Thank you. Very quickly, sir, this is a major reconstruction of our property portfolio and also it is a major part of how we do business in the future. I think it is evident from all the speeches that have happened on this, that we just seem to be doing what we said we would not do, which is make those compromises, try and squeeze a quart into a pint pot, and we are just not taking that opportunity, that once in a decade or two decades time to take that step back and say, actually, what are the buildings we really need, rather than what buildings we have got and what we can fit into them?

215 So I would really urge the Policy Council to look at point 14.14 of the Report – I will just give them a quick flavour of it – but there are options that, if we want to centralise things, then you do

not centralise things by moving Income Tax necessarily to the Social Security or moving Culture and Leisure to so-and-so. Centralisation would be that you would look at perhaps an existing building, perhaps like Frossard House, and make that the core centre. We need to be a bit more
220 visionary and say, 'Well, actually if Frossard House is going to be the centre for the next 50 to 100 years, maybe we need to put a wing on there; maybe we need to double the carparking space because people will spend most of their time driving round and they are late for meetings, trying to get there. Maybe there are some buildings around Frossard House or that area, which are of a large enough size that actually it might be worth our while if the owners may be willing to sell. I think it
225 is mentioned in the Report, Mill House and Elizabeth House.

So I will really be cross if we compromise again at this early stage as to how we are going to fix the problem. Let us put down on paper what we really need, see what we have got and then see where it fits. It would be a shame if short-term savings efficiencies for FTP are lost for greater long-term efficiencies for FTP. So please, take one more step back and have a look at the whole
230 portfolio, and what it should look like in 50 to 100 years' time.

Thank you, sir.

The Bailiff: Deputy Gollop.

Deputy Gollop: Sir, I would agree with what Deputy Brouard has said. Cost is not the only
235 factor in this equation and should not be seen to be. It is all about planning for the future and Government efficiency and effective use of land. It has to be said that not only did we miss an opportunity for additional carparking – multi-storey type in the Charroterie, to enhance the Old Quarter – but there are numerous offices that could be used to make a real hub of Government.

I am not a political Luddite so to a degree I support rationalisation/centralisation and, as some
240 Members know, I was in broad terms a supporter of the first parliamentary report on streamlining Government.

That said, I remember the sagacious words of our Treasury and Resources Minister, Deputy
245 Parkinson, as he made the observation at a business presentation that the States of Guernsey is not one business, employing 5,000 people; it is perhaps a greater variety of businesses that you would find anywhere else in the world. We do everything from harbours, airports to running a leisure centre, museums, schools.

Centralisation at officer level, implicit in some aspects of the Report, may go against the best
250 interests, for example, of running a hospital, and I think we have to be mindful that one size does not fit all in our particular kind of society.

Having run the risk of already partially speaking generally, I would like to make one point. I
had an interesting conversation with Deputy Storey recently – and he would put his views, I am sure, much more clearly than me – but as a senior member of Housing and HSSD, I think he is probably not alone in wishing to see clarity on the transfers of land, and the costs of those
255 transfers, and whether it is right that people who pay towards social housing might end up subsidising property that would have an office space.

I think there are a lot of details within the Strategic Asset Management Plan which require additional consultation and expert opinion.

The Bailiff: Deputy Lester Queripel.

Deputy Lester Queripel: Thank you, sir.

It makes perfect sense to sell property that is superfluous to requirements. It makes perfect
265 sense to house as many Departments as possible in one building. In an ideal world, that is that kind of result that SAMP would achieve.

Sadly we do not live in an ideal world; we live in the real world, and in the real world, we need
to deal with practicalities, logic and common sense. After having run my own business in the construction industry for 28 years with four partners, I am only too aware, sir, that practicalities, logic and common sense are hard to find in the construction industry. The people to blame for that
270 are the planners: the people who work from textbooks; the people who have no practical experience whatsoever. They are idealistic and totally unrealistic.

As a prime example of this being out of touch with the real-world approach, on page 1103 of
this Plan, Members will see that point 10.11 tells us that Wheadon House and the Old States Office have been selected because they are close to the main public carparking areas.

275 Footnote 14 at the bottom of the page tells us that:

‘this would have the added benefit of helping to maintain the vitality and viability of the Island’s main centre by enhancing and diversifying activity.’

280 I would like Deputy St Pier, when he sums up, sir, to tell me what that actually means, because all I can see that resulting in is increasing the demand for parking spaces that do not actually exist, and as a result of that, people getting incredibly frustrated and losing their temper.

285 Whilst I am on the issue of parking, Deputy Brouard already focused on this in his speech during the July debate, in relation to point 17.5 on page 1125, which tells us that staggered start and finish times for staff may mitigate parking problems. In his speech, Deputy Brouard told us that perhaps two shifts would have to be introduced for employees, one beginning at 4.00 a.m. and finishing at midday; the other beginning at 12.30 p.m. and finishing at 8.30 p.m. Deputy Brouard concluded by saying:

290 ‘If that is the level of thought that has gone into this, forget it!’

and I wholeheartedly agree with him.

I think it is an insult to the levels of intelligence of this Assembly to be presented with such illogical, impractical, nonsensical ideas like this. Have we all got the word ‘idiot’ printed on our foreheads? It is blatantly obvious that carparking spaces being vacated by States employees at 12.30 will not then be occupied by the second group of shift workers, unless those spaces are reserved.

Which leads me to my next question, sir: how closely are the SAMP project team working with PSD –bearing in mind that PSD now have a Ports Masterplan?

300 Which brings me on to communication in general. During the July debate, both Deputy O’Hara and Deputy Spruce expressed their absolute frustration regarding the appalling levels of communication that had been displayed compiling this plan. Deputy O’Hara told us, and I quote:

305 ‘There has been no consultation with my staff about the use or closure of the Information Centre...’

Deputy Spruce told us that, as Chair of the T&R Property Services Sub-Committee, his Committee had not had any input regarding compiling the plan and were not even consulted until two days before the plan went to print. I think such poor levels of communication are currently completely unacceptable, because we as a Government are responsible to the people of Guernsey. They put their trust in us, and I think the levels of communication within the States really need to be improved. Somebody within Government needs a wake-up call. I would like an assurance from the Minister when he sums up, that the levels of communication will be improved as SAMP progresses.

After having focused on communication, I would now like to focus on possible contradiction.

315 In his speech during the July debate, Deputy Fallaize told us that section 11 of this plan states that the advantages of separation outweigh the disadvantages. Yet a few paragraphs later, we are told that the advantages and disadvantages have not been determined. There is an example of contradiction there, sir, and I think I have found another example, which I would like Deputy St Pier to clarify when he sums up, please.

320 I am not aware of anyone focusing on this in previous speeches, so I would like to draw Members’ attention to page 1099. There is a footnote at the bottom of the page which tells us that the Development Plan will be considered by the States at the end of 2015. Yet on page 1124, point 17.1 tells us that the Development Plan is due to come into force from the beginning of 2015.

325 So on the one hand we are told that the Development Plan will be considered by the States by the end of 2015; on the other hand we are told that the Development Plan is due to come into force from the beginning of 2015. I apologise to the Minister, sir, if I am missing a fundamental point, but at the risk of making a complete fool of myself, I ask the question, are there two Development Plans?

330 Finally, sir, bearing in mind that my good friend Deputy Trott is on record as having referred to this plan as an ‘absolute shocker’, and followed that up with, ‘Come on guys, you really must do better’; and bearing in mind that the Chief Minister, in his opening speech in the July debate, urged me to support this plan because – and I quote – ‘it is an opportunity for the States to deliver’; and bearing in mind that the majority of the proposals that I do support in this Chamber fail, I still whole-heartedly support this plan.

335 Thank you, sir.

The Bailiff: Deputy Dorey.

Deputy Dorey: Thank you, Mr Bailiff.

340 I support the amended proposals, and after the contentious debates on the amendments, I hope the Assembly will all now come together and support the amended proposals.

I would just like to cover two or three matters in the Report: the Key Worker Housing Project which is mentioned on page 1109. I was on the Housing Department in 2007, when the Report came to the Assembly then. As the Report says, due to lack of resources, there has been very little
345 progress made since then. I think that is really unfortunate. I think at HSSD, it is not acceptable that we are employer and landlord, and I also believe that the Key Worker Housing Project will be the opportunity for investment into the accommodation, to bring it up to the standards which we should be using for accommodating our staff.

I agree with Deputy Bebb's remarks in the July debate, about how unfit both Lukis House and
350 Swissville are for its current uses in Children's Services, and I look forward to the early opportunity for us to sell those two buildings and move the staff into purpose-built better accommodation.

I have spoken to the Strategic Asset Management Plan project sponsor about this and as a result of the amendment, as I understand, Castel Hospital is unlikely to be used for decanting
355 Departments, and I think it gives the opportunity to look at where is the best location for the community centre. I believe that Castel Hospital Site would be a better location than the King Edward VII. It has got better road access, bus access and grounds, and I think the King Edward VII site would be far better used for housing, as it is in a housing area, rather than a commercial use as a community centre.

360 Thank you.

The Bailiff: Deputy Bebb.

Deputy Bebb: Thank you, *Monsieur le Bailli*.

365 Most things within this debate have already been said, and therefore I will keep things brief.

I think that realistically, when the Policy Council return with further proposals on this work, they really do need to think a lot more carefully about what is the direction that people are taking. What does the States think is appropriate as a means of delivery of service?

It is very disappointing that in the opening speech – two months ago now – Deputy Harwood made reference to the fact that it seemed ludicrous that when a person first arrives on the Island, they need to go to the Social Security Department for their Social Security details, the Tax
370 Department for that, and then on to Housing – three different locations.

But policy surely should not be decided by visiting workers. It should be decided by the population who are permanent here on this Island and the services that we should be looking to deliver are primarily towards those. It is also a little mystifying as to the Policy Council's thinking that in order to settle your Social Security bill and your Treasury and Resources tax bill and many other things of the Government, you can do so in one location, and that is called you living room because the internet in this day and age, of course, gives us access in order to do all of this from our living rooms. That is what most people will choose to do in future, and therefore the question
380 as to how we reorganise services should not be around these small things that are being moved into an online service and, indeed, has been encouraged so by the Government's initiatives, with Treasury and Resources making a decision not to send out tax return forms to everybody.

So we need to think much more about how services will be delivered in future so that when we actually have that plan we do not consider those needs of the occasional worker who visits here, that on one day when he first arrives needs to visit three Government Departments, which I would suggest is not as much of a bureaucracy as anybody wishing to work in France would probably know!
385

Therefore we need to actually consider not just what we should be supplying, but how, and that of course needs to have much greater involvement of the IT Department. Thank you.

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The Bailiff: Deputy James.

Deputy James: Thank you, Mr Bailiff.

395 My comments will indeed be very brief. Thus far, we have heard many, many thousands of words spoken on this particular item, much of which has been dismantling this document completely. For me, the one paragraph I would like to quote is: the adoption of SAMP will provide the mechanism to halt this chaotic opportunism and to think through how best to deliver services, improve customer experience and improve staff working environments by using the States property portfolio to its best.

400 As a public sector employee for many years, I have visited many of these buildings. Some are good working environments for both staff and customer experience, and as Deputy Dorey has just identified, two particular buildings that HSSD are using are *wholly* unfit for both the customer experience and staff.

405 So as I say, my comments are brief. I would like to think that my comments would hopefully turn around this debate to start putting this document back together. I see this as a first document. My only disappointment was that this Island, this Assembly, this Government did not start having this debate 20 years ago.

So I would urge this Assembly to support this.

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

The Bailiff: Yes, Deputy Kuttelwascher.

415 **Deputy Kuttelwascher:** Sir, on a slightly different tack, I am happy to support this Report as amended. Originally it started as an FTP initiative, and it has been firmly taken out of that framework.

However, that can be managed and will be managed.

420 But the hope for the taxpayer is this: that this is a post-FTP initiative, which looks at savings. I will not mention the word 'efficiency', because that has been misused. It could be seen as a post-FTP era of revenue/spending/reduction initiatives, or call it what you like, and that is not the only possible post-FTP savings initiative. One relates to the review of public sector pensions – that could fall under that umbrella – and in fact the review of our system of Government could produce some substantial savings. It is quite possible to run our Government with six Departments and not 10 – but that is another issue.

425 So I feel that this provides some hope to the taxpayer that this Assembly is not thinking that post-FTP it all comes to an end. Well, it will not and it cannot, because we cannot afford for our savings initiative to come to an end.

So I would hope that all Members support the amended Propositions here. Thank you.

430 **The Bailiff:** Deputy Brehaut.

Deputy Brehaut: Thank you very much, Mr Bailiff.

I have been quoted, by the way, but I have not spoken as yet – I think the quote was from an e-mail I sent around.

435 I will start on that: I have a strong view that initiatives like this need to be politically owned and politically driven. Increasingly, because of the way the new structure – whether it is the role of the staff team at the centre, we find increasingly that we are having presentations with clear political implications being led at a high staff level, and when you are at those presentations or meetings and you ask a question, some of the questions are obviously overtly political and need the input of a politician. So I hope in the future that when we do have presentation like we have had on SAMP, that there will be clear political ownership and that politicians will be present to field some of the questions.

440 I have a concern regarding social housing. I know the document refers to a transfer of States-owned property to possibly the Guernsey Housing Association, and I support that generally, I have to say. But the concern I have is that we say the description we have of States tenants over the years has changed. We now refer to those people as 'people in real social need'. These families, who have input from Education, from the Home Department and from HSSD, need a great deal of positive intervention and support.

450 One of the first things that can fall by the wayside when you are having a bad experience as a family, for example, is paying your rent. The GHA will not want, presumably, a volume of tenants who simply cannot afford to pay the rents that they are asking. So I hope that in any transfer that takes place, the States is sensible enough to ensure that the States-owned housing stock is there as the very real safety net for individuals who would not fare so well with a housing association.

455 The other observation I would like to make is regarding the re-use of the Duchess of Kent – that is to say, to move the managers from the Duchess of Kent into Frossard House. The role of the managers at the PE on that site, being based at the Duchess of Kent: they are managers but they also have a quasi-clinical role, that the pharmacist is a pharmacist, and has a managerial role, and when they are needed, they can go into the hospital environment, rather than have to get out of Frossard House to get up to the PE park to do what they have to do, then try and add all that nonsense.

460

It is a strong statement, I think, that the staff within the PE... they like the idea of managers being close to hand and being available at short notice, so I would not like to see that lost.

I agree with Deputy Dorey, that the Key Worker Housing Project has fallen by the wayside. Along with Deputies Shane Langlois, Graham Guille and myself, we sat on that Key Worker
465 Housing Group Project and it identified clear ways forward – for example, for accommodation for police officers and nurses – and we are moving away from that, and we need to, because of the pressure that staff were all under, with the confines of the FTP and other constraints, we should not let that fall by the wayside, sir.

Thank you.

470

The Bailiff: Deputy Hadley.

Deputy Hadley: Mr Bailiff, while fully in support of this plan, I would like to echo what Deputy Brehaut has just said. I think one of the big problems with HSSD is that the management is
475 seen as far too distant from people on the shop face, so therefore locating any part of the management structure to Sir Charles Frossard House is a retrograde step which will only make that situation worse.

The Bailiff: Does anyone else wish to speak?

480 Yes, Deputy Wilkie.

Deputy Wilkie: Thank you, sir.

When I first started working in the Departments I was elected to when this Assembly first started, one of the first things we had to look at – the same as everyone else in every other
485 Department – was how we were going to make savings. One of the first things we noticed was that the amount of money being spent on rented accommodation was absolutely horrendous.

Just in the Home Department, we have the GBA, Safeguarders, Probation Service, Central Services, Data Protection and FIS, all in rented accommodation. This equates to £535,570 per
490 year.

When we started saying, ‘Well, obviously this is going to be great for a saving’, we were frustrated by colleagues coming back, saying, ‘You’re going to have to wait for this Strategic Asset Management Plan, because this is going to deal with all of this rented accommodation and all the savings and everything else. So I actually felt like I did not like this document before it even came out. I had reservations about it; it was frustrating me getting things done, the fact that I
495 had to wait for it.

Now it is here before us, I actually quite like it. I know it is not perfect, and I know it has taken a bit of a beating through the States in the July meeting, and again today, but if you look at the facts, that the conservative estimate of saving £1 million in this Report – remember, we were looking at savings in the Home Department of £535,000 and if you extend that across the States,
500 you can see considerable savings, compared to what is stated in this Report. I think that is very conservative. I think we have an obligation to the taxpayer to realise these savings. (A Member: Hear, hear.)

It even gets better than that. How much will this plan cost overall, when it is all completed? Well, it will not cost; it will create a surplus, and the longer we take, the longer the money will be flowing out of the pot. Now I have heard arguments that link this project to SAP. That was an IT project. This is a property prioritisation project. They are completely different. It is like telling PSD they cannot have new cranes because there are leaks in the Model Yacht Pond They are not the same thing.

We cannot stop taking large necessary projects on because of fear of failure. I urge Members to support this plan.
510

The Bailiff: Does anyone else wish to speak before I invite Deputy St Pier, the Minister of Treasury and Resources Department to reply? No, nobody is rising.

Deputy St Pier.

515

Deputy St Pier: Sir, thank you very much, and thank you to all the Members who have spoken in general debate.

In preparing for today, I re-read July’s debate and even from some of those who spoke most vociferously against... or in favour of the amendment and the Report as drafted, including
520 Deputies Domaille, O’Hara, Spruce, Soulsby – I stopped counting them after that – I could not find anybody who was not supportive of the principle of what is sought to be encapsulated within

this Report. I find that very encouraging, and I think in particular, in re-reading that debate, Deputies Le Tocq and Hadley have captured and understood that the intent of the Report was to produce a high level vision.

525 Clearly, the amendments have been passed and I think we must accept those amendments as adding value to the process, in that they will help ensure and give confidence to the Assembly that this programme is not to be a rushed programme. In particular, I can confirm that it will ensure that we will not be recommending the separation of the Chief Officers from their staff without clear, departmental-driven reasons for operation effectiveness that would determine that is the appropriate response.

530 The effect of the amendments, of course, as Deputy Kuttelwascher has said, and as I indicated in July, is effectively to take a chunk of this programme out of the Financial Transformation Programme. It may still be possible to capture some benefits before the end of 2014, but it will inevitably change the pace of delivery and that will have impact there. But that pace of change can and will be managed.

535 The property elements of the programme – and it is more than just a property programme, of course, because it is about a methodology of working as well – of course will fall instead under the capital programme. This Assembly will get several more opportunities to debate issues around this project: first of all, when we debate the Capital Prioritisation Report, later this week; secondly, 540 when the two projects which are in the Capital Prioritisation Report as having been recommended proceed – two of those relate to the Strategic Asset Management Plan. Those in turn will have to come back for approval after the gateway 1 stage, for approval at that stage. So this Assembly is going to have plenty of opportunity to ensure that this programme develops in the way and direction with which it is most comfortable.

545 In relation to today's debate, I am grateful to everybody who has spoken – and nobody has spoken other than to offer support to the fact that we need to be getting on with this.

Again to Deputy Laurie Queripel, just to re-emphasise that we will be returning with a business case, and that will include an options analysis. It will be looking at what the alternatives are. It will be, as the amendments say, providing feasibility studies. So in terms of fear of selling assets at a discount – selling the family silver – and in relation to the housing stock, which I think were two 550 specifics which he had mentioned, again those will all be dealt with as part of the options appraisal in the next phase.

Similarly, in relation to Deputy De Lisle, the feasibility studies will by definition have to include what is actually possible, within the development framework.

555 For Deputy Brouard, who strongly urged that he would be very disappointed if a number of suggestions were not looked at, again I would say, yes, absolutely, those should be very much be part of the consideration of what is feasible in doing the feasibility study. There is nothing in this States Report which speaks against looking at those ideas. What was in the States Report were merely suggestions. There are other suggestions, and Deputy Brouard has come up with some.

560 Deputy Gollop: absolutely, I can agree that cost is not the only factor. It is also about modern ways for working, and about transformation. This is a key transformation project.

To respond to some of Deputy Lester Queripel's points, he has raised a number of questions and contradictions and I think, to some extent, that may be because of the drafting of the Report which has been much criticised in the July debate, and I am not sure it adds a great deal of value to pick over that further.

565 But yes, I would certainly expect that the SAMP project team will be working closely with PSD and indeed with every other Department. Strong communication will be a key part of delivering this programme – communication between Departments, and the political ownership that will need to come with that, which was one of Deputy Brehaut's points.

570 Key Worker Housing, Deputy Dorey mentioned, and in particular he also mentioned the possibility of using the Castel site, rather than the King Edward VII site for community services. Absolutely, again, I would expect that to be one of the options which was looked at in the options analysis, particularly as part of the capital prioritisation, because this is one of the projects which is recommended is looked at in the Capital Prioritisation Programme.

575 Deputy Bebb made a very valid point in relation to the declining physical use or physical access to buildings that is required by the public, because of alternative means of accessing Government, and absolutely, that has to be a central part of the thinking. That again ties back to this concept of thinking about modern ways of working and modern ways in which the public want to interact with Government, so I would consider that to be key.

580 Deputy James made a passionate plea for this having been done 20 years ago, and I think that is echoed very much by Deputy Wilkie as well.

585 Deputy Kuttelwascher's point about it falling out of the FTP, again, I have commented on, but I think he has made a very valid point that this is in a sense a post-FTP era, and the transformation programme will not stop on 31st December 2014 when the FTP will hopefully have delivered what was asked of it, but the need to continue transformation will continue and this is a central part of that programme.

590 In relation to Deputy Brehaut's comments on social housing, I think he has made a very valid point, that there are the needs of a group within the social housing sector that must not be trammelled upon by any transfer of social housing. Again I would expect that to be a key consideration in looking at the possibility of transferring social housing. I am sure the Housing Minister would agree with that as well.

595 I believe, I have... I have not managed to name-check everybody who has spoken in the main debate, sir, but I sense, from everything that has been said in July and today, that with the benefit of the amendments which have been placed and accepted, that there is a strong level of support for moving ahead with this project and bringing it back at a sensible pace after due consideration and for further consideration by this Assembly, and therefore, sir, I strongly urge the Assembly to support all the amended Propositions.

Thank you, sir.

600 **The Bailiff:** Deputy Lester Queripel.

Deputy Lester Queripel: Sir, credit for the Minister for answering two out of my four questions. I am wondering if he is able to answer the other two, please, sir.

605 It was regarding asking him to please clarify the claim made in footnote 14 at the bottom of page 1103, in relation to the public and staff needing parking spaces in town. The claim goes on and says:

610 '... this would have the added benefit of helping to maintain the vitality and viability of the Island's main centre by enhancing and diversifying activity.'

I wonder if he could relay to the Assembly his perception of that claim to us.

The Bailiff: Deputy St Pier, is there anything you wish to add to what you have said?

615 **Deputy St Pier:** No, I would not, sir... [*Inaudible*]

The Bailiff: Can you put your microphone on, please.

620 **Deputy St Pier:** Yes, I see no credit in picking over particular parts of the Report. I have nothing further to add, sir.

The Bailiff: Thank you.
Deputy Queripel.

625 **Deputy Lester Queripel:** Sir, there is another question which I thought the Minister could have answered. It is a simple question – excuse my lack of knowledge – are there two Development Plans?

630 **Deputy Domaille:** Sir, maybe I can assist. There is one Development Plan. We are scheduled to come back to the September States meeting in 2015 and the current Plans expire in December 2015.

I hope that answers your question.

The Bailiff: Thank you, Deputy Domaille.

635 Well, Members, we then come to the vote on the amended Propositions, which as I say, I should have in front of you. Including Proposition 2A, there are in fact six Propositions. I do not propose to put them to you separately, unless anybody requests a separate vote on any of them – and I see nobody asking. I will put all the Propositions to you together. Those in favour; those against.

640 *Members voted Pour.*

The Bailiff: I declare them carried.

HOME DEPARTMENT

**Terrorist Financing, Money Laundering and Weapons Proliferation Financing
Drafting of legislation
Propositions carried *nem. con.***

645 *Article X.*

The States are asked to decide:

Whether, after consideration of the Report dated 15th April, 2013, of the Home Department, they are of the opinion:

650 *1. To approve the drafting of Bailiwick legislation equivalent to the provisions contained within Schedule 7 of the Counter Terrorism Act 2008 to put in place a framework for giving directions as outlined in that Report.*

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

655 **The Senior Deputy Greffier:** Article X. Home Department: Terrorist Financing, Money Laundering and Weapons Proliferation Financing.

The Bailiff: The Minister for the Home Department, Deputy Le Tocq will open the debate.

660 **Deputy Le Tocq:** Thank you, sir.

Sir, the Report is fairly self-explanatory, but if I can give some background information to the Assembly: in response to mounting concern over money-laundering, the Financial Action Task Force on Money Laundering (FATF) was established by the G7 Summit that was held in Paris in 1989, recognising the threat posed to the international banking system and to the financial institutions.

665

This mandate was expanded in 2001 to include combating terrorist financing. As a result, FATF identifies territories that are considered to be particularly vulnerable to terrorist financing and money laundering and requires its members and other jurisdictions to put in place specific preventative measures in relation to those territories.

670 The United Kingdom has introduced the Counter Terrorism 2008, in order to give effect to the FATF requirements and more generally to reduce the risk of its financial system being used for illicit purposes.

Schedule 7 of the Act gives HM Treasury the power to issue directions to the financial sector in respect of the carrying on of business connected with high risk jurisdictions.

675

A direction may require business to undertake enhanced customer due diligence to carry out monitoring, any systematic reporting, to provide information or documents, or to limit or cease a transaction or business relationship.

680 Legislation had already been enacted along the lines of schedule 7 of the Act, in Jersey and the Isle of Man, to permit directions to be given to their financial sectors, so it is important that the Bailiwick's regime for countering terrorist financing, money laundering and weapons proliferation is equally robust and is in line with international standards.

This Report proposes that legislation be enacted locally, along the lines of the schedule 7 of the UK Act.

685 The Home Department proposes that it should be the Policy Council locally who has the corresponding powers to those exercised by HM Treasury under the UK Act. There are three circumstances in which HM Treasury may issue a direction: in respect of a country under schedule 7 of the Act.

690 Firstly, FATF advise that measures should be taken because of the risk of terrorist-financing or money-laundering activities by a country, its government or an individual; secondly, HM Treasury believes that there is a risk that terrorist-financing or money-laundering activities are being carried out in a country and that there is a risk for the UK also; thirdly, HM Treasury believes that the development or production of nuclear, biological or chemical weapons in a country poses a significant risk to the UK.

695 Sir, I ask Members of the Assembly to support these measures being introduced in Guernsey.

The Bailiff: Does anyone wish to debate the measures? No? We will go straight to the vote, then.

There are two Propositions, they are on page 1185 of Volume 1 of the July Billet. Those in favour; those against.

700 *Members voted Pour.*

The Bailiff: I declare them carried.

705

ENVIRONMENT DEPARTMENT

**Coastal Defence Flood Studies
Flood defence strategy and data monitoring
Amended Propositions carried**

Article XI.

The States are asked to decide:

710 *Whether, after consideration of the Report dated 17th May, 2013, of the Environment Department, they are of the opinion:-*

1. To approve the strategy of:

- the use of the 1:100 year return period as the risk assessment base;*
- the adoption of epoch 1 (20 years to 2031) for climate change forecasts;*
- the use of the 1:50 year return period parameter for sea defence construction projects;*
- 715 *- using the weighting and analysis methodology for assessing priorities as set out in this Report;*
- the intention to progress projects 1 and 2 in the priority listings (respectively, St Sampson Harbour and Belle Greve Bay) subject to capital funding being made available.*

720 *2. To endorse, subject to capital funding being made available, the proposal for the introduction of a data collection/monitoring system to enable improved source information to guide future coastal defence works.*

The Senior Deputy Greffier: Article XI. The Environment Department – Coastal Defence Flood Studies.

725

The Bailiff: Deputy Domaille, the Minister of the Environment Department will open debate. Deputy Domaille.

Deputy Domaille: Thank you, sir.

730 This Report is seeking Members' approval for a series of proposals aimed at setting priorities to tackle flood defence issues with our coastal defence system. It comes on the back of the widely circulated reports which were drafted by Royal Haskoning UK Ltd, the leading specialist in this field. These reports were commissioned because it was recognised that there were and are a number of factors that make it necessary to examine the robustness of Guernsey's sea defences, in
735 connection with both the structural adequacy and flood risk defence.

This States Report is concerned with flood risk defence and not the long-term stability of existing defences. That said, I wish to inform Members that I was briefed yesterday on a further undermining of the apron to the L'Ancrese anti-tank wall. While on initial inspection, it appears that the wall itself is not affected, the Environment Board will be receiving a report at its next
740 meeting and will be considering possible actions.

Turning to the States Report on Flood Risk Defences, there are three principal factors that have led to the production of the Report.

745 Firstly, there has been considerable development to the Island's coastal strip in recent years. Commercial construction projects at the Bridge and in the area of Les Banques are perhaps the most prominent. There has also been a great deal of residential development, particularly along the west coast. This has raised the number and collective value of properties that are at risk, should a breach occur.

750 Secondly, the diverse and varied types of installation that comprise our sea defences were mostly constructed many years ago, so are long overdue a review. As substantial number were not intended as flood defences and hardly any were engineered to withstand specific sea, climatic and storm conditions, as is the practice today. Indeed, it can be argued that some installations are less than helpful in preventing flooding, trapping water on the land side which might otherwise drain away naturally.

755 Thirdly, there have been repeated warnings from climate scientists that a warming world will bring forth rising sea levels and increased storm activity. While the projected consequences vary

and are uncertain, our historic structures that have served us well in the past may not continue to do so in the future.

760 All the detailed research that this Report is based on was carried out by Royal Haskoning. All the field studies, tidal measurements and modelling, mapping and assessments represent the results of that company's extensive examination of our sea defences. Additionally, the alternative presented attack and the identified issues and the costs associated with these were also put together by Haskoning.

Our role has been to assess Haskoning's findings and work on a priority order for areas that are identified as requiring attention.

765 The Environment Board, guided by the project team, have developed what we believe is a robust and transparent method of assessment of the risks presented by coastal flooding. Industry standard methodology has been adapted for the Guernsey context to produce a balanced assessment, presuming economic, social and environmental factors to evaluate the relative risks of the areas at risk.

770 At this point, I would like to thank the project team, led by Deputies Spruce and Paint, for all the hard work they have put in to produce robust recommendations to the Environment Board, all of which are contained within this Report. The Environment Board is proposing defences primarily that would improve protection in high risk areas, and build a foundation for the possibility of additional fences... *defences* – fences would not work very well! – if climate change becomes a reality, as far as tidal levels are concerned in our area.

775 Members will have noted, we are recommending two areas as the highest priority areas. Firstly, we need to offer a measure of protection to our essential infrastructure around the east coast – that is, electricity supplies, gas supplies, oil supplies, sewers, etc. A significant storm could affect the economic stability of the entire Island, if we lost major utilities, and thereby our finance industry and other commercial interests, which are all on the east coast.

780 We also need to protect considerable commercial and domestic property in the Braye du Valle area, which is considerably below sea level. (**A Member:** Hear, hear.) The second priority is along Les Banques, where extensive flooding could occur in the event that the defence has been breached.

785 Members, while the Environment Board is proposing development of short to medium-term protection measure to deal with most of the storm surges, which would appear to be becoming more frequent, there are two areas that the proposals do not address. These proposals do not deal with flooding caused by rainfall that may accompany such storms, nor do they purport to deal with the consequences of climate change which are uncertain at this time. Rather they seek to put foundations in place for when such consequences become more defined. If sea levels do rise measurably, then existing sea defences will have to be raised, simply to maintain existing protection against overtopping from high tides that are not storm driven.

790 Members, I must stress that sea defences cannot be built to prevent storm drive tides from surging above any barriers under all conditions. It would be necessary to construct sea walls many metres high to do so, so there is always the prospect of coastal flooding resulting from exceptional circumstances, whatever action is taken to improve coastal defences. In addition, public expenditure can only be justified if there is general benefit for the economic wellbeing of the Island and significant numbers of the community.

800 It is with these last two factors in mind that the Report strongly urges householders and businesspersons to take steps to protect their properties from the relatively short period at the top of the tide when there is the greatest risk of inundation. Once a storm surge drives coastal waters beyond the sea defences, the only feasible option is for property owners to seal their premises at points of entry. There is no signatory collective structure that can be put in place for general protection. To assist Islanders to meet this challenge, the Report recommends the establishment of a stock, initially within the States Work Department, for retailing simple, affordable devices designed to protect individual buildings.

805 Sir, of course, the best form of defence is early warning, and the Report makes clear that we need to invest in improved warning systems if we are to make the best decisions when the prospect of flooding becomes real. At the present time, we have only collected historic data to draw from, but a modest investment in data gathering equipment will provide for the possibility of a dynamic model that will produce more reliable and targeted indicators of predicted flooding situations as they develop. Better quality information will, for example, help people take prompt action to protect their properties and consider the timing of important journeys, perhaps to school or to work.

815 Finally, we are seeking agreement to increase the maintenance budget. I do not intend to repeat the findings in the Report. Suffice to say, maintaining what we have must be a priority and £250,000 per annum would be money well spent.

Sir, to sum up, the primary focus of this Report is to agree a method for prioritisation of our approach to tackling the risk of coastal flooding around the Island. It is a fact that wherever we undertake work on the defences, it will increase the relative risk of the properties in lower priority areas, but unless we start this process, with your support, all properties in the flood risk areas will remain at risk.

At this point, I can inform Members that the Environment Board will not be opposing the amendments that we understand will be placed by Deputies Brouard and De Lisle.

825 I am sure, sir, that all Members will acknowledge the importance of this Report as a major step in strengthening our capacity to meet the challenges that we face as an Island community. I trust that the Assembly will see fit to endorse the recommendations.

The Bailiff: As the Minister has indicated, there are two amendments: the first proposed by Deputy Brouard, seconded by Deputy Perrot; and the second proposed by Deputy De Lisle and seconded now by Deputy Robert Jones.

I call Deputy Brouard first to lay his amendment.

Amendment:

835 *To add a new Proposition 3 as follows:*

“3. To agree that, in addition to the seven areas identified as vulnerable to coastal inundation in this Report, consideration be given to adding Perelle Bay, using the same weightings and analysis methodology set out in this Report, in order that it may be considered on the same basis as the other areas when future priorities are selected after St Sampson’s and Belle Greve Bay.”

840

Deputy Brouard: Thank you, sir.

I would just like to mention that I think the joke has probably died a little bit, because of the two months since we last sat, but it was pointed out to me that the Minister of the Environment Department reacted quite quickly to my amendment going in, in a matter of hours. Later he put an e-mail out saying that the Department would very kindly accept the Proposition, and it made it look like he just rolled over like some sort of pussy-cat, when in fact actually it had taken months of stroking to get to that point. *(Laughter)*

845

850 **Deputy Domaille:** And a few sweets, sir! *(Interjection)*

Deputy Brouard: States Works will advise Infrastructure Services that the procedure is about to be implemented. States Works will advise Environment that Perelle coast road/Biloterie Road will require closing. Environment Department will inform the emergency services, bus company and the media of the closures and barriers. States Works Signs and Lines staff will put up road closures and diversion signs and then erect barriers at Richmond Corner, the outfall chamber and in Biloterie and report back to Environment and Infrastructure Services that this has been completed. States Works will inform Phil Duquemin, Mr Trevor Brehaut and Mark Le Page as designated residents that the signs are out.

855

860 There is only one place in the Island where this need had, over the years, produced that sort of mobilisation of storm barriers, when they have a warning from the Met Office that a storm is due. Environment are quite rightly looking for a methodology to try and prioritise the work needed and to prevent and mitigate overtopping with regard to storm surges and loss of defences. What I ask, and accepting that St Sampson’s and Belle Greve are priorities 1 and 2, is that Perelle Bay be allowed to be in that mix.

865

PSD have done a tremendous job in rebuilding and rearranging the drainage in the area in 2010 and building a super new culvert, under Alan Powell. Before that, residents took their life in their hands, going down a manhole in the storm and trying to unblock the vrac.

870

Taking from Haskoning’s report of 2007, the bay is backed by low-lying land, one of the west coast mares. The entire coastal frontage is an area of Special Environmental Importance, and landward of the coast road is classified as a built-up area.

The area is prone to flooding. The recent breach opposite Perelle Garage I think the repair cost £500,000. In 2010, a hotel basement flooded; in 2008, undermined road by the bus stop, causing a water spout; 2008, flood barriers smashed, two houses flooded, catalogue of properties have been

875 flooded over the years two or three times; 1999, close to Biloterie Road, roads collapsed a quarter of the way across, separating from the sea wall; in 1999, the Bas Marais fortifications undermined.

If we are to prioritise our spend on a fair evidence matrix, then I would ask that, as Perelle is a high-risk area, it needs to be able to go into that matrix and hold its head against the other competing areas of the Island.

880 One possibility at Perelle to prevent flooding is beach nourishment, which Haskoning considered in 1999, and the proposal then for statutory was to do something to hold the line, which may involve either sustaining or improving the defences.

There are seven areas identified to date, with Environment recommending priority 1, St Sampson's and priority 2, Belle Greve Bay. One reason is the number of properties that would be affected if there was an accident.

885 I hope I have explained the Perelle Bay credentials, to be able to be added to the remaining list and to be subject to the same rigour and matrix used to assess which area is going to be the next priority. My thanks to the staff of Environment, for assisting me in drafting the amendment, and to the Board for very kindly accepting the amendment, and my thanks to my seconder, Deputy Perrot. I ask you to allow the name of Perelle Bay to go forward.

Thank you, sir.

The Bailiff: Deputy Perrot, do you formally second the amendment and reserve your right to speak?

895

Deputy Perrot: Yes.

The Bailiff: Does anyone wish to speak on the amendment? No? I see no-one rising. Deputy Domaille, do you wish to...?

900

Deputy Domaille: I have nothing to add. Deputy Brouard summed it up very nicely.

The Bailiff: In that case, we will go straight to the vote on the amendment proposed by Deputy Brouard, seconded by Deputy Perrot. Those in favour; those against.

905

Members vote Pour.

The Bailiff: I declare it carried.

910 Next, I call Deputy De Lisle to lay his amendment, which is now to be seconded by Deputy Robert Jones.

Amendment:

To add a new Proposition 3 as follows:

915 *"3. To agree that, in addition to the seven areas identified as vulnerable to coastal inundation in this Report, consideration be given to adding St Peter Port Town Waterfront using the same weightings and analysis methodology set out in this Report, in order that it may be considered on the same basis as the other areas when future priorities are selected after St Sampson's and Belle Greve Bay."*

920 **Deputy De Lisle:** I thank you, sir, for that.

The Environment Department are putting forward a strategy to prioritise areas which are at risk of flooding. Seven areas have been identified to date, with St Sampson's and Belle Greve Bay being priorities 1 and 2. This amendment seeks to add St Peter Port Town Waterfront to the list and allow it to be subjected to the same rigour, and weightings as the remaining areas for consideration of work in the future.

925

Sir, much of the frontage of St Peter Port is reclaimed, and in the south of the harbour, water is known to regularly overtop Victoria Marina during high spring tides now, causing flooding to shops and restaurants along the front. The process also occurs at Havelet Bay, particularly in the northern end.

930 Predictions of climate change indicate that coastal defences will be subject to increasingly onerous conditions in the future and, given climate change and the accelerated rise in sea level predicted for the next century, this area of our town, the shops and restaurants that line this section of the harbour frontage, will become increasingly vulnerable to inundation.

935 Of concern also is the fact that all properties along the front are designated, protected, listed heritage buildings and are located in an urban conservation area. The area is given very high

priority by Royal Haskoning in their sea defence reporting and they call for remedial work in that particular area, to reduce wave overtopping, raising the crest levels to ensure the integrity of defences to reduce the overtopping problem and the front flooding of properties, which is economically viable, with strong benefit-cost ratios.

940 I would like to call on Members to support this amendment, to add St Peter Port Waterfront to the seven areas identified as vulnerable to coastal inundation in this Report, in order that it may be considered on the same basis as the other areas, when future priorities are selected after St Sampson's and Belle Greve Bay.

945 **The Bailiff:** Deputy Rob Jones, do you formally second the amendment?

Deputy Robert Jones: Yes.

The Bailiff: Does anyone wish to speak on this amendment?

950 Deputy Gollop.

Deputy Gollop: Yes, I know this topic is dear, really, to all or most of the Deputies from St Peter Port. I know Deputy Storey has a very strong commitment to this idea, too and it is actually about protection, conservation, but it is also insurance against the unknown.

955 We have seen, certainly in recent years, several disturbing instances of flood rising and causing significant damage, disruption to town businesses, but more to the point, to communication as well, and to transport arteries.

960 So I would support this. The Report as a whole is a useful report, but some of its methodology I might question, because, for instance, in the weightings that they apply, the environmental weightings are of a smaller and separate quantum than the social and economic. I notice too that residential development has a significantly smaller rating than commercial or community, but I could not quite understand why environmental impact was considered to be irrelevant outside of the area that it was in, because I think most of us regard environmental areas as important, even if we do not live within them or adjacent to them

965 That said, they were clear quibbles. The Report as a whole is useful and the two amendments involving Perelle, where we have seen actual damage, and St Peter Port where we have seen historic damage, are vital. We would have to say as a community that St Peter Port is our most valuable asset in more ways than one.

970 **The Bailiff:** Deputy Gollop, I will take you as having spoken generally.

Deputy Gollop: Thank you.

The Bailiff: Does anyone else wish to...? Yes, Deputy Luxon.

975 **Deputy Luxon:** Sir, just briefly, PSD obviously having the responsibility for the harbours, had consulted with Environment Department officers regarding the issues of St Port, and indeed, I have exchange dialogue with the Environment Minister. We have been assured that St Peter Port area would be included in the Department's thinking though this Report.

980 So I thank Deputy De Lisle and Deputy Rob Jones for bringing this amendment. I think it makes absolute sense and I am pleased to support it.

Thank you, sir.

The Bailiff: Deputy Paint. *[Inaudible]* Can you switch your microphone on?

985 **Deputy Paint:** Sir, over the last 10,000 years, evidence proves that sea levels have risen by a considerable amount. Or have they? It could be that the land has actually gone down, because of earth movement. Nevertheless, something is happening and giving the impression and the effect that the sea is rising in this phase of earth movement.

990 It is well known that tidal levels have risen and fallen over the hundreds of thousands of years in the past. There has been considerable erosion in Guernsey's coastline in my lifetime, so it is right that the Government takes on, focuses on and makes provision for the future events that may take place.

995 I am of the firm view that these works should be done in stages and in places of greatest risk first. I also believe that anything that is carried out should be constructed in such a way that it can be added to in the future if it is necessary. Thank you.

The Bailiff: Thank you very much. I will take that as a general speech, Deputy Paint. Does anybody else wish to speak on the amendment? Deputy Lester Queripel.

1000 **Deputy Lester Queripel:** Thank you, sir.

The fact that two Deputies who do not actually live in town have laid this amendment may give the impression that St Peter Port Deputies have no concern regarding the future of our town, in relation to rising sea levels. But I did actually speak to the Environment Minister about laying an amendment many months ago myself, and he explained that the amendment was possibly
1005 superfluous, bearing in mind that PSD, as Deputy Luxon has just alluded to, have a Ports Masterplan which is ongoing.

So I just want to assure St Peter Port parishioners that their Deputies do have considerable concerns regarding the rising sea levels in St Peter Port, that could affect our harbour, and that we have not been negligent or unconcerned; it was simply that in relation to the ongoing Ports
1010 Masterplan, I took it that this amendment would be somewhat superfluous. But I am sure my colleagues in St Peter Port will do like I am going to do and support this amendment.

Thank you, sir.

The Bailiff: Just for the record, the amendment is seconded by Deputy Robert Jones, who is a
1015 deputy for St Peter Port South.

Deputy Lester Queripel: Sir, I am just referring to any Deputy who lives close to town, but I take your point, sir. (*Laughter*) I was a bit rash with my passion there, sir.

Thank you.

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The Bailiff: Does anyone else wish to speak on the amendment? No? Deputy Domaille, do you wish to say anything before Deputy De Lisle replies?

Deputy Domaille: Very briefly, sir, I am pleased to confirm that Deputy Queripel did speak to
1025 me some months ago and did make his points very clear, and he has accurately reflected what I said to him.

Deputy Luxon, again, has accurately recorded our discussions. Ports are definitely in there.

Deputy Paint spoke in general debate, I thank him.

Deputy Gollop referred to the weightings of the Report. There is a sensitivity analysis in there
1030 which shows that moving the weightings here or there makes very little difference.

As I say, the Environment Board is quite happy to go with this amendment.

In fairness, I would like to make just a couple of very small points. This obviously is an important area, but it is a very small area. The area that would be affected is very small, because
1035 the land rises quickly. The other problem that is particular to this area, just to show we have considered it, is that actually the water comes through the wall as well as over it. So just raising the wall does not solve the problem!

But all those said, nevertheless, the beauty of this system is that we can dovetail anything into it, we can meet changing circumstances, so we are quite happy to do it.

1040 **The Bailiff:** Thank you.

Deputy De Lisle, then, will reply to the debate.

Deputy De Lisle: Yes, sir. I thank Deputy Domaille for confirming his support for work going
1045 forward in this area. I think it is very important to express the importance of the town as a business centre and also the problems that the town traders and the businesses along the front have encompassed in the past with regard to flooding along the front.

I thank Deputy Gollop for his support with regard to his points relating to the insurance aspect and, of course, the security which can be provided to town businesses along the front. A lot of investment has been put into the front. Just recently people have noticed, and it is important that
1050 we as a Government actually provide security and provide that important insurance at a time when we are going forward or suggesting going forward with plans to assist in this flooding issue across the Island.

I thank also Deputy Luxon for his support, and to Deputy Paint as well, a member of the Environment Department, for raising the issues that he has, in terms of the fact that the work has
1055 to be done in stages, and I appreciate that point, and the fact that along the front, certain measures could be put in place, just in terms of protecting a little more from these high sea levels that are increasingly prominent in town.

1060 Town has the added problem, of course, of trying to keep circulation of traffic going. Unfortunately, when the inundation occurs, the traffic only worsens the problem for the restaurants and the trading properties along the front, by the swell, of course, that is engendered by the traffic going by. So this is something that we have to consider.

Sir, all the properties along the front are designated, protected, listed, heritage buildings, and they are in an urban conservation area. This is extremely important for the future of businesses in that particular area.

1065 The Haskoning Report calls for remedial works to take place now, and something to be done, and I would ask that the Department looks favourably to conducting work and the surveys that are necessary, actually, at least as a first step to ensure that the flooding of properties is constrained in the future.

1070 So I call on Members then to support this amendment, to add St Peter Port Waterfront to the seven areas identified as vulnerable to coastal inundation in this Report, in order that it may be considered on the same basis as other areas when future priorities are selected after St Sampson's and Belle Greve Bay.

Thank you, sir.

1075 **The Bailiff:** Members, one minor detail: the amendment proposes to add a new Proposition 3, but having approved the Deputy Brouard amendment, we already have a new Proposition 3, so we just need to alter that to add a new Proposition 4.

Subject to that alteration, we come to the vote. Those in favour; those against.

1080 *Members voted Pour.*

The Bailiff: I declare the amendment carried.

We move into general debate now, and I call first Deputy Dave Jones.

1085 **Deputy David Jones:** Thank you, Mr Bailiff, Members of the States.

As a Vale Deputy, I am in a parish that has lots of vulnerable and low lying areas and some of the people who live in our parish are deeply concerned about what is missing in this Report. I accept fully what the Environment Minister says, that we simply cannot as a Government guard against every single incident of overtopping that may, as the Report clearly says, happen once in a century. Certainly in my view, this Report does not go deep enough into many of the things that we should be doing.

1090 In the Billet, Volume 2, pages 1187 to 1251, on the subject of coastal defences, nowhere in the text does the document discuss anything other than coastal protection. The simple indication here is that the coast will be protected and retained and not lost. However, if a homeowner is expected to look after his property, he can reasonably expect the States not to do anything that might jeopardies that property. I think he has a right as a taxpayer to expect that. But in this Report, no mention whatsoever is made of the intentional loss of land and property to the sea, and the consequences for land and homeowners arising from that revelation. This little gem is hidden away in the detail as a document.

1100 Within the tables on page 1225, Bordeaux Harbour, the short-term action plan, it states, and I will quote:

‘Develop long term plan for set back defence to limit flood risk. [...]’

1105 Undertake construction of set back embankment to limit extent of flooding. Medium Priority’

Well, from the experience of many who have an interest in this matter, this statement actually means creating a new coastline further inland, allowing the sea to reclaim existing land and possibly even properties. No mention is made of the intended States position regarding such a fundamental change, particularly in the value to properties that will be affected.

1110 I would suggest that any proposal of just abandoning the existing coastline, and that may include, of course, roads as well – we do not know – close to the beach, and just surrendering them to the elements, is a *shameful* Government policy. Or that private homeowners should spend tens of thousands trying to protect their own properties, which is what creating a new coastline further inland actually means. In my view, this is gross dereliction of our duty as a Government and the taxes that people pay all of their lives, who have a right to expect that we preserve the coastal areas of this Island and their homes.

1115 The Report describes, on page 1213 in note 6, the harbour facilities as part of the coastal defences, but unfortunately it does not go further on to describe or develop the risk further. If

1120 harbours facilities are indeed strategic facilities, you have to ask why they are not actually properly addressed within the Report – and I hear what the Minister of PSD has said, I accept that clearly there have been talks between Environment and PSD, but it actually would have been nice to see a detail of these two major strategic assets within this Report.

1125 After seeking the views of the harbourmaster and other port users, the strategic risk of flooding of the commercial area of St Peter Port remains in his view significant and a real possibility with huge ramifications for the passenger terminal, and of course the electrical installations in that area and everything around the harbour, really. So I wonder if this issue is covered in the harbour Masterplan. Perhaps the PSD Minister might be able to help us on that matter later on.

1130 I have seen this kind of inertia before in coastal defences that oozes from this Report, when many hundreds of tonnes of rock armour were offered to the Vale from a large commercial development in town, with a big underground car park going in and huge amounts of blue granite rock armour coming out. We very quickly put together a team of volunteers, experienced heavy excavator operators, together in a few days, when the offer was made, to place this armour, and with the supervision of an experienced marine engineer from Geomarine – the clue is in the title – in a very vulnerable area at L’Ancresse. The operation was thwarted by planners at Environment, most of whom knew nothing or little about rock armouring or indeed very much about our coastline in general – or, I would add, anything about the successful coastal armour placements that had been done in the past. They were more worried about some temporary damage to the rough areas of L’Ancresse Common, where the armour would have been tipped, ready for use. They also wanted an impact assessment study carried out – as if we had time to do that! The contractor had given us the thousands tonnes of this armour and he simply had to get it off the site.

1140 Now the Minister, to his credit, at the time was Deputy David De Lisle. He tried to get things moving and visited the area that was to be protected. We had people from the L’Ancresse Commons Council who had chosen a rough area for the armour to be stored. He just could not get past his own officials, and I found that excruciatingly frustrating at the time.

1145 But do you know what, in the old days, we just got on with it! Now you cannot do anything without layers of form-filling and wading through the bureaucratic treacle that has slowly paralysed this Island in many areas. In the end, it all went to Ronez, unfortunately, where it was crushed into aggregate. What a waste! What an opportunity for us to do, and we did not need UK consultants to tell us where it had to go – we knew where it had to go! We had the expertise on the Island who knew how to do it. We had a marine engineer from Geomarine who would have worked out the angle of repose and the tow that was needed in order to make the armour effective.

1150 If you look at the Longue Rue reclamation, the whole thing is supported by rock armour. There are no concrete walls round that. It is a very, very effective barrier for keeping the sea at bay.

1155 The small area that we were going to do could have been done at no cost whatsoever to the States, as many of us would have given our time for free. The trucks had to cart it away anyway, and the engineer was happy to help for free, just for a signboard on the site.

1160 The present arrangements, in my view, are far too rigid. It makes it virtually impossible to act quickly when opportunities like that arise, to use suitable material when it becomes available, and I wish Environment would look at that. To call for an impact assessment study when you are being offered a free material is just barking, in my view.

1165 Some of the UK experts say that rock armour is not effective. Well, I would ask them to visit the east arm of the Harbour. That is pure rock armour that protects that east arm, and again, the Longue Rue, which I have already mentioned. Or perhaps even the Salerie Corner – Salerie Corner where we placed hundreds of tonnes of rock armour to protect that area around there. It is still there, it has not gone anywhere. It came out of the ground, it was placed, and it is very, very effective.

1170 I would suggest that Environment ditch their UK consultants and talk to local companies and people who have a great deal more experience in protecting our shoreline using this method. It is by far the cheapest solution and very effective, as anyone can see from the examples I have just given.

1175 So to end, I cannot support the notion that we just abandon large areas of the coastlines and the sea, or that homeowners must finance themselves. I will support the Report, because we have nothing else, and as Deputy De Lisle said, the consultants have said they have identified some of the remedial work that needs to be done. But we must do more to protect private property, and we must look at opportunities when they present themselves, and get rid of the bureaucracy that prevents local people from taking on these initiatives and protecting our coastline in the way that it has always been done.

Thank you.

1180 **The Bailiff:** Deputy Soulsby.

Deputy Soulsby: Sir, I have to say, I found this Report a welcome relief from many of the other inward-looking plans we have been debating recently. It is a very comprehensive, detailed, but at the same time, readable Report that reflects the amount of constructive research that has led up to it.

1185 Admittedly, part of that interest may stem from the fact that I am a Geography graduate and my degree focused on coastal geomorphology and environmental change. Once a geographer, always a geographer – and that might also explain that wherever I have lived I have made sure that it was near or on top of a hill. (*Laughter*)

1190 However, what I really like about this Report is that it recognises the problem we have, but has not over-engineered a solution, and points out that householders also need to take responsibility themselves. It is frankly shocking that the current budget for coastal defences is so small, and it is just lumped in with other maintenance costs. However, it is always so much harder to justify expenditure in areas that do not appear to demonstrate an immediate necessity. It is only when something apparently unexpected happens, such as a collapse of a sea wall, that governments are spurred into action. That is not the case in this instance, although this work has been going on since 1999, with no agreed policy direction to date, so I do wonder how well this strategy will do as hopefully it progresses through the capital prioritisation process.

1200 I attended the excellent Environment presentation last year on the Haskoning result, which was very informative and made a lot of sense. It clearly identified the Perelle area as being a problem which needed to be dealt with – and hey presto, only few months later, and part of the defence has collapsed! It was inevitable, given the lack of investment in maintaining our coastal defences, combined with climate change and rising sea level since they were built. Whilst all the fuss has been about who re-built the Perelle wall, it should really have been about why it had to be re-built. 1205 It should be a salutary warning that if you do not do anything, something similar will happen again, possibly with ore catastrophic consequences.

We must do something now. There are key parts of our infrastructure which are becoming increasingly vulnerable, if nothing is done. Sea level *has* risen since our defences were built, and this will continue, due to a variety of influences, including post-glacial rebalance since the ice ages, not just through current melting of the ice-caps and global climate change. Sea levels in the English Channel are predicted to rise between 19cm to 54 cm by 2080. Combined with projected increased storm severity, this will increase the likelihood of flooding around the Island. In fact, what was in 1900 a one-in-100-year event would now be considered a 1-in-25-year event, in some areas of the English Channel.

1215 In this Report that major marine construction projects must be fully justified in the current economic environment. The Propositions in this Report are built around risk, environmental and socio-economic. Whilst people might want to preserve our coastline in aspic, that makes no sense environmentally, socially or economically. We need a more scientific basis on which to act. As stated in 6.3.3, the use of a robust and scalable evaluation process provides a consistent approach for the prioritisation of coast defence projects over the longer term. What I think should be taken out of this paragraph is the phrase ‘current economic environment’. Major marine construction projects must be fully justified – full stop.

1220 To the north of us, across the English Channel, there is a UNESCO World Heritage Site, known as the Jurassic Coast. It was granted this status because of the effect of erosion exposing rocks and fossils. Their coastal defence plan has to take into account the fact that they want nature to take its course, but still have towns and villages that need protection.

1225 In the UK, a coast defence scheme currently has to cost no more than 20% of the value of the property that it seeks to protect. It also has to guarantee to do the job over its design life, i.e. work, while minimising the impact on geology, wildlife or landscape. DEFRA now also require schemes to work with nature rather than against, so moving away from concrete sea walls and rock armour, towards those that use natural processes to deliver the required defence through, for example, beach management. I hope that such considerations are taken into account when drawing up plans for defence solutions for Guernsey, so that they are cost effective, viable, and environmentally acceptable.

1230 I am happy to support the Propositions in this Report and will be taking a particular interest in future progress.

The Bailiff: Deputy Ogier.

1240 **Deputy Ogier:** Thank you, sir.

Despite the Minister using cagey terms in his opening, like ‘if climate does occur’, ‘if sea levels rise’, we read in the official Report of the Environment Department, signed by the Minister, that in 1.2 climate change is predicted to cause an increase in frequency and severity of storms. In 1.3 we read:

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‘...it is generally known and accepted that sea levels are rising...’

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Yes, sea levels rise and fall naturally; but not at the speed that we are looking at. In all of this, it is the speed – the speed of change – which species will have difficulty adapting to; the speed of change which is not natural; the speed of change which is brought about by man-made effects, brought about by the release of tens of millions of years’ worth of stored sunlight into our environment over the last 100 years or so. It has been very quick and leaves us with a very short time to adapt to changes.

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I am sorry to hear the siren’s call of the Minister’s opinion that somehow the jury is still out on climate change. Well, it is, if you put your faith in the 2% or so of scientists who disagree with the 98% of worldwide scientists who are an authority on that subject. What other policy will you decide to side with the 2% instead of the 98% of scientists in agreement? And yes, the jury is out, if you believe that the pressure groups financed by the petro-chemical industry are telling the truth when they say that climate change is not man-made, and that we can continue to burn the very product they rely on to make a profit.

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The point of this is that we are quite resigned to accepting that the sea levels of the oceans on this planet may rise. But anything which this Island could do to play its part in helping mitigate these effects over time takes an incredible struggle: yes, let’s build seawalls; but no, let’s argue for 14 years about increasing recycling. Yes, let’s build seawalls, because climate change is predicted to increase storms and flooding; but no, let’s not have a photovoltaic array at the airport. Yes, let’s build seawalls, because it is general known sea levels will rise; but let’s not endorse an energy report designed to reduce our energy use, which is what the last Assembly did.

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To those who do not believe climate change is man-made, what are the risks if you are wrong? The risks are that we do little which we could have done, and the lives of our children and grandchildren will be increasingly harder. Species will die out. There will be ocean acidification and a hundred other disasters. On the other hand, if you are right, climate change is not man-made, and yet we do take action, our societies will merely become more efficient with our use of energy. New industries will be created. Cleaner, less polluting sources of energy will be brought online – very little downside, and on a balance of risk, we should take action.

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However, what we do is we accept sea levels will rise, build walls and other defences, and yet turn down measures to reduce our energy consumption, such as photovoltaic arrays, wind power, decent transport strategies. We could open ourselves up to be a test bed for renewable energies so we could be amongst the first and second movers; but instead we wait until technology is available off the shelf. We are not proactive enough when it comes to playing our part in mitigating the effects of what is causing us to raise our sea defences in the first place. We will pass this Report on sea defences, but we will not prioritise photovoltaics.

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The Bailiff: Deputy Spruce.

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Deputy Spruce: Thank you, sir.

Members, the Report before you today is the culmination of over 12 months’ detailed work by the Environment Department’s Coastal Defence Project Group, coupled with two detailed technical studies carried out by Royal Haskoning in 2007 and 2010. Deputy Domaille has laid out the reasoning we have used in reaching our conclusions, so I will not revisit his speech again.

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When I took on the role of chairing the Coastal Defence Project Working Group, I must admit to a certain amount of scepticism about the need for major defence works actually being required. But, having been immersed in this subject for over 12 months, and having reviewed all the evidence and facts surrounding the issue, I can confirm that I am 100% persuaded of the need to implement the Propositions laid before you today.

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We have tried to condense a complex technical subject into a clear and concise report. However, I must highlight the key issues that require recognition.

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We must not underestimate the impact that a particularly bad set of weather events, coupled with a storm surge would have on our community and on the Island’s economy. Successive Royal Haskoning reports have highlighted the need for improved coastal defence measures. One-in-50 or one-in-100 weather events do happen. In March, we experienced an exceptional snowstorm. Recently in Canada, they experienced a one-in-250 rainfall deluge, which resulted in loss of life.

1305 This Report clearly highlights the areas most at risk from severe flooding. The land behind St Sampson's Harbour and Belle Greve is particularly vulnerable. Literally thousands of people and hundreds of domestic and commercial properties would be seriously impacted if a storm surge overtopped the Bridge or Belle Greve Bay. The economy would also be seriously impacted, if such an event happened on the east coast areas at risk. Commercially, the impact on electricity substations, the sewage treatment plant, the gas production facilities and of course the highways in the area would be significant.

1310 In laying these proposals before you today, we have taken a pragmatic approach to dealing with a current potential risk. These proposals are suggested to minimise the Island's exposure to serious flooding. We are not proposing that they will eliminate all onshore flooding or proposing to build defences to handle the problems we would face if long-term climate-change forecasts become a reality. We are proposing a very first step in improving our coastal defences. Also, these measures will not be wasted in the event that climate change forecasts become a reality.

1315 So, Members, I ask you to note this Report requested and support the project in the capital prioritisation debate.

Thank you.

The Bailiff: Deputy Dorey.

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Deputy Dorey: Thank you, Mr Bailiff.

Deputy Domaille, in his opening speech mentioned that the Report does not cover surface drainage and paragraph 5.1.3 on page 1194 goes on to say that:

1325 'There may also be other issues for flooding in Guernsey, including the consequences of excessive rainfall, overflowing douts and streams, overloaded sewage systems, etc. Measures to address these and other flooding issues are not dealt with in this report.'

1330 I consider that if we are considering flooding – and that is essentially what this whole Report is about – it is a flaw not to consider surface drainage.

1335 Except when a seawall collapses, the storms that result in flooding and seawater coming over seawalls are usually in the winter when there are heavy streamflows, combined with the heavy rain. That is part of the storm that has caused the sea to come over the wall, and of course it is high tide and the sluice gates which empty our streams are closed. It is that combination that has resulted in flooding. Historically you look back at, for example the Vazon area, in the past: that is the combination of all those matters that result in flooding.

So I would strongly urge the Environment Department to have a cross-Government approach involving Public Thoroughfares and Environment to look at data collection, not just at the seawall, but in Proposition 2 where it says:

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'a data collection/monitoring system to enable improved source information to guide future coastal defence works.'

1345 that we should have a joined-up approach which looks at surface water drainage as well, because I think doing one without the other will not produce a good solution for the Island and make best use of our money. So I would urge the two Departments to work together and to do that work.

Thank you.

The Bailiff: Does anyone else...? Deputy Hadley.

1350 **Deputy Hadley:** Mr Bailiff, the debate on climate change is something which has now been going on for some time, and I agree with Deputy Ogier that the number of people who believe that climate change is not happening is tiny.

1355 One of the big debates, though, is what the effect of the climate change is going to be, and if you look at the predictions for sea level rises, they can be up to several metres by the end of the century. Although this might be considered by some people as an extreme position to take, one of the rather non-scientific things about the predictions is that some of the factors are ignored. One of the things about predicting climate change is that the effect of feedback mechanisms are not understood. For example, thawing of the Siberian permafrost to release large amounts of methane: nobody really knows what effect this is going to have on world temperatures or sea levels. So these feedback mechanisms have been ignored.

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I think what the Environment Department has done is to take a very conservative approach as to what sea level rises are going to be, and part of this is because the cost of meeting sea level rises of two or three metres by the end of the century are really quite horrendous.

1365 A lot has been mentioned about the effect on the east coast, and the damage to the finance industry and other infrastructure in that Island. I am disappointed that the Department has not been brave enough to look at the cost-benefit of filling in Belle Greve Bay. In fact, if I thought I could get a seconder for an amendment along these lines, I would have placed an amendment.

1370 If Belle Greve Bay were to be filled in, it would provide the Island with about 1,000 hectares of land – Deputy Jones – and there would be tremendous economic benefit. If it were filled in using a road linking Salerie Corner and St Sampson’s, that would relieve traffic on the busiest road on the Island. You would also make one of the housing target areas developable at the Belle Greve Vinery. The economic benefit to the Island would be enormous, and that would pay for the sea defence of the east coast.

1375 Now, it might be unpalatable, it might lose us votes in the next election, but the important thing is this would be a massive benefit to the Island, and I am disappointed that nobody in the Assembly has got the guts to propose it... *second* it, because I would propose it! (*Laughter*)

The Bailiff: Deputy De Lisle.

1380 **Deputy De Lisle:** Sir, I would like to very strongly support continued work with respect to sea defences on this Island, and extending in fact the good work that was begun in 2007, which is mentioned on page 1192 of the Report, and the results of the investigations that were actually supported by the States at that time, and the results of which are reported on pages 1192 and 1193.

1385 Guernsey has extensive areas, sir, of very low land. Parts are below sea level and in danger of future rising sea levels. There is urgent need to improve our defences, because they are showing their age, after years of pounding by the sea and patchwork maintenance. In several places, actually the drop in beach levels have left the sea defences exposed to undercutting and overtopping flood risks. In fact, many people are quite astounded when they see the undercutting sometimes below the actual walls that have been put in place to protect our coastline. In several places, people are moving out of their houses during very violent storms on this Island, because of fears that the defences will not hold.

1390 Now, considerable assessment has been done by employing consultants for many years now. I believe that it is time to get on with the job now, and strengthen our sea defences and protect the erosion that is going on along our coastline. We have to see now capital works initiatives undertaken. I know that this Report, which is an update, is a result of the update of the Royal Haskoning coastal defence work, which continues to warn that several areas around the Island are at particular risk of erosion and flooding. It recommends a spend of £55 million over the next 20 years. We spend in the order currently of £50,000 each year, many years less on maintenance. It is interesting to note that Jersey has spent £6 million on sea defences in the past five years, in comparison with about £200,000 here, apart from the wall re-buildings that have had to be done, as a result of the destructive elements of the sea.

1400 So I, with Deputy Jones, feel frustrated really that we have been at this now for a number of years and in reality we still have not come out with any real major capital works initiatives directed at this whole problem when we know we have extensive areas of very, very low lying land, vulnerable to inundation by the sea.

1405 One thing I would like to just say is that this particular topic today is very relevant in that the Inter-Governmental Panel on Climate Change is meeting currently this week in Stockholm, aiming to forge a treaty to replace the 1997 Kyoto Protocol and also trying to get a handle on how we are to update and upgrade to a warmer world, such as building flood defences, adapting farm practices and cutting greenhouse gas emissions across the world.

1410 So I would call then for perhaps investigations aimed at doing something from now on, rather than simply report after report from Haskoning, telling us that sea defences need to be upgraded, and that we increase the maintenance budget too, considerably, because £50,000 is very little to spend every year, and continuing this patch-up programme that we are doing, we would be better actually taking certain areas and working on them to strengthen the sea defences and protect the erosion that is going on in different areas of the coast.

1415 So we could take active participation in the future, rather than just studying the issue to death. We know that there is a problem here in Guernsey. Let’s get on with it and provide constructive efforts to defend businesses in vulnerable areas and also our cultural heritage.

1420 Thank you, sir.

The Bailiff: Does anyone else wish to speak in this debate? No?

Deputy Domaille then to reply to the debate.

1425 **Deputy Domaille:** Thank you, sir. I have made notes and I will try and read my writing.

Deputy Jones raised the issue of intended loss of land to the sea and personal responsibility for your own properties, I think. What I would say is... and actually Deputy Soulsby referred to that too in a very good way, and I actually thought her speech was very good. What I would say, to give Deputy Jones some comfort here is that any of the projects to be done all have to come back to this States for approval. They will come back and they will be analysed options then, and it will be for States Members to agree on that. So I think hopefully will help there.

1430 With regard to the harbours, yes of course they are in our considerations. We are going to work with PSD. PSD have got the Ports Masterplan and the beauty of the modelling and this approach, the methodology, means that we can have an intuitive process and we can talk through things and get things working together and joined up.

1435 With regard to the rock armoury, that is before my time, so I cannot make too many comments on that, but I do know that rock armoury does require special design and usually they use geofabric behind it, so I do not know what went on there, but you have to do that.

Deputy Soulsby, as I have said, very complimentary and I thank her very much. All of her comments were actually spot on.

1440 Deputy Ogier: I apologise if I sounded cagey about climate change. I am not at all cagey about climate change. Climate change is happening, climate change is here. To pick up on Deputy Hadley's comments, what I am, if you like, cagey about – and I think most people are – is the predicting and understanding the consequences of climate change and the extent of those. So that is where I am trying to be prudent and pragmatic. I totally accept climate change. I do not like it, but that is life.

So hopefully I have covered those points.

Deputy Spruce, I thank him for his support.

1450 Deputy Dorey, surface drainage: yes, I will take your comments away and will sit down and we will have a talk with Public Services Department, and pick up on that. Just from my own personal experience, I know that sometimes the flaps in the drains jam shut and that causes flooding, and it is a simple question of maintenance. But we will pick up and follow up on that.

Deputy Hadley: yes, you are quite right, the big debate is on the effects of climate change, not the presence of climate change. We are taking what we consider to be the right, sensible, conservative approach. We are relying on DEFRA, which many organisations of the world do.

1455 Your comments about Belle Greve Bay: I have to say that I have an interest in a flat along Belle Greve Bay, so I will say that. But actually, I think the infilling of Belle Greve Bay is absolutely a no-no – (**Several Members:** Hear, hear.) *absolutely* a no-no. I am sure we could talk about that at length, but I will try to stick to coastal defence. (*Interjection and laughter*)

1460 Deputy De Lisle very strongly supports work to sea defences: I absolutely agree with him. I just make one comment, because it was actually said in the amendment as well, and I do not want people getting unnecessarily alarmed. The 2007, I think it was, Haskoning Report did identify some urgent works that had to be carried out. We have carried out all of those urgent works. I am not belittling the topic but we have done that.

1465 He made some good comments on the low maintenance budget. I completely agree with him. That is why we are asking for more. Beach levels do drop and change and in fact the 2007 report concluded there were no net migration of beach sand, but of course on a storm it does move and damage can occur.

I think that is it. Yes, I ask Members to support the proposals, sir.

1470

The Bailiff: Well, Members, the Propositions are on page 1251 and to those two Propositions we have added two more as a result of the successful Deputy Brouard and Deputy De Lisle amendments. Unless anybody wants them voted on separately, I will put all four Propositions to you together. Those in favour; those against.

1475

Members voted Pour.

The Bailiff: I declare them carried.

HOME DEPARTMENT

**Criminal Justice Legislation International Criminal Court
Implementation of Rome Statute
Propositions carried *nem. con.***

1480

Article XII.

The States are asked to decide:

Whether, after consideration of the Report dated 15th April, 2013, of the Home Department, they are of the opinion:

1485

1. To approve the drafting of legislation to implement the Rome Statute, as described in paragraph 2 of that Report, in the Bailiwick.

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

1490

The Senior Deputy Greffier: Article XII. Home Department – Criminal Justice Legislation International Criminal Court.

The Bailiff: Deputy Le Tocq will open the debate.

1495

Deputy Le Tocq: Thank you, Mr Bailiff.

At a United Nations Conference in Rome in 1998, a Statute creating an International Court was approved – the Rome Statute. The International Criminal Court was established with the coming into force of the Rome Statute on 1st July 2002. It exists to create a powerful deterrent to potential perpetrators of atrocities, to end accusations of selective justice and to ensure a swift response to alleged crimes by removing the need to establish a new tribunal every time a court is required.

1500

The International Criminal Court is a permanent court which tries individuals for genocide, crimes against humanity and war crimes. It is intended to be complementary to national courts. Under the terms of the Rome Statute, if states have jurisdiction in respect of particular crimes under their domestic laws, they will retain such jurisdiction unless they are unable or unwilling genuinely to investigate and prosecute those crimes.

1505

The International Criminal Court's work involves the tracing and repatriation of assets and is reliant upon the assistance and co-operation of the ratifying states who, amongst other things, gather evidence and arrest suspects where required.

1510

There is currently no legislation in place to implement the Rome Statute in the Bailiwick. In line with the Bailiwick's ongoing commitment to the international fight against crime and terrorism, it is proposed that Bailiwick legislation similar to the Act be enacted to implement the Rome Statute. This will enable the Bailiwick authorities to assist and support the work of the International Criminal Court, and will also permit ratification of the Rome Statute on behalf of the Bailiwick by the United Kingdom. Legislating to allow the extension of the Rome Statute would demonstrate our co-operation in the investigation of serious offences and crimes against humanity.

1515

I urge Members to support this.

The Bailiff: Does anybody wish to debate this Article? No?

1520

In that case, we go straight to the vote. There are two Propositions on page 1256. I will put both of them to you together. Those in favour; those against.

Members voted Pour.

1525

The Bailiff: I declare them carried.

HOUSING DEPARTMENT

**Housing (Control of Occupation) (Guernsey) Law, 1994
Variation to the Housing Register
Propositions carried**

1530

Article XIV.

The States are asked to decide:

Whether, after consideration of the Report dated 10th May, 2013, of the Housing Department, they are of the opinion:

- 1535 1. To agree that an Ordinance be prepared, in accordance with section 52 of the Housing (Control of Occupation) (Guernsey) Law, 1994, to permit the Department to inscribe individually in Part A of the Housing Register three apartments on the former Hotel Les Carterets site, subject to: (a) application being made by the owners within 6 months from the commencement date of the Ordinance; and (b) three Open Market Part A dwellings located elsewhere in the Island first being deleted from Part A of the Housing Register at the request of the owner of each of those dwellings.
- 1540 2. To direct the preparation of such legislation as may be necessary to give effect to the above decision.

1545 **The Senior Deputy Greffier:** Article XIV. Housing Department – Housing (Control of Occupation) (Guernsey) Law, 1994 Variation to the Housing Register.

The Bailiff: Deputy Dave Jones, the Minister of the Housing Department will open debate.

Deputy David Jones: Thank you, Mr Bailiff, Members of the States.

Sorry, wrong speech! (*Laughter and interjections*) Thank you, sir.

1550 I would like to start by reminding the Assembly that – this is not about coastal defences; it is about inscriptions – that this Report is not intended to open up a debate on the whys and wherefores of the Open Market. Only last month, this Assembly voted overwhelmingly in favour of retaining the Open Market largely in its present form as part of the new Population Management Regime. Nothing contained in this Report contradicts or in any way undermines that decision.

1555

Put simply, this Report is concerned with the development on the site of the old Hotel Les Carterets site at Cobo, and the developer's request that he can transfer three Open Market Part A inscriptions from other deleted dwellings in the Island onto that particular site.

1560 The Les Carterets site is not in a MURA, but for those Members of the Assembly not familiar with the policy agreed by the States in 2001, can I assure you that the policy does allow for transfers like this outside of the Island's three MURAs. That is where the Assembly is satisfied that there are, in the words of that policy, other strategic issues associated with the development.

1565 So what might those strategic issues be? Firstly, in total, this development will create 12 new two and three-bedroom units. One of those can automatically be inscribed in Part A on the Housing Register, because the old hotel had its own inscription and the law allows for it to be re-used within the new development.

1570 So if you agree these proposals here today, eight new units of Local Market accommodation will be available on this site, sitting alongside four Open Market units. Eight units may not sound like a lot to you, but can I remind you that the most recent housing needs survey shows an increasing demand for housing in the Island over the next five years, at all points of the market, and when compared with the survey for the previous five years, which in turn showed a growing need when compared with the survey for the five years before that one.

1575 Three successive annual housing stock bulletins issued by the Policy Council show that the supply of new builds is by no means keeping pace with demand, despite the Environment Department doing what it can to ensure that the number of planning permissions granted each year meets its strategic target. For those people stuck in unsuitable housing or living at home with mum and dad but saving hard to get on the property ladder, let me assure you that the introduction of eight new units of Local Market accommodation will be very welcome.

1580 Secondly, if you agree today that these units can be inscribed onto the Housing Register, this will add to the mix of Open Market dwellings and my Department is consistently hearing from older Open Market residents, there simply are not enough smaller units to downsize into when their own large family homes get too much for them. So this development will help with that problem as well.

1585 Let's not forget that for the three dwellings inscribed on this site, three Open Market dwellings elsewhere in the Island will have to be returned to the Local Market as well. The developer reckons that these will be one two-bedroom and two three-bedroom homes, so perhaps good news for people wanting to move up the housing ladder.

1590 So overall, sir, 11 new Local Market homes will be made available, if you agree these proposals today. Let's not forget what a sorry state the Hotel Les Carterets site was in – it sits right on the coast by one of our finest beaches – it has been for a number of years, and I truly believe

that if my Department had not agreed to support the developer by bringing this Report to you for consideration, we might still be looking at that eyesore for many years to come.

1595 Finally, there is also the small matter of the work that is created for locals as a result of this development, and with our current unemployment levels, as the supermarket advert says, every little helps. I therefore ask you to support these proposals.

Thank you, sir.

The Bailiff: Deputy Le Clerc.

1600 **Deputy Le Clerc:** Thank you, sir.

I was actually quite pleased that this was brought over from the July debate because it slipped under my radar, and reading through the Billet again has given me the opportunity to stand and speak.

1605 I have just got a couple of questions on parts of the Report. If you look at page 1278, paragraph 2, it indicates that the Open Market dwellings will be three-bedroom apartments. Paragraph 4 states that this site represents an opportunity to create an Open Market dwelling suitable for those who wish to downsize from larger dwellings.

1610 But actually the proposal is that the three properties that will be replaced/taken off of the Open Market and put into the Local Market are a two-bedroom unit and a three-bedroom unit. So I am not sure whether downsizing comes from that.

I am just... Sorry, I have lost my train of thought there.

1615 I would also like to know if the existing Open Market properties are properties that are currently being used for multiple occupancy. I say this, because going back to an earlier debate this year, I had concerns about Open Market and multiple occupancy, so that would have a bearing on perhaps how I am prepared to vote today on that.

1620 I just feel that this really is a bit of a selling job, and the ultimate beneficiary here is the developer and not necessarily people looking to purchase homes. It is interesting that Deputy Jones said that it is targeted with those stuck with mum and dad. Well, I believe that the cost of the Local Market dwellings is something in the region of £600,000 to £800,000, and I am not sure that it will meet the requirements of those stuck at home with mum and dad.

The Bailiff: Deputy Brehaut.

Deputy Brehaut: Thank you, sir.

1625 I was going to get to my feet and say once again, I am the youngest speaker, so I appreciate the intervention from Deputy Le Clerc.

1630 Some years ago, Housing came to this Assembly, because they were doing something significant. They were re-inscribing dwellings or they were taking Local Market dwellings off of the Register and putting on Open Market re-inscriptions on the MURA, along the front, because it was a significant development and it was felt at that time that the developer was taking something of a gamble.

1635 So it was an exceptional event, the re-inscription, as a sweetener on a much bigger development. That is what the MURA policy is about. This development is a thousand miles outside of the MURA policy – a thousand miles outside.

1640 What we are doing – and it offends me – is we are taking some of the...I will not say ‘sub-standard’, and we do not know because the Billet does not tell us where these properties that are being deleted are. We do not know where they are; the Billet could have told us that. But we generally take bottom end Open Market and offload them onto the local population. That is what we do.

1640 And then what we do is give the developer the opportunity to really make that development work. Some people would say, that is okay, that is what it is all about, that is what keeps – as Deputy Jones had alluded to – people employed.

1645 But what I am seeing now, as a member of the Environment Department – and by the way, we talk about the Housing Needs Survey – we are seeing developments that are really designed with re-inscription in mind. In other words, they are not meeting... There are. We know we are not building 300 houses a year, when that is the target. We know the Housing Needs Survey tells us that we need a further 431, and this is being sold to us on a housing need basis. I think that is a little bit deceptive.

1650 All this does is offload, in my view, and it has done historically, substandard open market property to locals and ensures that developers make the very... maximise the profit on a re-inscription. Again, at the Environment Department, not for the first time, we have seen

developments that obviously have a re-inscription in mind, but it can never be a planning consideration, because we are just looking at the merit of the development.

1655 I think we should stop doing this. I think the Housing Department would be much better dealing with people in real housing need, rather than working ultimately to the benefit of property speculators.

Thank you.

1660 **The Bailiff:** Deputy Le Tocq, and then somebody tried to attract my attention – oh, Deputy James.

Deputy Le Tocq: Sir, I want to declare an interest, I live in the area, and this particular development has taken away an excellent Chinese takeaway from within walking distance. *(Laughter)*

1665 However, I would concur with some of the comments that Deputy Brehaut has just made. But I think that is probably... I absolutely agree that this Assembly needs to concentrate on provision of housing at the lower end of the market and this is really not what this particular Report deals with.

1670 So for me it is a both/and situation, sir. We need to do that, but we also need to do some of this. This was an eyesore for many, many years, and I know that there are some people – beauty is in the eye of the beholder – who liked it like that. I was embarrassed, as a local, to have this as an eyesore, and to be honest, almost to the degree – and I have made this comment with other developments – that anything is better than what was there before.

1675 I think the developer has worked well to try and get those who were against this development on his side. We are talking very few, and to pick up Deputy Le Clerc's point, I think certainly, some Local Market... some Open Market dwellings may only have two bedrooms, but there may be all sorts of other issues – land – associated with the upkeep of things that a dwelling has that an apartment such as this would not have.

1680 So we are dealing with a small number, and even if you include all the other re-inscriptions and changes that have taken place, it is a small number overall. I think we need to bear in mind that we want to have places, and I would say, unashamed as a Castel resident, we need places along the front at Cobo and Carteret that make use of the view and can be attractive to high-end, high-net-worth individuals as well.

So I support this particular Report and I encourage others to do the same.

1685 **The Bailiff:** Deputy James.

Deputy James: Thank you, sir.

1690 I also, as a Castel Deputy, welcome very much the redevelopment of this site. I would concur with comments thus far that the previous building was allowed to decay and rot and became an absolute eyesore.

I welcome the development, as I say. I currently personally enjoy the same views across Cobo and just to add to Minister Jones' comments about describing Cobo as one of the finest beaches, I was of course reminded by Deputy Duquemin who whispered, 'What do you mean, one of the finest? It is the finest.' *(Laughter)*

1695 I suppose I rise to my feet to seek clarification from Deputy Jones and ask him, is this a retrospective permission-seeking debate. The reason I ask was that on learning of the development, I contacted the estate agent that was marketing these properties, and months and months ago, I was informed that there would be a number of Open Market and a number of Local Market.

1700 So I am a little surprised that we are here now seeking permission from this Assembly, when the properties were being marketed for sale as such, many months ago.

The Bailiff: Does anybody else...? Deputy Dorey.

1705 **Deputy Dorey:** Thank you, Mr Bailiff.

I agree with the points made by Deputy Brehaut in particular and Deputy Le Clerc. I think the strategic issues which are part of the policy and which Deputy Jones has outlined are extremely weak. This policy was originally there to encourage MURA developments, and it talks about:

1710 '...

- which are part of a Mixed Use [Development] and where the overall number of new dwellings in the MURA is likely to be in excess of 100; and/or
- where there are other strategic issues.'

1715 To say that this site is of strategic issue when they are building eight Local Market accommodation, that is all the strategic issue is, and looking at the website of the estate agent, I think the lowest-priced Local Market dwelling is £800,000 and the Open Market ones are £2.5 million to £3.5 million, and they are advertised before the States has made a decision, as Deputy James has outlined.

1720 I think this policy is flawed. It was never meant to be for a development of this size; it was for major large developments, and it was there in times when the MURAs were not happening to encourage them to happen. I do not think this policy should be used here. I think if we are going to be building new houses, we should be thinking about local people first and developing accommodation for local people, and developing quality where it is needed, where the market demands quality accommodation for local people, not giving two thirds to the Local Market and then the other properties which go on the Local Market are poor quality Open Market houses. I do not think that is the right way to go forward. I do not think that sends the right message out to the local population, and I do not think there are strategic issues of significance in here. The word 'strategies' is often mentioned in this House, where it is a strategy. I just cannot see this as a strategy, and therefore I will vote against it.

1730

The Bailiff: Deputy Perrot.

Deputy Perrot: Sir, I declare an interest, having been involved in the past in buying, selling and developing properties.

1735 I rise simply to object to a pejorative reference to 'developments'. The word 'speculators' has been used, but actually developments are an essential part of our economy. What we are trying to do is actually to get our economy going again, and part of that exercise will involve builders and developers using their talents to get new developments underway. We have had in fact too few of those in recent times.

1740 So perhaps populism occasionally has its place, but I do object to people somehow trying to cast developers in the light of spivs who are just there for the main chance.

Anyway, in life, there has to be a balance. We cannot forever be building social housing. There is general housing and some sites are appropriate for one type of housing; some sites are appropriate for another.

1745 As far as this particular site was concerned, even when it looked good, Hotel Les Carterets looked absolutely awful. (*Laughter*) It was the wrong building in the wrong place of the wrong period. It was a pastiche sort of Edwardian building which itself was a complete eyesore.

1750 As to the Open Market, I think it is tiresome and most unattractive always to be referring to the Open Market as itself somehow reprehensible. The Open Market is a very important part of our society, and indeed of our economy. I think that it is very good that we do have a system whereby we are able to bring people in who can bring new ideas and new talents to our society, that we are just not a resting little insular jurisdiction.

1755 I do not know it, I have not actually seen the plans for this, but I rather suspect that in this site, this is going to be something of a flagship development. I think it is absurd to suggest that there ought to be a denial of putting Open Market units into something about which the Island ought to be proud.

The Bailiff: Deputy Hadley.

1760 **Deputy Hadley:** I fully support what Deputy Brouard has just said, but it seems to me that what we are doing here is taking... because one property will have to lose its inscription, that property – Open Market property which is not attractive for a wealthy entrepreneur to come to the Island is going to lose its inscription, releasing that property to a local person who will then be able to afford it. So we are increasing the local call for houses, albeit by one or two.

1765 At the other end of the scale, we are creating an Open Market property that will be suitable to attract a rich entrepreneur to the Island. So we are gaining both ends, and I just cannot see the objection to this.

1770 **The Bailiff:** Deputy Jones will have his right to reply in a moment, but I think Deputy Fallaize wishes to speak first.

Deputy Fallaize: Well, sir, the objection is that not enough is being done by the States to build or to cause the building of affordable housing, but as Deputy Le Tocq has said, that is a separate issue to the matters that are before the States today. All I would say is that if the critics of this

1775 policy letter want to draft a Requête to come to the States and propose that Housing and Environment be directed to return here with proposals to deal with the lack of affordable housing, as identified in successive housing need surveys, then I will sign the Requête and support it wholeheartedly. But to try to use this policy letter to do that is the wrong vehicle and will not actually achieve the objective of affordable housing.

1780

The Bailiff: Does anyone else wish to speak in debate? No.
Deputy Jones will reply.

Deputy Jones: Thank you, Mr Bailiff.

1785 We started off with three questions from Deputy Le Clerc. The properties to be deleted are actually on page 1278. I will just read for the Deputy to save her researching it:

1790

‘The three properties to be deleted from the Housing Register are likely to be: a 2-bedroom unit of accommodation in Castel, and two 3-bedroom houses in St Peter Port. The re-introduction of these dwellings to the Local Market housing stock will also serve to relieve pressure on the housing market.’

Whether they are in multiple occupancy, I cannot answer that, because I do not have that information, but I doubt it very much.

1795

Deputy Brehaut is always consistent. He had not been a fan of this policy since the day he was on the Housing Department and said so vocally at the time. However, it is the Housing Department’s duty to provide all tenure of housing across the board and make sure that housing is available for every section in our community, and that may include people who want to buy Open Market.

1800

But the fact of the matter is that we are the messenger, we are bringing this to the States. We were asked whether the inscriptions could go on, we have checked the criteria that they would delete other properties. I have mentioned in my speech that it is outside the original MURAs which the policy was designed for.

1805

However, there are strategic issues. There are many developments that may not have gone ahead without having Open Market units in them, and I am thinking of the Vauxlaurens Brewery site and others, that may not have gone ahead, simply because the whole development in this climate, at the moment, simply would not wash its face.

1810

I thank Deputy Le Tocq and Deputy Perrot for their support. Deputy James: no, they are not retrospective. I was a little annoyed, actually, that the estate agents started to market these before this debate had taken place. The Head of Housing Control has taken that up with the estate agents, to remind them that that is not something they ought to be doing before the States has had a chance to take a view on this.

1815

Deputy Dorey talks about strategic issues. I think Deputy Fallaize has put his finger on it. If you do not like the policy, if you do not want this extended beyond major MURAs then you have to change the policy. But I as Minister of Housing have been asked to bring this to you, to ask you for your views on this. I have presented the case for doing it. I am not particularly enamoured with the new building, I think it looks a bit like ‘Admiral Park Mark II’, but that is not my job. My job is to present it to you.

1820

You are the elected Members of this States. If you do not want this, then do not support it. But I think that would be short-sighted, and I also think that Deputy Fallaize is right. I said at the beginning of my speech, this is not a debate about the Open Market, we have had that. It was starting to turn into one, and if you want a debate on supplying more affordable housing at the social end, bring it on, because I will be standing there shoulder to shoulder. We have built on every single piece of land in States ownership that you have given us. Today, with the adoption of the property rationalisation and Environment good will and a fair wind, we might get some more, to do some more social housing on.

1825

Environment, at the same time, are trying to encourage people who put forward plans for development of housing to get on with it.

1830

We are also pushing hard for the HTAs – not just to allow them to develop, but to get a large percentage of those sites now for social need, rather than developing for profit. Some of the site owners are agreeing to that. Now, that is a first in Guernsey. It has not happened before, and with the help of Environment, we will try and push that forward.

1835

So Housing is doing everything it can, but the one thing we do not have is the land. My Deputy Minister wants to fill in Belle Greve Bay, so the Island can fit on the stamps easier – a nice square shape! (*Laughter*) Those are options. Coastal erosion is saying, ‘Let the sea reclaim some of the land’, so the Island would actually shrink. We would be filling in one harbour there, and allowing

it to disappear the other end, and eventually Guernsey will move closer to Jersey, because we will just keep filling in and it will be eroding behind. (*Laughter*)

1840 So all I say to you is this: I hope you hear and listen to what Deputy Perrot has said. Developers develop properties for every tenure of client that wants to buy them; but they are not the villains of the piece. People call it property speculation. If there is property speculation in this Island, we have allowed it. It is only the HTAs now that we are getting into negotiations with landowners to give up a large percentage of these sites for... We could have done that many years ago. We were calling for that many years ago.

1845 So if we could just concentrate, this is a prestige development. It is on our coastline. It will release up Local Market homes and it will create others for the inscription of four Open Market units.

1850 I agree that the pricing seems unfortunate, but do not forget, when this was applied for, to Housing, we had no idea of what even the building would look like or what the prices of these particular apartments would be. We expect that clearly the Open Market to be more expensive than the Local Market, so I can only put my hands up and say I agree that £800,000 for a Local Market home is hardly going to attract the children of those living with their parents, and I accept that.

1855 I ask you to support the Report, and if you want to change the policy, then by all means, come back to the States and do that.

The Bailiff: There are two Propositions, Members of the States. They are on page 1281. I put both of them to you together. Those in favour; those against.

Members voted Pour.

1860 **The Bailiff:** I declare them carried.

STATES ASSEMBLY AND CONSTITUTION COMMITTEE

Amendments to the Rules of Procedure of The States of Deliberation, the Rules relating to the Constitution and Operation of States Departments and Committees, and the Code of Conduct for Members of the States of Deliberation Debate commenced

1865 *Article XV.*

The States are asked to decide:

Whether, after consideration of the Report dated 13th May, 2013, of the States Assembly and Constitution Committee, they are of the opinion:

1870 *1. That the Rules of Procedure of the States of Deliberation shall be amended with immediate effect as follows:*

1875 *(a) in Rule 1(3)(a) delete the words "meeting for the consideration of" and substitute therefor: "Billet d'État in which the only business is";*

(b) in Rule 1(3)(b) delete the words "Meeting at" and substitute therefor: "Billet d'État in";
(c) in Rule 2 after paragraph (1) insert:

"(1A) Every proposition for the approval of a Projet de Loi or an Ordinance, and every Ordinance or Statutory Instrument laid before the States, shall be accompanied by a brief explanatory memorandum approved by Her Majesty's Procureur.";

1880 *(d) In Rule 2 after paragraph (2) insert:*

"(2A) A proposition which contains the words "the States" shall be construed (unless defined to the contrary) as meaning the States of Deliberation.";

(e) in Rule 2 after paragraph (3) insert:

1885 *"(4) Any States member of a Department or Committee who dissents from all or some of the recommendations contained in a States report may deliver to the Department or Committee a minority report which shall be published as an annexe to the States report.";*

(f) in Rule 5, delete "not less than 5 clear days" and substitute "not later than 15.00 on the day preceding the fifth clear day";

- 1890 (g) in Rule 5, insert a new paragraph as follows at the end of the Rule numbered either “(7)” if proposition 1 of Article 10 of Billet d’État VIII was carried, or “(5)” if the said proposition was not carried –
- “A Member asking a question or a supplementary question who
- (a) has a direct or special interest in the subject matter of the question, or
- 1895 (b) is aware that the Member’s spouse, co-habiting partner, infant child or any company in which the Member has a controlling interest on the Member’s or their behalf has such an interest shall, without prejudice to the requirements of Rule 23, before they ask the question declare the said interest by disclosing it to the Meeting.”;
- (h) in Rule 5, if proposition 2 of Article 10 of Billet d’État VIII was carried, in Rule 5A insert a new paragraph as follows at the end of the Rule –
- 1900 “(7) Paragraph (7) of Rule 5 shall apply to questions asked pursuant to this Rule.”;
- (i) in Rule 9, delete lines (d) to (j) and substitute therefor: “Legislative Business
- (d) Motions to approve Projets de Loi
- (e) Motions to approve draft Ordinances
- (f) Laying of Ordinances
- 1905 (g) Laying of Statutory Instruments
- (h) Motions to annul a Statutory Instrument or Ordinance
- All other Parliamentary Business
- (i) Elections and Appointments
- (j) Motions to debate an appendix report (1st stage)”;
- 1910 (j) in Rule 13(1) after the full stop add “The Greffier shall circulate to Members all amendments and sursis delivered to him by 15.00 on the day preceding the seventh clear day before the meeting excluding Saturdays, Sundays and Public Holidays.”;
- (k) in Rule 13(2) delete all the words from “the time specified in paragraph (3)” to the end of the paragraph and substitute therefor “15.00 on the day preceding the seventh clear day before the meeting excluding Saturdays, Sundays and Public Holidays”;
- 1915 (l) in Rule 13 delete paragraph (3);
- (m) in Rule 13(6) delete the words “not less than one third” and substitute therefor “a majority”;
- (n) in Rule 13,
- 1920 (a) delete the heading and substitute therefor “Amendments, sursis and motions to withdraw”;
- (b) after paragraph (10) insert:
- “(11) (i) Where a Department or Committee (or in the case of a requête, the requérants) has resolved to request that an article or proposition be withdrawn, a motion to withdraw the said article or proposition shall be in writing, and must state the names of its proposer and seconder.
- (ii) Debate on such a motion shall be limited Strictly thereto and no other issues relating to the article or proposition shall be debated until the motion to withdraw has been voted upon.”;
- 1925 (o) (a) in Rule 17(1) delete the words “If any 7 or more Members” and substitute therefor “If any 7 Members (but not more than 7)”;
- (b) in Rule 18(1) delete the words “If any 7 or more Members” and substitute therefor “If any 7 Members (but not more than 7)”;
- (c) in Rule 19(1) delete the words “If any 7 or more Members” and substitute therefor “If any 7 Members (but not more than 7)”;
- 1930 (p) in Rule 20(2) delete sub-paragraph (a) and substitute therefor:
- “(a) voting shall be carried out by secret ballot, except that
- (i) As soon as possible after the conclusion of the series of meetings for the election of a Chief Minister, Deputy Chief Minister, Ministers, Chairmen and Members of Departments and Committees held in May 2016 and quadrennially thereafter,
- 1940 (ii) in all other elections, as soon as possible after the conclusion of the meeting at which the elections are held, the Greffier shall publish a list detailing the vote cast by each Member of the States in respect of each election.”;
- 1945 **EITHER:**
- (q) in Rule 20
- A. delete sub-paragraph (3)(d) and substitute:
- “(d) at the election meeting, before voting takes place the Presiding Officer shall –

- 1950 (i) invite each candidate (or the candidate if there is only one) to speak for not more than 5 minutes and thereafter, if there are two or more candidates:
(ii) allow Members to question the candidates, provided that
(1) the question shall relate to areas of policy included in the mandate of the Policy Council;
- 1955 (2) no Member may ask more than one question, save that if before the expiration of the period prescribed in sub-paragraph 6 there are no further questions, Members who have already asked a question may be permitted to ask further questions;
(3) the questioner may not speak for more than 30 seconds;
(4) each candidate shall be entitled to respond to each question, but no response shall exceed 1 minute;
- 1960 (5) candidates shall answer the first question in the order in which they are nominated and thereafter the order of answering the questions shall, after each question has been answered by the candidates, be rotated by moving the name of the candidate at the top of the list to the bottom of that list;
- 1965 (6) the session shall conclude at the expiration of the period calculated by multiplying 30 minutes by the number of candidates; and
(7) no Member shall be entitled to speak other than in accordance with the provisions of this sub-paragraph.”
B. delete paragraph (4) and substitute:
“On a proposition to elect a Minister or a Deputy Chief Minister:
- 1970 (a) the Presiding Officer
(i) shall first invite the Chief Minister, and thereafter other Members, to propose eligible candidates. Nobody shall speak about a candidate at that stage;
(ii) shall then invite each candidate (or the candidate if there is only one) to speak for not more than 5 minutes and thereafter, if there are two or more candidates:
- 1975 (b) allow Members to question the candidates, provided that
(1)(a) in elections for the office of Minister, the question shall relate to areas of policy included in the mandates of the Policy Council or the department concerned;
(b) in elections for the office of Deputy Chief Minister, the question shall relate to areas of policy included in the mandate of the Policy Council;
- 1980 (2) no Member may ask more than one question, save that if before the expiration of the period prescribed in sub-paragraph (6) there are no further questions, Members who have already asked a question may be permitted to ask further questions;
(3) the questioner may not speak for more than 30 seconds;
(4) each candidate shall be entitled to respond to each question, but no response shall exceed 1 minute;
- 1985 (5) candidates shall answer the first question in the order in which they are nominated and thereafter the order of answering the questions shall, after each question has been answered by the candidates, be rotated by moving the name of the candidate at the top of the list to the bottom of that list;
- 1990 (6) the session shall conclude at the expiration of the period calculated by multiplying 30 minutes by the number of candidates; and
(7) no Member shall be entitled to speak other than in accordance with the provisions of this sub-paragraph.”
C. Delete paragraph (5) and substitute:
- 1995 “On a proposition to elect a Chairman of a Committee:
(a) the Presiding Officer
(i) shall first invite Members to propose eligible candidates. Nobody shall speak about a candidate at that stage;
- 2000 (ii) shall then invite each candidate (or the candidate if there is only one) to speak for not more than 5 minutes and thereafter, if there are two or more candidates:
(b) allow Members to question the candidates, provided that
(1) the question shall relate to areas of policy included in the mandate of the committee concerned;
- 2005 (2) no Member may ask more than one question, save that if before the expiration of the period prescribed in sub-paragraph 6 there are no further questions, Members who have already asked a question may be permitted to ask further questions;
(3) the questioner may not speak for more than 30 seconds;
(4) each candidate shall be entitled to respond to each question, but no response shall exceed 1 minute;

- 2010 (5) candidates shall answer the first question in the order in which they are nominated and thereafter the order of answering the questions shall be rotated by moving the name of the candidate at the top of the list to the bottom of that list;
- (6) the session shall conclude at the expiration of the period calculated by multiplying 30 minutes by the number of candidates; and
- 2015 (7) no Member shall be entitled to speak other than in accordance with the provisions of this sub-paragraph.”.

OR, IF RECOMMENDATION (q) FAILS:

- (r) in Rule 20:
- 2020 A. delete sub-paragraph (3)(d) and add:
- “(d) at the election meeting, before voting takes place the Presiding Officer shall -
- (i) invite each candidate (or the candidate if there is only one) to speak for not more than 5 minutes and thereafter, if there are two or more candidates:
- ii) allow Members to question each candidate for a period not exceeding 30 minutes, provided that
- 2025 (1) the question shall relate to areas of policy included in the mandate of the Policy Council;
- (2) no Member may ask more than one question, save that if before the expiration of the said period of 30 minutes there are no further questions, Members who have already asked
- 2030 a question may be permitted to ask further questions;
- (3) the questioner may not speak for more than 30 seconds;
- (4) the candidate may not speak for more than 1 minute in response to each question;
- (e) whilst a candidate is speaking or being questioned in accordance with the provisions of the preceding subparagraph, other candidates must withdraw to a place where they cannot
- 2035 hear the proceedings in the Assembly. No Member shall be entitled to speak other than in accordance with the provisions of the preceding sub-paragraph.”;
- B. delete paragraph (4) and substitute:
- “On a proposition to elect a Minister or Deputy Chief Minister:
- (a) the Presiding Officer
- 2040 (i) shall first invite the Chief Minister, and thereafter other Members, to propose eligible candidates. Nobody shall speak about a candidate at that stage;
- (ii) shall then invite each candidate (or the candidate if there is only one) to speak for not more than 5 minutes and thereafter, if there are two or more candidates allow Members to
- 2045 question each candidate for a period not exceeding 30 minutes, provided that
- (1) (a) in elections for the office of Minister, the question shall relate to areas of policy included in the mandates of the Policy Council or the department concerned;
- (b) in elections for the office of Deputy Chief Minister, the question shall relate to areas of
- 2050 policy included in the mandate of the Policy Council;
- (2) no Member may ask more than one question save that if before the expiration of the said period of 30 minutes there are no further questions, Members who have already asked
- a question may be permitted to ask further questions;
- (3) the questioner may not speak for more than 30 seconds;
- (4) the candidate may not speak for more than 1 minute in response to each question;
- (b) whilst a candidate is speaking or being questioned in accordance with the provisions of
- 2055 the preceding subparagraph, other candidates must withdraw to a place where they cannot hear the proceedings in the Assembly. No Member shall be entitled to speak other than in accordance with the provisions of the preceding sub-paragraph.”;
- C. delete paragraph (5) and substitute:
- “On a proposition to elect a Chairman of a Committee:
- (a) the Presiding Officer
- 2060 (i) shall first invite Members to propose eligible candidates. Nobody shall speak about a candidate at that stage;
- (ii) shall then invite each candidate (or the candidate if there is only one) to speak for not more than 5 minutes and thereafter, if there are two or more candidates allow Members to
- 2065 question each candidate for a period not exceeding 30 minutes, provided that
- (1) the question shall relate to areas of policy included in the mandate of the committee concerned;
- (2) no Member may ask more than one question save that if before the expiration of the said period of 30 minutes there are no further questions, Members who have already asked
- 2070 a question may be permitted to ask further questions;

- (3) the questioner may not speak for more than 30 seconds;
- (4) the candidate may not speak for more than 1 minute in response to each question;
- (b) whilst a candidate is speaking or being questioned in accordance with the provisions of the preceding subparagraph, other candidates must withdraw to a place where they cannot hear the proceedings in the Assembly. No Member shall be entitled to speak other than in accordance with the provisions of the preceding sub-paragraph.”;
- 2075 (s) in Rule 20(7) delete the first sentence and substitute therefor:
 “On a proposition to elect a Chairman or members of a Non-Governmental Body, the Presiding Officer shall invite Members to propose eligible candidates.”;
- 2080 (t) delete Rule 23(3) and substitute therefor:
 “All persons elected shall (a) within seven days of being elected or re-elected; and (c) subsequently during the month of May annually; make and lodge with the Greffier a Declaration of Interest.”;
- 2085 (u) in Rule 24 immediately after the definition of “requête” insert:
 “**“sursis”** means a motion the effect of which is to defer debate on an article or proposition and includes a “sursis motivé” which has the same effect but which also directs a course of action during the period of deferral.”;
- 2090 (v) in Rule 12, delete Rule 12(6) and substitute therefor:
 “(6) A Member may interrupt another Member who is addressing a Meeting:-
 (a) on a point of order;
 (b) on a point of correction, in respect of an inaccurate or misleading statement made by that other Member;
 and shall do so by standing and calling “Point of Order” or “Point of Correction”, as the case may be, and waiting to be invited to speak further by the Presiding Officer;
- 2095 (6A) A Member who wishes to make an interjection relevant to the point being made by the Member speaking may do so if the Member speaking agrees to give way. The Member speaking may, in his or her discretion, refuse to give way. A Member wishing to make the interjection shall so signify by standing and remaining silent until the Member speaking either gives way or refuses to give way. When a request to give way has been refused the Member standing shall resume his or her seat immediately.”;
- 2100 and delete all the words occurring before the proviso in Rule 12(3) and substitute therefor:
 “(3) Other than in the specific circumstances prescribed elsewhere in these Rules, no Member may speak more than once on the same motion without the leave of the Presiding Officer.”;
- 2105 and in Rule 12(2) before “Debate” insert:
 “ When a Member wishes to be called to speak in the course of ordinary debate the Member shall stand in his or her place and wait to be called to speak by the Presiding Officer.”
- 2110 (w) in Rule 8 re-designate paragraph (b) as (c) and insert the following after paragraph (a):
 “(b) Any Member holding the office of Chief Minister, Deputy Chief Minister, Minister or Member of a Department, or Chairman or Member of a Committee who has tendered a resignation from that office who wishes to make a statement regarding that resignation may do so during the meeting at which a successor to the vacated office is to be elected (i) at the time prescribed in Rule 9, or (ii) at such time as the Presiding Officer may direct.”;
- 2115 (x) after Rule 19 add two new Rules: “Motions of Censure of a Department or Committee.
 “19A.(1) If any 7 Members (but not more than 7) address a request in writing to the Policy Council that a Motion of Censure of a Department or Committee be laid before the States, the Policy Council shall, notwithstanding Rule 2 (1) include that request in a Billet d’État as soon as reasonably practicable.
- 2120 (2) A Motion of Censure shall include within its petition a statement that it is a Motion of Censure for the purposes of this Rule, and shall set out full details of the basis on which the petitioners propose the Motion of Censure.
 (3) A Motion of Censure which does not comply with paragraph (2) shall fall to be dealt with as a requête in accordance with Rule 17.”;
- 2125 “Motions of Censure of Chief Minister or Deputy Chief Minister.
 “19B. (1) If any 7 Members (but not more than 7) address a request in writing to the Presiding Officer that a Motion of Censure of the Chief Minister or Deputy Chief Minister be laid before the States, the Presiding Officer shall, notwithstanding Rule 2 (1) include that request in a Billet d’État as soon as reasonably practicable.

2130 (2) A Motion of Censure shall include within its petition a statement that it is a Motion of Censure for the purposes of this Rule, and shall set out full details of the basis on which the petitioners propose the Motion of Censure.

(3) A Motion of censure which does not comply with paragraph (2) shall fall to be dealt with as a requête in accordance with Rule 17.”;

2135

2. That the Rules relating to the Constitution and Operation of States Departments and Committees shall be amended with immediate effect as follows:

(a) delete Rule 7(3) and substitute therefor:

2140 “(3) If the Chief Minister, the Deputy Chief Minister, the Minister or a Member of a Department, the Chairman or a Member of a Committee resigns from that office in a letter to the Presiding Officer, the resignation shall take effect automatically on the election by the States of a successor to the office vacated. No debate shall be held on the matter of the resignation.”;

(b) delete Rule 7(7);

2145 (c) in Rule 15(1) delete all the words from “shall, as soon as practicable” and substitute therefor “ must not participate in either discussion or voting thereon and must immediately declare his interest and withdraw from the meeting during the discussion and voting on the matter concerned.”;

(d) at the end of Rule 15, insert the following

2150 “(5) For the purpose of clarification but without prejudice to the generality of the definition in Rule 2, this Rule applies in like manner to the Policy Council as to Departments and Committees.”;

2155 3. That paragraph 51 of the Code of Conduct for Members of the States of Deliberation shall be amended by inserting the following after the last bullet point: “_ the disciplines and standards of behaviour prescribed are also applicable in the context of electronic communications.”;

2160 4. That the titles of Ordinances laid before the States and Statutory Instruments laid before the States and the explanatory memoranda relating thereto shall be printed in Billets d’État immediately following Projets de Loi and Ordinances, and that the headings “Legislative Business” and “All other Parliamentary Business” be included in the index printed on the cover of each Billet d’État.

2165 **The Senior Deputy Greffier:** Article XV. States Assembly and Constitution Committee – Amendments to the Rules of Procedure of The States of Deliberation, the Rules relating to the Constitution and Operation of States Departments and Committees, and the Code of Conduct for Members of the States of Deliberation.

2170 **The Bailiff:** The Chair of the States Assembly and Constitution Committee, Deputy Fallaize will open the debate.

Deputy Fallaize: Thank you, sir.

2175 It feels like about four and a half years since this Report was first published, and I trust that Members have read it. There is no point me standing here and going through everything that is in the Report. The Committee has set out its case for its various proposals, and I will leave it there and be happy to reply to any debate and also on the amendments.

2180 **The Bailiff:** Right. Deputy Perrot is trying to attract my attention; I was going to go straight into the amendments.

The amendments have, I hope, all been circulated and numbered from 1 to 7. Surprisingly, we will take them in numerical order. The order actually corresponds with the order of the Propositions within the Billet, so the first amendment is proposed by Deputy St Pier and seconded by Deputy Lowe.

2185 Deputy St Pier.

Amendment:

To delete Proposition 1(g) and replace it with:

2190 “(g) In Rule 5,

Insert a new paragraph as follows at the end of the Rule numbered “(7)”:-

2195 *A Member asking or replying to a question or a supplementary question who
(a) has a direct of special interest in the subject matter or the question or
(b) is aware that the Member's spouse, co-habiting partner, infant child or any company in
which the Member has a controlling interest on the Member's or their behalf has such an
interest shall, without prejudice to the requirements of Rule 23, before they ask or reply to the
question declare the said interest by disclosing it to the Meeting."*

Deputy St Pier: Thank you, sir. I shall be brief.

2200 First of all, I would like to thank Deputy Lowe for seconding this amendment. It is a fairly
straightforward amendment, which simply addresses what I believe to be an inconsistency in the
proposed Rules. As currently drafted, the individual asking the question is required to declare a
direct or special interest, whilst the individual responding to the question is not. That seems a
slightly odd inconsistency. I believe it is simply an omission on the part of the Committee and, in
that sense, I hope it would be uncontroversial and will be accepted, sir.

2205

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

Deputy Lowe: Yes, I formally second the amendment.

2210 **The Bailiff:** Thank you.
Deputy Fallaize.

Deputy Fallaize: Sir, this version is better than our version, and the Committee supports the
amendment.

2215

The Bailiff: Thank you. Any debate? No.

We go straight to the vote, then, on the amendment proposed by Deputy St Pier, seconded by
Deputy Lowe. Those in favour; those against.

2220 *Members voted Pour.*

The Bailiff: I declare it carried.

The second amendment is proposed by Deputy Fallaize, seconded by Deputy Gillson.
Deputy Fallaize.

2225

Amendment:

To add new propositions 1(h)(a) and 1(h)(b) as follows:

*"1(h)(a) in Rule 5(2)(d), delete the words up to but excluding the words "PROVIDED THAT "
and substitute therefor:*

2230 *"5(2)(d) shall be furnished either in writing or electronic format to the person to whom it is
addressed, the Presiding Officer, Her Majesty's Procureur and to the official postal or email
address of the relevant Department or Committee not later than 15.00 on the day preceding the
fifth clear day before the day of the Meeting, excluding Saturdays, Sundays and Public
Holidays;" "*

2235 *"1(h)(b) in Rule 6(1), delete the words "and Her Majesty's Procureur." and substitute
therefor: ", Her Majesty's Procureur and to the official postal or email address of the relevant
Department or Committee." "*

Deputy Fallaize: Thank you, sir.

2240 Once again, there is an explanatory note. I hate explanatory notes, incidentally, but this one
seemed to get through without me paying proper attention to it, and since it is there, I am not going
to repeat it. It is a fairly obvious amendment. I trust that the effect of the amendment is exactly as
explained in the explanatory note and ask the States to support it.

2245 **The Bailiff:** Deputy Gillson, do you formally second?

Deputy Gillson: I do, sir.

The Bailiff: Any debate? No.

2250 We go to the vote, then. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

2255 The third amendment is proposed again by Deputy Fallaize and seconded by Deputy Gillson, relating to Proposition 1(y) and Rule 13(6).

Amendment:

To insert a new proposition in the following terms:

2260 “1(y) in Rule 13(6) insert after sub-paragraph (b) the words “may be laid only immediately after the amendment has been proposed and formally seconded (i.e. before any speech by its seconder or further debate) and”.

Deputy Fallaize: Yes, thank you, sir.

2265 All I want to say on this one is that it does not affect our Proposition 1(m) which regards the majority needed in order for a motion pursuant to Rule 13(6) to have effect. The Committee is proposing in Proposition 1(m) that that threshold is changed from one third of members to a majority of the States, but this amendment does not have anything to do with that.

2270 This amendment concerns only when a Rule 13(6) motion can be laid – the timing of that motion.

The convention has always been that the Member is able to lay the amendment, so speak to the amendment, and then another Member is able to propose that the amendment not be debated, pursuant to Rule 13(6), because the amendment goes beyond the Proposition which it is seeking to amend.

2275 That has been the practice for a long time. It was tested when your predecessor, sir, I think was Deputy Bailiff in 2002 or 2003, and what I have just described was confirmed to be the understanding.

2280 However, there was an occasion during the June States meeting, when the Deputy Bailiff, presumably feeling that the Rules were not sufficiently clear on this point, allowed a Rule 13(6) motion to be laid against an amendment, which the proposer of the amendment had not even had the opportunity to lay himself. The Committee feels that that is wrong.

2285 The Committee is of the opinion that a Member laying an amendment should have the opportunity to speak to the amendment first, before a Rule 13(6) motion is placed against that amendment, and if this amendment is accepted, and the States votes in favour of the Proposition as amended, then it will merely clarify or put beyond doubt the convention which has been long standing, as I have said, for at least a decade.

So I hope the States will support the amendment.

The Bailiff: Deputy Gillson, do you formally second it?

2290

Deputy Gillson: I do, sir.

The Bailiff: Any debate? No.

We go straight to the vote, then. Those in favour; those against.

2295

Members voted Pour.

The Bailiff: I declare it carried.

2300 The fourth amendment is proposed by Deputy Harwood and seconded by Deputy Luxon. Deputy Harwood.

Amendment:

To insert a paragraph between (b) and (c) in Proposition 2 in the following terms:

(bA) delete Rule 12 and substitute therefor:

2305 “12. Save in respect of the office of Chief Minister, persons shall be eligible for nomination from the floor of the Assembly on the day of election, but where a person nominated is not a sitting member of the States the proposer shall provide to Members of the States, no later than the start of the meeting at which the election is to be held, a full report in writing containing background information about the candidate, the candidate’s willingness to seek election and the reasons for his name having been put forward.”

2310

The Chief Minister (Deputy Harwood): Thank you, sir.

2315 The purpose of this amendment merely is to seek that if anybody proposes a non-States member for inclusion on a Committee or a Department that there is included within the... laid before the States Assembly sufficient information to enable States Members to make a judgement on the appropriateness of the nomination. This reflects a concern that I think has been expressed in this House, certainly during this term, on one or two previous occasions, and I would hope that the Assembly will support this particular amendment.

2320 I thank Deputy Luxon for agreeing to second it.

The Bailiff: You formally do, do you, Deputy Luxon? (**Deputy Luxon:** Yes.)
Deputy Fallaize.

2325 **Deputy Fallaize:** Sir, the Committee thanks the Chief Minister for bringing this amendment. It is something that is probably long overdue, and the Committee advises the States to support it.

The Bailiff: Any debate? No.

2330 We vote, then, on the amendment proposed by Deputy Harwood, seconded by Deputy Luxon. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

2335 The fifth amendment is proposed by Deputy St Pier and seconded by Deputy Soulsby.
Deputy St Pier.

Amendment:

To delete Proposition 2(c) and replace it with:

“To replace Rule 15 (1) with:

2340 *“A Member of a Department or Committee or Sub-Committee who (or whose spouse, or any of whose infant children or any company in which the Member has a controlling interest on the Member’s own or their behalf) has a direct or special interest in the business under consideration by the Department, Committee or Sub-Committee shall immediately declare that interest and in the event that the Member (or they) would or could derive benefit from the business under consideration must not further participate in either discussion or voting thereon and must immediately withdraw from the meeting during the discussion or voting on the matter concerned.”*

2345 **Deputy St Pier:** Thank you again, sir.

2350 This may take a little longer, as I understand the amendment will not be supported by the Committee.

First of all, if I thank Deputy Soulsby for agreeing to second the amendment.

2355 If I could then explain what it does, with the text in italics in the Rule, it provides that where the Member does have a special or direct interest, that should be declared, but they are only required to withdraw from the business of the Committee, should they be capable of deriving the benefit from the business under consideration.

Why do I believe this is necessary, sir? There is, of course, and inconsistency in the treatment of what happens here in this place. Within the Assembly, of course, we merely declare an interest and then move on. We can participate in the debate and vote.

2360 Personally, I would prefer a similar treatment within the Committee. I believe that the Committee meetings are all documented and minuted and recorded and I can see no reason why a similar rule could not apply – perhaps with the proviso that if a majority of Members had an interest, then there would be the mechanism which is provided for alternative Members to take the decision. In fact, the first draft of this amendment, I drafted along those lines.

2365 So for me, this is a slightly more pragmatic compromise. It recognises that the meetings of Committees are of course not in public – or many of them are not in public – as this Assembly obviously does meet in public. I can understand the distinction between the two.

2370 However, I believe that the Committee’s wording of this Rule is a purist approach. In a sense, I would expect no less from States Assembly and Constitution Committee. In that sense it is commendable, but I do not believe it is particularly practicable at the coalface.

Sir, you may recall in the July debate on the Guernsey National Services Commission accounts, in relation to the amendment which I laid at that point, that it was apparent and confirmed by Ms Comptroller at the time that if this was a matter that was being debated in

2375 Committee, because I had a declared interest, then I would not be able to participate in the discussion of that matter. I believe that that is overly prescriptive, and that my experience on that topic hopefully did add value to the discussion, and to exclude participation in Committee would in that instance have been a mistake.

To Treasury and Resources, this does present very real practical problems, and if I can give you some simple illustrations of how we may have to engage with this Rule in practice. For example, if you take the issue of aged personal allowances which are only available to those of a certain age, i.e. over 64 at the beginning of the tax year, then there are a number of my Committee who are or will be eligible for that allowance during the term of this Assembly. Therefore, if there was a proposal as currently drafted, I think one could reasonably interpret that those individuals could have a direct or special interest in the aged personal allowance, which not all taxpayers clearly have. In that sense, they are separately identified.

In my proposal, then if there was, for example, a discussion around raising the personal allowances for those over 64 by perhaps twice the rate which is applied to other personal allowances, then I think it would be reasonable that those individuals withdrew from that discussion. I can think of many similar topics which will come across our desks – perhaps pension contributions and pension allowances – taxation of pensioners is another, which again, individuals may have an interest in, which not everybody has an interest in.

Tobacco excise duty is another simple example. Those who smoke are now in a minority. Deputy Adam certainly is in a minority on our Committee as being the only smoker. The Rule as drafted, I can see no reason why that would not be an interest in which he should not be able to participate. But I believe that Deputy Adam as a smoker does have an experience which he could bring to the discussion.

So for example, if there were a suggestion that the excise duty on tobacco should be raised by 20%, then I think Deputy Adam's contribution, based on his experience that actually it is probably not terribly wise to smoke, and he would be supportive of such a move, would indeed be a valid and legitimate contribution to the debate. If the Proposition were to reduce excise duty by 20%, from which he would clearly benefit, then I think it would be appropriate that he would withdraw. That is precisely what my amendment would achieve.

Sir, if my amendment is rejected, then I believe that Committees and Members will have to take a practical and flexible and interpretation of whether a Member has a direct or special interest which is engaged by this Rule. Ironically, I think that will lead to less transparency, rather than more, and more inconsistency in its application.

So I think my simple illustrations just serve to illustrate that this is not an easy question. There are no black and white answers, and therefore it is inappropriate to have such a prescriptive Rule. This is a far more pragmatic solution which I believe will increase consistency, transparency and therefore good practice and I commend it to the Assembly, sir.

The Bailiff: Deputy Soulsby, do you formally second the amendment? (**Deputy Soulsby:** Yes.) Thank you.

Deputy Fallaize.

2415

Deputy Fallaize: Thank you, sir.

I am pleased to learn that Deputy Adam is the only smoker on T&R. When I read their Asset Management Plan, I thought they had all been smoking something! (*Laughter*)

Sir, the Committee is unanimously opposed to this amendment, and actually has quite serious concerns about it. I understand what Deputy St Pier is trying to achieve, and he has expressed the effect of this amendment very well. The problem is that in order for his amendment to work, and for transparency and probity not to be undermined, it requires a Member to have a degree of foresight at the beginning of a discussion which is unlikely.

At the moment, it is very clear that where there is an interest in a meeting of a States Committee, the Member withdraws. What is foreseen in Deputy St Pier's amendment is that at the point when the discussion starts, the Member has to give some consideration to whether the outcome of that discussion is likely to further or benefit his interest. If he believes that the outcome of the discussion will not benefit the interest, even though he still has the interest, that Member can say in the meeting and participate in that discussion. The Committee feels that that is wrong.

The Committee feels that it is much cleaner to have a Rule where if a Member's interest is engaged by any discussion inside a committee the Member declares the interest and withdraws from the meeting.

2435 I guarantee that if this amendment is successful and the amended Proposition is approved, it will only be a matter of time before, even inadvertently, a Member declares an interest but believes that the outcome of discussion will not benefit that interest, stays in the room, participates in the meeting and at the end of the discussion, a vote is taken which does end up benefiting that Member's interest. That will not be in the best interest of the Member, or of the Committee concerned, or of the States as a whole.

2440 The amendment creates ambiguity, whereas what the Committee proposes is absolutely clear. In fact, Deputy St Pier's example highlighted that where there is sometimes quite a fine degree of judgement required in whether a Member's interest is likely to be benefited by the outcome of any discussion. I do not think Members should be put into that sort of position. It is much cleaner that they declare their interest and they are required to withdraw.

2445 There is very, very rarely, if ever, a problem of Committees finding themselves inqorate because of declarations of interest, and if that does happen, there are provisions in the Rules to deal with that.

2450 There is a huge, huge difference between the States meeting in public and Committees meeting in private. Whether there are minutes taken of Committee meetings is largely irrelevant. Those minutes are not published. All of the proceedings of the States are in public. Therefore if a Member declares an interest, that interest is known publicly, it is recorded in *Hansard*, which is later published. That is a considerable difference from a Member who participates and votes on a matter inside a private Committee meeting, where that Member has an interest.

2455 I can remember, sir, when I was starting to take an interest in local politics – when I was two or three – (*Laughter*) seriously, maybe a few months! – perhaps 15 years ago, and rightly or wrongly, the reputation of the States at that time was for a lack of probity. Now, I think the States very largely has lost that reputation. Now we are just incompetent. (*Laughter*) But at least we are honestly incompetent! But I do not think it does the States any favours at all for there to be any hint whatsoever of an absence of transparency or an absence of probity. Therefore if there is any doubt, I think that the States ought to have Rules which provide for a maximum degree of probity, and this amendment does not pass that test.

2460 I think it would be a retrograde step, and therefore I ask the States, in the interests of transparency and probity, to oppose the amendment.

2465 Thank you, sir.

The Bailiff: It is just turned 12.30. We will rise and resume at 2.30.

*The Assembly adjourned at 12.32 p.m.
and resumed its sitting at 2.30 p.m.*

**Amendments to
the Rules of Procedure of The States of Deliberation,
the Rules relating to the Constitution and Operation of States Departments and Committees,
and the Code of Conduct for Members of the States of Deliberation**

Debate continued

Amended Propositions carried

2470 **The Bailiff:** Welcome back everyone. Deputies Trott and Langlois, you wish to be *relevé*. Thank you.

2475 We continue then the debate on the amendment... Deputy St Pier's amendment we were debating just before lunch.

Alderney Representative Arditti.

Alderney Representative Arditti: Thank you very much, sir.

2480 I am personally very grateful to Deputy St Pier and his seconder for bringing this amendment, but it presents a bit of a dilemma.

2485 We want people with knowledge, experience and, dare I say, an interest in the subject, to be on these Committees... on these Boards, in order to provide the benefit of their wisdom, their knowledge and experience. I think our real concern is that we do not want them then doing any sort of insider trading, for lack of a better expression. It is what they might do if they come upon a piece of disadvantageous or advantageous information. So, part of my dilemma is that, if in a dilemma, if it is such a finely balanced decision, then my natural inclination is to go with the

Committee because that is what they are there for and they have spent time and effort debating the points.

2490 For me – and I hope this is a helpful comment – transparency is the real thing. I am actually less concerned whether the person withdraws or not. The scrutineer blood in my body says there must be transparency, he must disclose. If he then exercises a bad judgement and fails to foresee where this might lead, as long as there has been transparency, as long as everybody knows, well then he can be rebuked at the end of it for having got it wrong and hopefully he and others will try harder next time. Perhaps there is a risk that we might overlook what I would call the third stage, which is: provided he has disclosed – if he or she has then stayed for the debate and become privy to this advantageous piece of information by virtue of his particular interest – it seems to me that 2495 he has disqualified himself from taking advantage of it; he must lose that deal; he must walk away from that business opportunity. It seems to me unarguable.

2500 So, there we are. My inclination is to go with the Committee, who have spent a lot more time examining all of this than we have time to do. But there is, for me, an attraction to the amendment because I feel it is more real; it is more practical; and, if the Committee will forgive me for saying so, I think there is just – and I do not mean to say this in any sort of disparaging way but – there is a slight element, for me, of pedantry. There are safeguards provided there is the transparency; provided everybody knows.

2505 I have not got a clue how I am going to vote. *(Laughter)*

The Bailiff: Deputy Soulsby.

2510 **Deputy Soulsby:** Sir, I have to say when I read about these changes to Rule 15(1), I did wonder whether SACC was more concerned with following classical ideals than enabling Departments to make informed, evidence-based decisions.

2515 I wondered whether they might agree with Plato who believed guardians, who ran society, should not own their own property; should live in barracks and have their children raised separately; so they would not be affected by any potential conflict of interest. *(Interjection)* *(Laughter)* Although, having seen the number of those who stood up during the population debate to register their property interests, I do not think this would go down terribly well here.

2520 I do have concerns that, in the quest for purity of decision-making, SACC have gone too far here and that a bit of common sense is required. How can it be wrong to allow someone to vote for something that actually goes against their interest? Surely, the purpose of identifying and dealing with conflicts of interest is not to put a Member in a position where the perception is that he or she is seen to benefit. Surely, by definition, where you are supportive of something that goes against your interest, you are nullifying any conflict. At the same time you are excluding those who may have more knowledge of a particular area than others on a Board and can impart their real life experiences of the matter in hand, so enabling Board Members to make informed decisions. What can be wrong with that?

2525 I, therefore, ask Members to support this common sense amendment.

The Bailiff: Does anyone else wish to speak on the amendment?
Deputy Gollop.

2530 **Deputy Gollop:** Sir, I think that this area is extraordinary... I have had now 25, nearly 30, years of States watching, and how the wheel has revolved completely in that time! I certainly remember the time – and certainly Deputy Perrot would as well – when it was considered valuable for Committee Members or Presidents to have a direct knowledge or base in that field. There was a time, historically – certainly within living memory – when an estate agent would be Chairman of Housing, when a hotelier would be Chairman of Tourism and a landowner, Chairman of Planning, or whatever. It was a fascinating era and we move on from that.

2540 This amendment strikes me as having problems attached to it. For a start, it does not necessarily differentiate between financial interests of personal family and political interests. What about the situation where an individual is a member of more than one Department, which both stand to gain, in a political sense, from the move?

2545 Then you have the situation that, historically, we have always been obsessed in this Assembly – I think too much so – by so-called company directorship, whereas in reality many company directors are paid next to nothing or quite low remuneration for their skills. But a Member of the States may have a child, partner or spouse who is employed in an organisation where the salary is considerable and is their main livelihood.

Another concern I have with this is how do you define ‘gain’? From time to time in, for example, the Social Security Department, by its very nature we have to look at issues about what rent allowances might be paid. But if you are a tenant or a homeowner with a tenant, or a landlord or director of an organisation that is a commercial landlord or hotel, are you excluded from that permanently and forever? If we are going down that route, it raises other questions such as where will we get our political talent from and whether we are, in the view of the previous Assembly, part-time Members? Clearly, a lot of occupations could be closed to us.

I think we all really know what we are talking about – a direct financial interest: the classic, hopefully imaginary, scenario where a member of a planning department rezones a piece of land and it turns out that they bought it the previous week, or something like that. That is an apocryphal story that everyone has heard and has never proved anything of it ever happening. But this kind of legislation will raise difficulties of interpretation and, more to the point, I am seeing examples in different Committees and Departments where the Chief Officer at the time has had a different view on this practicality and that has sometimes led, after a political disagreement, to contacting St James Chambers for advice. I think we have to be careful about being too precious in that respect. The transparency really comes from within and is part of the fabric of our culture rather than an unduly legalistic view to these things.

The Bailiff: Next Deputy Bebb caught my eye, then Deputy Dorey, Deputy David Jones and Deputy Conder.

Deputy Bebb: Thank you, *Monsieur Le Bailli*.

Very briefly, I think this amendment, by its very nature, speaks of some of the qualities that have been so good within the States of Guernsey. Previously, there was a prevailing view of the corruption that was inherent within the Deputy’s position; Deputy Gollop actually made reference to some of those circumstances. The fact that there was a prevailing view of corruption within this Assembly, and that that has been eradicated, is testament to how successful we have been – through measures such as the continued separation – in removing that perception. I fear that, if we allow any measure of reintroducing the possibility, that we would be in danger of having that perception once again thrown upon us. That is perception that we would not easily lose; it would taint for a long time. I understand – and I have great sympathy with the amendment and with Deputy St Pier’s speech – I understand the difficulties; I understand that a pragmatic approach may be to allow such circumstances. But at the same time we know of mortgage interest relief that was being considered by Treasury and Resources. It is unsurprising that if someone who was a little less reputable were to partake in that debate and to seek the lowering of mortgage interest relief, they would also be in a position to make arrangements for their mortgage facilities, so that it would be subsumed into a special purpose vehicle and avoid the additional taxation that would be expected.

I am not levying this against any current Member at all but, unfortunately, past experiences were of such instances and I cannot support an amendment that would be, in effect, the thin end of a wedge of reintroducing that type of behaviour or even making it possible.

Therefore, on this occasion, I would urge Members to vote against the amendment. Thank you.

The Bailiff: Deputy Dorey.

Deputy Dorey: Sir, I agree with all the points made today and I think it is so easy to undo the work that has been done to ensure that the public have got confidence in what goes on in Department meetings and I think there is a grave danger in supporting this amendment that will be undone.

My other point I wish to make is that I do not think this Assembly can vote for this amendment because, unfortunately, it is not complete and it makes no sense, when you look at Rule 15... If I read from Rule 15(4)(i):

‘When an interest has been declared pursuant to paragraph (1) of this Rule, the officer of the Department or Committee concerned responsible for the despatch of agenda papers shall not send to the said Member any paper relevant to the matter concerned.’

So, I do not think this has been thought out well enough because we would be in a situation where the person who has declared an interest would not receive any papers for the meeting on that subject, as I read the Rules.

So, I do not think that the Assembly can vote for this amendment, because it will make...

The Bailiff: I think that Rule 15(4)(i) refers to the Member not receiving any paper relevant to the *matter* concerned, not the meeting concerned.

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Deputy Dorey: Yes, but the matter... sorry, that matter... They would not be able to have any papers for that matter because they have declared an interest.

The Bailiff: Madam Comptroller, can you help with that?

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The Comptroller: I suppose it would depend how the agenda is worded, sir.

If the agenda makes it quite clear what the issue is then the Member can consider perhaps whether or not they are going to be affected positively or negatively. That might already be clear from the agenda item. If it is not and it is very vague they will only be able to determine that from actually looking at the papers concerned. So, it is not necessarily contrary to it.

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The Bailiff: Deputy Dorey.

Deputy Dorey: If you go on to Rule 15(4)(ii):

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‘When an interest has not been declared but the said officer has reason to believe that a Member may have an interest in a matter to be discussed, he shall request the Minister or Chairman, as the case may be, to make enquiries of the person concerned, following which the Minister or Chairman shall direct whether agenda papers relating to the matter should be withheld from the Member.’

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I think if you are going to amend it, you have to amend it all the way through that Rule. It has not been amended, so I do not think it makes any sense, because they have only amended 15(1) and the other parts of the Rule only relate to declaring an interest. That is my reading of it.

2635

The Bailiff: Madam Comptroller.

The Comptroller: I am not sure that it necessarily makes that difference, in that 15(1) already says that they have to declare their interest and withdraw, so 15(4) is already in place, given 15(1). So, arguably, that issue is already there.

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The Bailiff: Deputy Fallaize.

Deputy Fallaize: Sir, is the problem not that, if the Member has not been sent the papers, the Member will not know of the matters to be discussed in the meeting; then the Member, under the way the amendment is constructed, can declare an interest but stay in the meeting, and participate and vote, even though the Member has not received the papers; because, if the officer knows the Member has an interest, Rule 15(4) precludes the officer from sending out the papers.

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The Comptroller: I think again, that goes to the individual practice of a Department. Some of them send out very detailed agendas, some do not and some do not send anything out at all, because it might be urgent or just arrive on the day. So, actually, I think if you interpret all of Rule 15 very strictly at the moment there is an argument that 15(1) and 15(4) do not actually match the practice that currently works.

2650

Therefore, this amendment, although it may not contribute to the aid of that practice from a purist point of view... I do not think it affects it any differently from what currently happens as a matter of practice.

2655

The Bailiff: Deputy Trott.

Deputy Trott: On a point of information, our declarations of interest... we are only obliged to update them annually and therefore it is possible for 364 days to go by without the officer being aware of any changes to one's interests. So it is quite conceivable that the officer would send the paper out in the absence of the knowledge that the Member had any interest.

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The Bailiff: Thank you, Deputy Trott.
Deputy Dorey, do you wish to...

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Deputy Dorey: What I understand is... what happens is, and what I have seen is, when somebody has declared an interest, that agenda item is removed from their agenda; they do not

2670 receive the papers. Rule 15(4) does not say whether they have a 'beneficial interest', it just purely says an 'interest'; so you would have the situation where an officer of a Department will not send them... they will have that item removed from their agenda; they will not receive the papers; you come to the meeting and they say 'I had not got a...'. They do not know whether that item is being discussed so you have to tell them what is being discussed; they have to then work out whether
2675 they have a beneficial interest; they then will not have received the papers for that item. The practice of not sending the papers is what I understand happens and that is how I as a Member of Boards... that is what happens to me if I have declared an interest.

I do not think this amendment can be supported. It makes nonsense of that Rule.

2680 **The Bailiff:** Deputy David Jones.

Deputy David Jones: Thank you, Mr Bailiff, Members of States.

If any of you ever wanted an example of how this worked in practice, go back to Fallagate. The Minister in that regard received the papers of that meeting pertaining to the clinical block, and I
2685 will not go into the history of it all over again, (*Laughter*) but it resulted in the demise of the Policy Council.

So, this is hugely important, this particular Rule; that people do declare interest, they do not receive papers... in Housing, anybody who knows any individual who has got a licence application coming in will have to declare that and the papers will not be sent to that individual if
2690 they know about it upfront; and on the day, if they were unaware that that item was on the agenda then they will withdraw from the meeting. That is exactly as it should be.

I am sort of erring on the side of Deputy Dorey really because I do not think you can half fix this problem; you have to go the full nine yards. I, therefore, do not believe I can support that particular amendment. But I would urge the States to make sure that this Rule is unambiguous, it is
2695 easy to understand and it is followed to the letter.

The Bailiff: I was going to call Deputy Conder next but Deputy Trott caught my eye. Were you wanting to interrupt or are you going to speak after Deputy Conder has spoken?

Deputy Conder.

2700

Deputy Conder: Thank you, sir.

I am a Member of SACC and would urge Members to reject this amendment.

Before commenting on it, can I just point out that the present Rule 15(1) of the Yellow Pages is tighter than what is proposed in the amendment; the existing Rule is tighter. The amendment does
2705 not just propose something less than what we, SACC, are proposing in the paper; it proposes something less than is combined in the present Rule.

So, what I would be concerned about, and I think my colleagues would be concerned about, is the amendment blurs the lines of probity. I bow to much more experienced colleagues in terms of their interpretation of the Rules but certainly that is our view in terms of Rule 15(1).

2710 Sir, I still feel I speak as a new Member of this Assembly – not particularly experienced in its Rules and needing protection of those Rules; that is indeed what they are there for. I believe this amendment creates ambiguity and, in the context of being a new Member, the last thing I want is to feel that I am not sure about the position that I am in, in terms of any interest I have. I am proud to be a Member of this Assembly because it is known for its integrity... of ourselves – collectively
2715 and individually – and the probity that we address in everything we do. That is something that is very valuable and would not be given up, or even risked, under any circumstances.

I have a great deal of sympathy with the amendment; I know exactly where the proposer, Deputy St Pier, is coming from. I also understand, and I was interested that Alderney Representative Arditti and Deputy Soulsby made such powerful statements, in terms of the ability
2720 for us as Members to make proper interpretations of our interests and make the right decision, but I would question that. Each of them are professionals from professional backgrounds; they understand ethics and responsibilities; indeed I am an accountant and I understand it as well. But I think it is a huge thing to expect new Members or Members who are not imbued with those professional ethics to simply be able to make judgements on every occasion as to whether or not they have an interest, whether they should withdraw, whether they can stay and speak or vote.
2725

So, I finish where I began, sir; these Rules are there to protect us. Not everyone of us can simply make that decision based upon their experience; I would not claim to be able to do that. My colleagues on SACC will know that if I have any doubts I would much rather withdraw from the meeting – perhaps when I do not need to – than to stay and risk my reputation, my Committee's
2730 reputation and this Assembly's reputation, for its integrity and probity.

So, I urge colleagues to reject this amendment on the basis that these Rules are there to protect us.

The Bailiff: Deputy Trott.

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Deputy Trott: Sir, I am going to give a hypothetical example, if I may, and any linkage to comments made by the Housing Minister should be ignored. Let us imagine that we had, on the Policy Council, the head of a large construction company. (*Laughter*) Let us just say, sir, that for reasons unbeknown, reasons known to the Board alone, that they chose not to tender for a major capital project. By choosing not to tender, sir, as I understand it, the Policy Council Member in this instance would have an interest in the matter, but it would not be a special interest and he would not need to withdraw from the meeting; after all he had not tendered. However, if discussions ensued in a manner that resulted in the preferred tenderer not being preferred, and possibly as a result of contributions made by that particular individual, a subsequent benefit could be derived, in so far as the contractor – the Policy Council Member in this case, could then tender subsequently; tender for the first time, in the future when their work schedules allow.

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So, I think, under that scenario, the introduction of the words ‘that would or could derive benefit’ particularly salient, because, whilst there would be no benefit at the time, there is certainly an opportunity for benefit to be derived in the future. It is for that reason that I intend to support the St Pier amendment.

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The Bailiff: Deputy Brehaut.

Deputy Brehaut: Thank you, sir.

2755

Many years ago, when I was elected on to the Housing as a non-States member, I arrived at my very first Housing Department meeting. I very nervously, gingerly sat around the table, occasionally flicking my head back to get the hair out of my eyes (*Laughter*) and one of the first items on the agenda was the possible property development. I noted that the conveyancing was being done by the then President – before they changed our name by deed poll to Ministers (*Laughter*) – the President of the Housing Department. Very nervously I said, ‘Respectfully, without wishing to... I may be speaking out of turn, but is it appropriate that you are on a firm of advocates and the conveyancing company?’ The President then said, ‘Oh, actually you are absolutely right, I should not be in this meeting’ and he promptly left. Absolutely refreshing that that approach was taken.

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Before 2000, when I was a non-States member on Committees, the protocol used to be if you had an interest you would sit back from the table and take no further part, but I think because you are in the room you are potentially tainted by association that in the long run people feel it is materially to your benefit.

2770

Then, when I was elected to this Assembly, one of the very first things I did was to hand out a letter that a majority of people signed to ask the then House Committee to put States Members’ interests online. Even at that time I have to say there was resistance in this Assembly by some people who felt there was a certain impropriety, they should not need to have to do it but realised that in the long run it was in their interests. So, sir, in our own interests – so we are not tainted, we are not sullied, so nothing can be said – any spurious allegations which spread like wild fire on the internet can be dealt with by people simply removing themselves from that decision-making process, and promptly.

2775

So I will not be supporting this amendment as drafted. Thank you.

The Bailiff: Deputy Adam.

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Deputy Adam: Thank you, sir.

I find it very interesting what Deputy Gollop said: how do you define ‘gain’; how do you define ‘benefit’? This amendment fudges that concept, as far as I am concerned.

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Deputy St Pier actually gave you an example of it without realising it, because what he said was, ‘I am the only Member of the T&R Board who smokes. If the taxes are going to go up by 20%, should I have to leave the Department meetings? If the price of tobacco goes up by 20% it is beneficial to me because, in theory, it might reduce me or stop me from smoking.’ (*Laughter*) I am sorry, that is very beneficial. ‘It improves my longevity; it stops me inhaling smoke etc.’ So, how do you define ‘benefit’? You cannot just assume this or assume that.

2790 Deputy Trott was saying, ‘derive benefit or good benefit or savings’. And then he says he is going to support the amendment, which I did not quite understand. I really think we ought to be very careful.

I agree with Deputy Dorey, Deputy Bebb and Deputy... Richard Conder – sorry! – because I think they are for the best interests of *us*, to protect *us* from any doubt.

2795 I would add that sometimes I think it goes too far because, for example, we all remember Landsbanki went down. Well, there are two Members of this Assembly who had money in that bank and any time this was discussed at Policy Council, we had to withdraw. Once we had to withdraw because Deputy De Lisle had asked Rule 6 questions, and the answers to these were given verbally at this meeting. The next day, guess what, they were in the public domain. So, I just wonder if sometimes it goes too far.

2800 But basically the Rule is there to protect you and I think you are much better off *as it is*, rather than fudging it, by saying, ‘Well, if you are going to gain, you should maybe... or you are not going to gain anything...’ because that is an uncertain entity, especially in the financial world and we are more concerned about financial aspects than anything else.

2805 Thus, sir, I implore this Assembly not to support this amendment. Thank you.

The Bailiff: Deputy Lowe.

Deputy Lowe: Thank you, sir.

2810 I will be rejecting the amendment because I really think... I can understand the reasons for putting it but it is almost going full circle to how the States used to be, because years ago, if you had a hotelier who was a States Member, you put him on the Tourist Board, and if you had somebody involved in construction, they went on the Board of Industry. That is how the States operated and that was the time the States was accused over and over again of vested interest, ‘You are looking after yourselves; you are privy to knowing what is going on; your company has got that contract; your hotel is being used against other hotels etc’. It did cause the States a lot of problems.

2815 I accept it was handy to have expertise on those Departments – or Committees as they were in those days – to be able to inform the Committee, but there again that is what you have got the staff for; the staff are there to do the research, not the political Members. So if you want to make use of a political Member, for their expertise, invite them into a meeting, so you have got the staff giving you the papers with their research that they put forward and you can bring in the political Member who has got expertise in this Assembly to come and help that Department without a conflict of interest because they would be coming in as an independent Member, not on that Committee involved.

2825 I think the Rules that are currently in place have gone a long, long way to address concerns the public had. Of course you can stay in here, the Rules say you can stay in here and vote. Of course you can see the answers to Rule 6; they are public answers to questions, that is not a problem. The public perception is what actually happens behind closed doors of looking after one another to ensure that your business or your interest is looked after, or indeed if you have got an interest... if you are finding it uncomfortable in a Department, start thinking about it now and resign from that Department. If it is causing too much concern or conflict in that Department, come out of it because it is not fair also on the other Members if half the time there are just three Members because two of them have had to come out because of conflicts. That is not making good use of the working of that Department operation; they need to operate with those Members.

2830 So, yes, by all means give your expertise but give your expertise as an independent Member going into a Committee for that meeting. It is a dangerous step if you go back to the route of: you can have the papers or you can be in there to give advice on the subject matter before you because the Rules make it very clear that you step out of that room as soon as the information comes that is involved with your business, your interest, your charity or whatever, you leave that room.

2840 The public have actually accepted now – because we have had to sell it to them so often – that no longer have you got Members in there who are looking after their own interest; the Rules say come out. I know it has been said before around Department Boards, ‘You can stay in, it is alright’. No, it is not alright. The Rules are there; you come out of that room; it does not matter if other Board Members say you can stay in there, you come out of that room.

2845 So, I urge Members to reject this amendment and leave the Rules as they are. Thank you.

The Bailiff: Does anybody else wish...? Yes, Deputy Le Tocq and Deputy Sillars.

2850 **Deputy Le Tocq:** Thank you, Mr Bailiff.

I am actually quite sympathetic to this amendment because I can understand the concerns and I lived through the Fallagate episode. However, I really do think this is a question of where you draw the line and my mind is that the line is already drawn far too low.

2855 It is going to get very difficult to run Government effectively if we end up pandering, to some degree, to conspiracy theories, because that is the attitude that comes behind this. I think we have to have an element of trust and to regain trust I think we need to do our best and I think this amendment – notwithstanding some of the difficulties – tries to go and find that compromise that is the most appropriate for where we are. Years ago, sir, we would have... the Island would have found it very difficult to run in this sort of way, bearing in mind that horticulture was its main industry and most of the people in this Chamber would have been involved in some degree. We would not have been able to populate any Departments at all or make any decisions.

2860 I think, sir, the issue is more one of where you draw the line; where can we effectively do that? There are some further improvements that I think could be made and I would be very keen for the Assembly and Constitution Committee to consider this very seriously because, depending on the makeup of this Assembly in the future and its operation of Departments and Committees, it will be increasingly difficult if the level of interest, the level of benefit – as Deputy Adam rightly pointed out – becomes such that something quite minor becomes an issue that they have to withdraw from the room.

2870 So I find the whole thing... particularly because Guernsey is Guernsey and it smacks of the sort of issues behind why we do not have a jury system in the Island; we cannot operate in that way; for one good Government there has to be an element of trust; we have to have a compromise in some place, at some point. There will occasionally be abuses and that is where I think this has come about – as a result of knee-jerk reactions to abuses in the past. We need to accept that and move on.

2875 I am happy to support this amendment. It is not perfect but it goes some way to understanding what is appropriate for this day and age.

The Bailiff: Deputy Sillars.

2880 **Deputy Sillars:** Thank you, sir.

It is all a question of line. Just to talk about education, there is one instance where three of us have a similar conflict – that is three out of five. So, I go to the Gold Book and see what ‘Quorum’ says, so bear with me... page 13, section (4) says:

2885 ‘When a department or committee is inquorate and an urgent decision is required, the insufficiency of members shall be replaced by the most senior Member(s) of the States by length of service.’

2890 So, I guess Deputy Mary Lowe will be on standby for everybody; so she will be busy. *(Laughter)* Then going on from there, sir... page 14, number (5) – I thought, ‘That’ll answer it, that’s fine’ –

‘Notwithstanding the foregoing, when, whilst still quorate, an inquoracy...’

2895 Of course, if we have not had the papers and we have all pulled out and we are not there... When are we quorate and when are we not quorate?

I understand both sides of this argument but actually, on balance, and I do trust us to do the right thing and I understand the history. I will vote for this amendment.

The Bailiff: I see no-one else rising.

2900 I invite Deputy St Pier then to reply to the debate.

Deputy St Pier: Thank you, sir, and thank you to all Members who have participated in the debate.

2905 Deputy Fallaize at the beginning said that a degree of foresight was required; I would submit, sir, that the way the amendment has been drafted is precisely to overcome the need for a degree of foresight. It makes provision that if you have an interest, you declare it immediately and then, in the event that you could or would benefit – so in other words as a discussion is unfolding – you must immediately withdraw. The use of the word ‘immediately’ twice in the Rule is precisely to deal with that question of the lack of foresight as a discussion evolves, as different proposals come to the fore, as to what particular direction you might head off in.

2910 The principle behind this Rule surely has to be – and the number of Members who have alluded to what may have been the perception in the past... The principle of this type of Rule has

2915 to be that you are not using your interests to benefit yourself. So, I absolutely agree with Alderney Representative Arditti that the key to this is transparency. The most important thing is that there is disclosure and everybody around the table knows whether people have any particular interest in any particular topic. This amendment – as Alderney Representative Arditti said – is more real and it is more practical. As Deputy Soulsby said, this is a common sense amendment. It cannot be sensible that you cannot participate in a discussion which is against your own interests; you cannot speak against something which is against your own interests; you cannot promote something; you cannot propose it because you have an interest in the topic.

2920 Deputy Gollop said, ‘We all know what is a direct financial interest’. I am not sure that we do. The question of interest is not defined. What is a ‘special interest’? What is a ‘direct interest’? Deputy Adam referred to the problem of defining what is ‘benefit’. All we do by taking out the references to ‘benefit’ is shift the question towards what is an ‘interest’ and how do we define that? It is not defined in the Rules. Going back to what I said in my opening speech, sir, this is not an easy topic; there are no black and white answers; therefore we have to have a practical and operational set of Rules and not a purist or idealist version.

2930 In relation to responding to Deputy Dorey, he is quite right, that if you have declared an interest then most Departments will ensure that you no longer receive papers in relation to that item. But the reality is you may receive papers for a meeting next week or the week after in which you have an interest and you will not get an opportunity to declare an interest until the meeting. It will only be subsequently that you will be denied papers on any future discussion of that issue. If an issue is raised in a meeting... it could be under Any Other Business, one of the other Members could raise an issue in which you have an interest. These are the very practical things which are happening day in and day out in the Committees.

2935 I welcome support offered by Deputies Trott, Sillars and Le Tocq. Deputy Le Tocq is right, this is not a perfect amendment; I said that at the outset. It certainly was not my perfect solution; it is merely an improvement. I would welcome the passage of this amendment by this Assembly, and then SACC going away and looking at it again and reworking it, in reflecting the spirit of what is sought to be achieved by the amendment, if they wish to do so. The fact is we do need to have something which is a little bit more practical and common sense, as Deputy Soulsby, who seconded this amendment, said.

I encourage everybody to support this and I would welcome a recorded vote please, sir.

2945 **Deputy Fallaize:** Sir, may I just correct two inaccurate remarks?

The first is that ‘interest’ is defined. Members receive guidance which is approved by the States in respect of declarations of interest and anything that falls to be declared on the Member’s declaration, falls to be declared in Committee meetings.

2950 The second inaccurate remark that has been made two or three times during the debate, is that SACC is proposing some kind of purist option. SACC is not proposing anything which goes beyond the Rules which already exist at the moment. In 2002, the States agreed that Members with an interest should withdraw from the meeting when the matter is being discussed. The Rule itself is slightly ambiguous. All the Committee is seeking to do is to put beyond doubt that the withdrawal is during the period of discussion and during the period of voting. We are not trying to change the Rule which has been in place for the last 11 years. The amendment is trying to pull back from that Rule but we are not proposing going any further than where the States has been for the past 11 years.

Thank you, sir.

2960 **The Bailiff:** We come to the vote then on the amendment proposed by Deputy St Pier, seconded by Deputy Soulsby, and I think there has been a request for a recorded vote.

Deputy Soulsby: Could we have a recorded vote please?

2965 *There was a recorded vote.*

Amendment by Deputies St Pier and Soulsby:

Not carried – Pour 20, Contre 24, Abstained 0, Not Present 3

POUR

Deputy Harwood
Deputy Kuttelwascher
Deputy Domaille
Deputy Langlois

CONTRE

Deputy Brehaut
Deputy Conder
Deputy Bebb
Deputy Lester Queripel

ABSTAINED

None

NOT PRESENT

Deputy Storey
Deputy Stewart
Deputy Gillson

Deputy Robert Jones	Deputy Le Pelley
Deputy Le Clerc	Deputy Ogier
Deputy Gollop	Deputy Fallaize
Deputy Sherbourne	Deputy David Jones
Deputy St Pier	Deputy Laurie Queripel
Deputy Trott	Deputy Lowe
Deputy Spruce	Deputy Le Lièvre
Deputy Paint	Deputy Collins
Deputy Le Tocq	Deputy Duquemin
Deputy James	Deputy Green
Deputy Perrot	Deputy Dorey
Deputy Brouard	Deputy Adam
Deputy Soulsby	Deputy Wilkie
Deputy Sillars	Deputy De Lisle
Alderney Rep. Jean	Deputy Burford
Alderney Rep. Arditti	Deputy Inglis
	Deputy Luxon
	Deputy O'Hara
	Deputy Quin
	Deputy Hadley

2970

The Bailiff: Members of States, on the Deputy St Pier/Deputy Soulsby amendment there were 20 votes in favour; 24 against. I declare the amendment lost.

We move on, therefore, to amendment 6, proposed by Deputy Fallaize. Deputy Gillson is not in the Chamber, do you have another seconder?

2975

Deputy Fallaize: Sir, the Vice-Chairman is not in the Chamber but another Member of the Committee will second the amendment.

The Bailiff: Deputy Conder I see will second it.
Deputy Fallaize.

2980

Amendment:

To delete Proposition 2(c) and substitute therefor:

“2(c) delete Rule 15(1) and substitute therefor:

2985

“(1) A Member of a Department or Committee or Sub-Committee who (or whose spouse, or any of whose infant children or any company in which the Member has a controlling interest on the Member’s own or their behalf) has a direct or special interest in the business under consideration by the Department, Committee or Sub-Committee must not participate in either discussion or voting thereon and must immediately declare the interest and withdraw from the meeting during the discussion and voting on the matter concerned.” ”

2990

Deputy Fallaize: Sir, the Committee, in response to a request from Members very early in this term, gave an undertaking that when it produced proposals it would draft them in gender neutral terms. I think it has done that in respect of all the Propositions in this policy method, except this one. So the Committee’s amendment merely converts a Proposition into gender neutral terms; that is all the amendment is doing.

2995

Thank you, sir.

The Bailiff: Deputy Conder, you formally second the amendment? (**Deputy Conder:** Yes.)
Any debate? No.
We go straight to the vote then. Those in favour; those against.

3000

Members voted Pour.

The Bailiff: I declare it carried.
The final amendment is proposed by Deputy Luxon, seconded by Deputy Robert Jones.
Deputy Luxon.

3005

Amendment:

To insert a Proposition between Propositions 2 and 3 as follows:

3010

‘2A To direct the States Assembly and Constitution Committee to make such rule changes as necessary by the end of December 2013 so that Members of Department Boards and States Committees shall be able to participate in any Department or Committee meeting and enable it to be quorate whilst not present in person, using accepted technological methods such as, but

3015 *not limited to, conference calls, video conferencing or Skype; provided that other participants can clearly hear and be heard by, all other members and other participants at the meeting, and only by prior agreement from each Board or Committee Chair Person.'*

Deputy Luxon: Thank you, sir.

3020 It is certainly not as complex as the previous amendment but I would like to thank Deputy Rob Jones for agreeing to second it and also to Deputy Inglis who pointed out that in fact I should have used the terminology of the VoIP rather than Skype, as that is the correct terminology; so my apologies for that.

3025 Sir, this is meant to be a refinement – a very minor refinement of an anomaly which I believe exists. Currently, any Board or Committee Members can participate in formal meetings but not be quorate and therefore be able to vote. This just seems odd to me. There appears to be no Rule as such; it has simply become a custom in practice that this is the case. With the development of modern technology and the complex issues that each Department, Board and Committee follow, the ability occasionally for Members to be able to participate in a formal meeting and also be able
3030 to vote, seems to me to make perfect sense.

I did receive a response from the Chairman of SACC and his Committee, indicating that they did not feel it was necessary. They did look at it twice, for two reasons it appears to me; one was that Members participating remotely, through one of the technology methods that we describe here, might not pick up on the nuances of the meeting; and also, in fact, that perhaps the States of
3035 Deliberation – this Assembly – might wish to participate remotely, but of course that was not the intention and I cannot imagine that that would be applied. In terms of the nuances, it is fair to say that many of us have actually used this technology and this means participating in formal corporate board meetings in the past, where the nuances have not been a problem for those using it.

3040 So, sir, it is a very simple refinement. As well as being able to participate, this amendment is just suggesting that one is also able to vote. I urge the Assembly to support it.

The Bailiff: Can I just clarify something? My amendment still refers to Skype; are you saying it should refer to something else?

3045 **Deputy Luxon:** I do not believe we need to change it. It should have been VoIP. I do not think –

The Bailiff: You are not seeking to change the wording of the amendment. Thank you.

3050 **Deputy Luxon:** Thank you, sir.

The Bailiff: Deputy Jones, you formally second the amendment and reserve the right to speak. Deputy Hadley and then Deputy Fallaize.

3055 **Deputy Hadley:** Mr Bailiff, I would urge the Assembly to reject this roundly. The part on the nuances... people might be in a room with an audience in the background, in effect participating in the meeting; that is not something we allow in meetings at the moment.

I think it is a quite inappropriate amendment and I would urge Members to reject it.

3060 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

3065 I will speak on behalf of the Committee now. I received a letter from the chairman of a board of directors of quite a large company in the private sector and it read:

'I have just seen Mr Luxon's amendment on non-physical attendance at Committee meetings. For goodness' sake resist it. We slipped into people Skyping...'

3070 If that is the correct term.

'... or video conferencing into board meetings and then had to ban it because it destroyed the board dynamic so badly: nobody picking up body language properly; the chairman so focused on the screen he ignores the person sitting next to him. Disaster.'

3075

End of letter. Sir, the Committee is indeed following that advice and opposing this amendment, by four members to one. I should point out that one member of the Committee, Deputy Bebb, will vote in favour of the amendment.

3080 Sir, the wording of the amendment rather implies that Committees are falling inquorate all of the time. The wording says that the Member will be able to participate in any meeting and enable it to be 'quorate'. But Members know, from their own experiences on Departments and Committees, that Committees are not falling inquorate all of the time. This week, at the Committee, we had the latest set of attendance figures and the attendance of Members at Committee meetings is somewhere around 90%. In very rare cases, where Committees may fall inquorate – and it is very, very rare indeed – there are very clear provisions in Rule 13 of the Yellow Book – and Deputy Sillars referred to them earlier in the context of another amendment – which provide for that and which do allow a Committee to make a decision of an urgent nature, even when they are not quorate. There is clear provision for that in the Rules as they stand.

3090 Sir, the first line of the explanatory note portrays a misunderstanding, or maybe it is a misrepresentation of the current situation, because it reads:

'It is generally considered that Members must be physically present in order to participate in any Department or Committee meeting.'

3095 That is incorrect. A Member who is not physically present is not precluded from participating in a Committee meeting now. It is entirely a matter for the Committee to determine who participates in its meetings, how they participate, when they participate etc. So contribution to discussion, whether it is by telephone or in person or by video link or however – is permitted now under the present Rules. However, the Member cannot be included in a recorded vote, unless the Member is physically present.

3100 Deputy Luxon referred – when he opened debate on this amendment – to one of the Committee's considerations in not being able to support the amendment; that is – and the Committee feels this is unarguable – that a Member who is not physically present is less likely to have benefited from discussing issues with colleagues to the extent necessary to cast a vote from a fully-informed perspective. Contributing now and then to parts of discussion is very different from being fully tuned in and hearing all of the arguments around the table and being able to vote from a fully-informed perspective. In the opinion of the Committee, a Member is bound to be more detached from proceedings if they are not physically present.

3110 A second consideration of the Committee – which was not referred to by Deputy Luxon in his opening speech – was what is the rationale for the difference between a meeting of a Department or Committee and a meeting of the States Assembly? Actually, there is no credible difference. If the States accept that Members can participate fully and vote in Committee meetings remotely, there will soon be a forcible argument put that the same can be done in meetings of the States of Assembly. If anybody can come up with a single reason why... an obvious reason why we should treat Committee meetings and meetings of the States of Assembly differently, then the Committee will listen to that argument.

3120 But the Committee has thought about it and cannot see a reason to treat Committee meetings differently from meetings of the States. Clearly, although today it may seem rather far-fetched to believe that there will be a proposal to commit Members to vote in States meetings remotely, if one went back a few years the proposal to allow Members to participate in Committee meetings remotely would have been regarded as far-fetched. If this amendment is accepted today, it will be very difficult in the future to resist an argument that remote voting should be permitted inside the States of Deliberation.

3125 I think Deputy Luxon says that this would be a rare event or that, where Committees occasionally found themselves in difficult positions, the provisions of his amendment would assist them. It might be rare now that Members are not at meetings – there are only 12% of occasions when Members are absent from meetings they are entitled to attend – but if this kind of amendment goes through, certainly as sure as night follows day, that figure will rise. The reason that attendance at Committee meetings is so high is because there is a culture in Guernsey of attending meetings. Once that culture is changed, even in what may appear to be reasonably minor ways, then the attendance at Committee meetings will certainly fall away. There is every reason to believe that, if Members know that they are able to beam themselves in from wherever they are and participate and vote from a remote location, that that will become a more acceptable way of discharging States business. In the opinion of the Committee, that is unsatisfactory and unhelpful.

3135 So, the Committee suggest that there is no problem with the present Rules and ask the States to reject this amendment.

The Bailiff: Deputy Robert Jones.

Deputy Robert Jones: Thank you.

3140 I support this amendment; I do not share Deputy Fallaize's fears on all of the aspects. I will leave it to Deputy Luxon to sum up in detail when he comes to speak about it.

I think this will be a very useful tool in the box for any Committee Member. I think Deputy Fallaize said that we already have in process Rules that enable us – certainly the Chair and Committee Members – to dictate how they operate and I think any fear that Members of
3145 Committees are going to start to want to remotely access meetings and not attend is a little bit far-fetched. I think we have got self-discipline and I think most of us in general would want to be at most meetings in person and I am sure we are not going to find people sitting on the beach at Cobo Skyping in, (*Laughter*) purely out of convenience.

The experience I have had for the past 18 months as a Chairman of a Committee and also a
3150 Member on the PSD Board is that I have had two Members from Alderney who unfortunately on the mornings of meetings have found themselves either fogbound or on occasions caught by the cross-winds at the north/east/west or whatever runway (*Laughter*) that Alderney Representatives Arditti and Jean fly out of. I can see this is rather frustrating for those particular Members of Committees who have prepared for meetings and find themselves unable to attend. So, I think it is
3155 useful that they can participate, contribute and add to the debate.

I have also experienced the fact that I have not been able to attend PSD meetings. It has only
3160 been one, but we have long-running matters that it is important that I think Members can continue to contribute. I do share the fears that this will lead from one thing to another, to meetings being held on beaches, to States meetings being held with Members participating via Skype, or VoIP to give its correct terminology. I think it is a useful tool to have that we can use in emergencies or on occasions where people just find themselves at the last minute not able to attend meetings.

That is why I will support this and I am sure Deputy Luxon will address some of the other fears that have arisen during the debate.

Thank you.

3165

The Bailiff: Alderney Representative Arditti.

Alderney Representative Arditti: Thank you, sir. I assure you all I was going to speak before
3170 Deputy Robert Jones mentioned cross-winds.

Indeed, on that basis alone – his reference to cross-winds – I should support this amendment
(*Laughter*). But I will not. This time I know how I am going to vote. I am going to vote against the amendment and I shall very briefly justify that to you.

Committee and Board meetings, in my submission, are not just a functional box-ticking
3175 exercise. I think they are very, very important; they are the Government of the Island and the Bailiwick. That is where it is happening when it is not happening in this Assembly. So, either Members have got to make better arrangements to be there so their Committee or Board is quorate, or if there is an Island epidemic – if there is flu about – then better arrangements of the business of the Board and Committee have to be made to accommodate that.

Remote access to a meeting... it is alright if all you are doing is making money but Boards and
3180 Committees, in my submission, are doing something far more important than that and I just do not think that remote access is good enough for the work that Boards and Committees... I was going to say 'ought to be doing', but I am convinced *are* doing.

I would be – as Deputy Jones said, in seconding this amendment – I and my fellow Alderney
3185 representative would perhaps benefit more than most. I would have certainly benefited last week when, with great frustration, I was unable to attend my own Committee meeting – I wish I could say by reason of cross-winds but I have to confess it was by reason of fog – but the solution to that is that I must pay better attention to the weather and I must be ready to spot the risk of fog or cross-winds and, if necessary, come earlier. I do not believe that the right solution is to participate in the work of my Committee, or any other Committee or Board, remotely.

Deputy Fallaize, I think, has very strong arguments for voting against this amendment; the one
3190 that impressed me the least, if I may say so, was the one that says, 'Oh well, you are opening the door; once you have agreed to remote access to Board and Committee meetings then you will soon be agreeing remote access to the States of Deliberation'. I do not buy that argument at all but I think he has some very good and powerful arguments for voting against this amendment, not least the letter he received from a finance company saying that even when all you are doing is simply
3195 making money, even then it has not impressed, it has not served well.

So a well-intentioned amendment in my view, but this time I do know how I am going to vote.

The Bailiff: Deputy Gollop.

3200 **Deputy Gollop:** Sir, I am minded to support – give it a go – Deputy Luxon’s amendment.

I think Deputy Rob Jones put the case pretty well and I will expand on the context that he referred to. He has been Chairman of the Legislation Select Committee and in the last year we had an able Member who also served on the Home Department – Alderney Representative, Mr Boyd Kelly. Like Alderney Representatives Arditti and Jean, he occasionally was prevented from
3205 attending. Occasionally, we had to move our meetings from time to time to accommodate Royal Court and other concerns.

The structure of the Legislation Select Committee is unique in that, like the Public Accounts Committee, it has two – or can have – two non-States members; the Public Accounts can have four. But, whereas the Public Accounts Committee has votes for all parties, the Legislation Select
3210 Committee – despite two legal people serving as non-States members – they have no voting rights, which from a quorum point of view, it is necessary to get the voters in.

I have always been one of those people who have felt on balance that Alderney Representatives should feel that they are full Members of this Assembly and I think, in the last few years particularly, we have seen Alderney Representatives serving on Committees, even chairing
3215 Committees. There is a price for that though and that is that the weather connection to Alderney I do not think can necessarily be foreseen in advance; you would have to have divine power or at least meteorological ability to necessarily see if the weather was suddenly going to blow up mist or cross-winds, or whatever.

So, I consider that, due to the unusual circumstance of States Members being held against their will in Alderney – and that has happened to me occasionally when I have... (*Laughter*) – then maybe the Procureur or Comptroller or Secretary to SACC should, and could, give permission for
3220 a vote to be valid in that narrow context.

Another context is: we have seen at least one of our Ministers – who is not here today for the very good reason that they are working for the States of Guernsey, the people of Guernsey, on
3225 important business outside of the Island... If we ever have a time like, I think the States of Jersey have embarked on the new adventure of an External Relations Foreign Affairs Minister. By definition, the postholder of that position will be off-Island quite a lot and that would apply of course to Policy Council meetings. So, in that context, I cannot see why an eminent politician such as that person should not have a vote.

I think if we take the example that one or two of us are on Cobo beach having a picnic instead of attending a Board meeting, then that should not be encouraged and allowed but we are talking about a very good reason, probably political rather than social or commercial, why a States
3230 Member cannot attend.

I would widen this to the red herring, if you like, about whether it should apply to States
3235 Members in this Assembly. I would respectfully suggest that the parallels break down after a very short period. The first is, there are far more of us than on most Committees; the second is, the agenda we are discussing is very rarely held *in camera* – unlike States Committees. It is published in advance; and you also have the anomaly, as I went to part of a conference earlier, whereby a States Member can disappear for an hour and turn up and vote on a debate that he has not heard. In
3240 a Board, the argument that a States Member, who sits on a Department Board, could be voting after a long discussion where they have not observed the body language or heard all of the argument actually applies to this Chamber all the time because we can come in and out at will. I do not think the parallels are that strong.

I think with careful guidelines that would need to be worked out – a combination of a States
3245 Assembly Committee and perhaps St James Chambers – this could be tried and would actually speed up Government rather than slow it down.

Of course, there is another side issue here that it would enable, potentially, Members who are very busy with a career outside of politics to continue to play more or less a full part in politics and there will be some people who might approve of that and some people who would not. But I
3250 think, unless we have a clear idea of how we wish the States Members’ role to evolve, we should allow people who are not necessarily on Guernsey 365 days a year to give their considered view to Boards we have chosen to elect them on, rather than other candidates, and who the Island has selected to sit in this Assembly.

3255 **The Bailiff:** Deputy James and then Deputy Langlois.

Deputy James: Thank you, Mr Bailiff.

I rise to support this amendment. I support the amendment based on my personal experience over many years of chairing meetings in London, Edinburgh, Cardiff and Brussels. I have chaired many meetings which have involved both tele-conferencing and video-conferencing and I can assure you that they can and do work very well.

I support it, not just in the interests of quoracy but also a Member's right to participate in a particular agenda item. It is beyond me why there should be any objection that people should not be able to vote on a particular agenda item if they have participated fully in a particular agenda item. As I say, I really cannot understand why they should be precluded from voting.

The one word of caution, I think, was that if we opt for video-conferencing, and I perhaps suggest that offer further because then at least you could identify whether those Members are on Cobo beach or on the golf course. *(Laughter)*

The Bailiff: Deputy Langlois.

Deputy Langlois: Thank you, sir.

I will also be encouraging people to support this amendment. It seems to me that the objections that are being put are very much on the basis that if you change anything, everyone will be running around trying to abuse it. That is not what this is about. There is an inevitable march of modernisation in the way we carry out our business. I look around the Assembly now and a significant number of people are actually reading messages while they are listening to me. It is strange but you can do both of those at the same time. Some of those are not listening to me *(Laughter)* but that is even more understandable because of the speaker.

But, no, we have got to get these sort of provisions into the Rules because the way the amendment has been phrased, it talks about prior agreement from the Board or Committee Chairperson. You have added in there everything has got to be clearly heard and so on. So, you have got the provisos in there to make it work and, with respect to whoever wrote to Deputy Fallaize, I would say that simply to have had a bad experience and then had to ban it just means that maybe, with the advance of technology, it will work and in some cases it will work less.

I think the Chair of Committees will have a great role to play in this. We must change this Rule in order to allow for some development and some change. The culture will change, but let us make sure it changes gradually and let us make sure it changes from using a feature like this and not abusing it. Absolutely plenty of logic from Deputy Gollop as always about this. It is the right thing to do. I am not going to vote on it solely because of the Alderney runway *(Laughter)* but nevertheless that has been used as a good example.

And, by the way, I received a message from Deputy Stewart, bearing in mind the Assembly he is at; he would like to cast 5,640,000 votes in favour of this. *(Laughter)*

The Bailiff: Deputy Sherbourne and then Deputy Le Tocq.

Deputy Sherbourne: Yes, sir, thank you very much. Perhaps you would allow me to cast a few extra votes.

I have listened to this debate with real interest because right at the start, although I was very interested in the topic and I see that it is the long-term way forward, I did have reservations and I suppose it is one of those rare occasions that I can say I have been sitting on the fence.

In fact, I would like to just refer to personal experience on a Committee I am very privileged to be a member, which is PAC. The PAC has four non-States members and, because of their business commitments, very often they cannot attend all our meetings. We have had very few but very successful video-conferences that have made quite a difference to our debate on issues that were referred to the States, AFR, for example, the Lagan contract, where the legal experience of those members, selected because of their expertise, made a difference to the debate and the final decision of the actual Committee.

So, I have seen it work. I know it works. Having said that, I am also very conscious of the argument that the dynamics of meetings are terribly important; the body language; the face-to-face contact; I understand that. But, in fact, when it comes to debates – I can speak for Education – it is very rare that we will be making a decision at one meeting. Papers will have been discussed maybe over three or four meetings; we will have a lot of time to consider. I am not saying that I do not go to meetings, on occasions, with a firm view; I sometimes go with a fairly open mind hoping that maybe I will hear words of wisdom that will help me make that final choice. But I have studied those papers; I have debated privately, with Members of the Board, those papers and I think it is quite reasonable that, if I should be ill or off-Island for any reason where I am going to miss a meeting, if the possibility of taking part through a video-conference or a call, if that was

3320 offered to me I would welcome it and I would then still be playing my full part as an elected Member of that Committee.

So, my feeling now is that I shall vote for the proposal.

The Bailiff: Deputy Le Tocq and Alderney Representative Jean will be followed by Deputy St Pier.

3325

Deputy Le Tocq: Thank you, sir.

I value the comments just made by Deputy Sherbourne. I am really pleased that he said that; it has shortened what I will say because I do think we are living in changing times and there is a need for us to realise what the implications are, both in terms of people's commitments, expectations upon people, but also technology as well.

3330

I once took part in a Policy Council meeting where I was not present; I took part via my iPhone at a meeting where there was a video-conference with some Jersey Ministers as well. So I was there via my iPhone and the Ministers who were present in the Policy Council were talking to Jersey Ministers via a video-conference. I was in Prince Albert Road at the time because I was in my car and we were stuck with snow. I could not get anywhere; I could not get any further; we were absolutely stuck. Obviously, I was able to take part to a certain degree but my name never went on being present in the meeting in any way.

3335

Yet I think these sorts of things are not going to happen very often but when they do happen I think we need to have some measures – and these seem reasonable measures – in which Members can take part if they are able to do so. Increasingly, we are able to do so; we have iPads – that enables us to take part in ways that were not possible in the past. I do not think the proposer of this amendment, or the seconder, are suggesting that all meetings in future should take place in this way, but having this facility, as I read it, enables us to have better forms of democracy and more democracy in the future.

3340

I join with those who have also spoken in favour.

3345

The Bailiff: Alderney Representative Jean.

Alderney Representative Jean: I like this amendment. I like it because it includes me (*Laughter*) and it includes all the people who sometimes cannot get there. If you cannot get there, there is nothing more frustrating. I would gladly go to our States office and go on a tele-conference or video-conference if I could.

3350

The time comes when you have to move on and you have to move with the times. For me this is it; it is very important. I would be very frustrated if I felt I was due a meeting here and left in Alderney unable to participate, unable to join in with my colleagues in Guernsey or perhaps if you were here the same frustration exists when you cannot do that in Alderney.

3355

This is very important; I think I am very pleased with it. Thank you for considering Alderney and for considering us.

The Bailiff: Deputy St Pier.

3360

Deputy St Pier: Sir, I rise to support this amendment.

I think that Deputy Fallaize has been scaremongering with the suggestion that this is a slippery slope; that if we accept this amendment we will inevitably be having remote meetings of this Assembly. That is a matter which is entirely within our control and there is no reason for us to permit that if we did not wish to do so. I cannot imagine for a moment why we would want to do so; this is a meeting... when we meet here today, we meet as a Parliamentary Assembly in the public eye and there would be no reason for us to consider, I would suggest, permitting remote participation merely because we allow it at Committee.

3365

I think the other piece of scaremongering again is the suggestion that if we permit this amendment that all meetings will suddenly descend into being held remotely and as from Monday, we will all be sitting around at home in our onesies – (*Laughter and applause*)

3370

Deputy Luxon: Excuse me, sir. Could I withdraw my amendment – (*Laughter and applause?*) I am joking.

3375

The Bailiff: I was about to put that to the vote, Deputy Luxon. (*Laughter*)

Deputy St Pier: Sir, I do not know if I have to explain what a onesie is to you. (*Laughter*)

3380 It is ludicrous. Clearly this is for remote events; this will be something which again is within the control of SACC and the Committees and the Rules to permit when it will be allowed. It will be entirely conceivable for me to say that it is a matter for those who are physically present to determine whether it is acceptable to allow those not physically present to be present and to participate; in other words only permitting it where it is a remote event.

3385 I can think of a couple of occasions when this would have applied in the 18 months or so that I have been in this place, sir. Not long after the fraud last year, I was out of the Island and clearly it was imperative that I participated in a meeting of the T&R Board at that time. I did so via a telephone conference call but of course was not actually present for the purposes of the meeting, according to the Rules. How absurd is that.

3390 The second occasion on which this happened – which would have been a very useful occasion on which to have the flexibility – was in the snow storm in March. I do not think it was the same meeting that Deputy Le Tocq recounted, but there was an emergency meeting of Policy Council because the Chief Minister required authority to provide, in response to Her Majesty's Treasury in relation to some of the tax issues that were around at that time. It was very difficult to put a quorum together that afternoon in the worst snow storms in over 30 years. In fact, it was very
3395 unwise to be seeking to do so when the police were advising everybody basically to stay at home and stay off the roads. We had to do so because of the circumstances and because of these Rules. How absurd is that.

3400 Equally, of course we do use other forms of communication where it is appropriate. We refer again to Alderney. The Alderney Liaison Group a few months ago was unable to meet with colleagues from Alderney because of the weather, so of course we held the meeting by telephone. That was not a formal meeting of the Committee and therefore it is outside the Rules. How absurd and inconsistent is that!

3405 We should not be afraid of this; we should just embrace it and learn to manage it in a sensible and pragmatic way and we should not pay heed to the scaremongering of Deputy Fallaize.

Thank you, sir.

The Bailiff: Deputy Soulsby.

3410 **Deputy Soulsby:** Just a quick word about this.

Video-conferencing is not the best thing to use; I think if anybody has used it they will agree it is far better to actually be present in a meeting. It would never be anybody's first choice.

3415 But we should be embracing this; it is modern technology. It is not even that modern. Private organisations and businesses have been using it for a decade or more. This organisation – I have said before – it is an analogue organisation in a digital world and we have really got to step up to the mark and reflect what is going on out there.

3420 If we go back to what Deputy Fallaize mentioned about the Chief Executive of a large organisation, it is often those at the very top of these large organisations who are the least IT savvy and the ones least wanting to embrace that modern technology. If he or she – probably he (*Laughter*) spoke to the people underneath who work for him, he would probably find that they would all be very happy to use it.

So, I will be supporting this amendment.

The Bailiff: Deputy Trott.

3425

Deputy Trott: Sir, it is probably worth reminding the Assembly that it is only last term that some Members looked at me aghast as I read some text from my Blackberry. A few years later, we all have iPads; most of us are using them during the course of debate. I do not believe the attention span of Members is any less today, sir, than it was then. (*Laughter*) That is one way of putting it.

3430 When I look back, eight years ago – *eight years ago* – Members of the Treasury and Resources Department were holding video-conference calls with the superannuation investment advisers based in the US for a variety of reasons, not least because it was a lot more effective than having face-to-face contact with them, because of the cost of travel. Throughout the last term, Guernsey Policy Council was in dialogue with Jersey's Council of Ministers, via a video link; it worked perfectly well.

3435 For those of you who are concerned about not being able to see body language, may I remind us that we give interviews to the radio via a telephone where we cannot see the interviewer and also we give interviews via the television where we cannot see the interviewer, we are simply staring into a box; they have the benefit of seeing us but not the other way around if the interview
3440 is conducted from Guernsey.

It is clearly, as others have said better than I, sir, a natural progression to allow this and I wholeheartedly support the amendment and undertook this very exercise during the course of yesterday afternoon without any negative side effects.

3445 **The Bailiff:** Deputy Bebb and then Deputy Brehaut. (*Laughter*)

Deputy Bebb: Thank you, *Monsieur le Bailli*.

I do not really wish to know...

3450 I think that Deputy Fallaize needs to be a little more careful with his argument. He cannot, as Deputy Gollop once said, have his bun and his penny. If he wants to argue that of course declarations of interest are different in the Assembly to within Committee, he must also accept that meetings of Committees are different to meetings of this Assembly. Therefore, we do have, by its very nature, two different systems for those two different types of meeting –

3455 **Deputy Fallaize:** Sir, may I correct what Deputy Bebb is saying, because I said that interests which fall to be declared in Members' declaration of interests are the same interests which fall to be declared in Committee meetings.

The Bailiff: Deputy Bebb.

3460

Deputy Bebb: Thank you.

However, it was also the assumption that Members would need to withdraw from Committee meetings because they are inherently different to those meetings of this Assembly, but anyway...

3465 We are actually approaching the point where this technology is well understood and the idea that we would simply write Rules and everybody would suddenly start having these meetings from other places would be unacceptable.

I recognise in Deputy Hadley's statement that inappropriate behaviour is obviously something that we would need to address. This amendment does indeed give scope for that, because all it does is ask SACC to come back with duly considered proposals to allow this to happen – and it is to *allow* this to happen. It does not mean that every Department would suddenly jump on the band wagon. I am rather convinced of the fact that there is one Committee that I sit on which would simply not allow it, (*Laughter*) but there is another Committee that I sit on, which evidently *would* permit it.

3470 I think it is therefore perfectly reasonable for Committees to decide for their own... whether they would want to adopt this technology or not; in what circumstances they would like to adopt it. But I think it is entirely reasonable that we are professional people who undertake due process; most of us do abide by the Rules and by standards that we would expect of all of us. Therefore, this is simply another – I hate to use the term – 'tool in the box' and I see nothing to object to it. Oscar Puffin has moved online (*Laughter*); maybe it is time this Assembly actually moved a little further into the future as well.

3480

The Bailiff: Deputy Brehaut.

3485 **Deputy Brehaut:** Deputy Heidi Soulsby gave a sort of 'get with the programme' type of speech that people out there are with it, they are technology savvy, this Assembly and States Departments should just get on with it. I am no technophobe; I like to Tweet, although – I think it is called 'de-facing' – I have removed myself from Facebook. I have de-faced myself. Social network has its role.

3490 If you are selling crisps, bottled water and Coca Cola and your office is in London and you want the sales figures from the sales rep in Skye, I think Skype might be the way to do it, but if you are around a Department table or Committee room spending potentially hundreds of thousands, millions of pounds of taxpayers' money, then I think you should just make the effort to get there. I am sorry, Members, but for those Members who spend a great deal of time off-Island with other interests, they will see a diary clash and will think, 'Well, actually that would have posed a problem to me, but bearing in mind I can voice over internet protocol these days, I might just do that.' I do not like that; it makes me feel uncomfortable.

3495 A number of Statesmen recently were having a discussion online, via e-mail, with one another regarding the niqab, the Muslim veil. Of course, people predictably start talking about how much communication is non-verbal and seeing someone's face is important and necessary, and what you convey in a frown, a smile or a raised eyebrow, or a Housing Department inner scream, (*Laughter*) it is easily visible. So much communication is non-verbal.

3500

I think, rather than the Deputy Soulsby argument, which makes us catching up with the rest of society, I think I would be careful about this; I think we are sending out the wrong message, which is ‘business as usual, do what you like, if you want to get to a States meeting, use voice over internet protocol’, because initially I think the take-up would be slow but I think people would start to like it and prefer it and rejig their diaries so they are not too inconvenienced by States work. ‘Why don’t we work from home now and have electronic voting, why bother to come in?’

I remember on many occasions I have walked into the States Assembly when people are walking down the hill and they have said to me, ‘You don’t think this is going to go the three days, do you?’ Well, it goes to three days because it should do. ‘Do not let democracy get in the way of other meetings.’

No, please, I may sound like a Luddite, like a technophobe, but spending taxpayers’ money, being around a Board table, being around a Committee table, making these decisions, is so important, you might actually want to be there.

3515

The Bailiff: Deputy Conder and then Deputy Adam.

Deputy Conder: Thank you, sir.

As I have previously mentioned, I am a member of SACC, and I am standing to oppose this amendment but I do recognise that there have been some very powerful and very persuasive arguments made in favour of the amendment.

Indeed most of the discussions, however, have been about participating in meetings, which of course is possible now by electronic means. The amendment is in terms of making those attending remotely be quorate – be part of the quorum. So I think it is important that we focus upon... the SACC position is not about denying members of Committees to take part remotely. But we do draw the line at enabling them to vote or be part of the quorum.

I feel very strongly and go along with Deputy Hadley, Alderney Representative Arditti and Deputy Brehaut in suggesting that it is fine for a company. Companies and corporate bodies are run with entirely different purposes than Government Departments and Government. We are running the Government on behalf of the people of Guernsey. As in previous parts of the debate earlier, we have to demonstrate that we are running those meetings and we are participating in those meetings and taking our responsibilities seriously.

I would suggest that the arguments made by Deputy Fallaize – in terms of actually being present in order to properly participate, properly judge the nature of the meeting and properly judge the nature of the debate – are well-founded and are reasons for rejecting this amendment.

Deputy Hadley made the point of how can the Members who are in attendance know to the extent that those Members who are remote are actually focused upon the nature of the discussion? Is it possible to be sitting on a train with, I think it is called a Blueberry or something that goes in your ear? (*Laughter*) I know perfectly well what it is called... but is it possible to sit there having a chat with people opposite you? Is it okay to drive and be participating in the discussion? To what extent – and perhaps Deputy Luxon can address this in his response – would the Committee Chairperson actually control the nature and the location and the type of participation by those absent?

Then Deputy St Pier did talk about absurdities, but is the intention of this amendment, the ultimate absurdity, in that the Chairman would sit there in the room and the rest of his Committee – with his or her approval – would actually be sitting somewhere else? Where do you actually draw the line? I assume from the amendment that the Committee Chair would not allow that but again at this stage, in the wording of the amendment, it is silent. So I think the amendment, for me, is too silent on actually how this will operate. Whilst it does suggest reverting to SACC, I think there are significant dangers of actually undermining the process of normal debate around a table in a Committee room and coming to discussions collectively, face-to-face.

So, I would urge colleagues to reject this amendment.

Thank you.

3555

The Bailiff: Deputy Adam.

Deputy Adam: Thank you, sir.

Like Deputy Brehaut, I would be considered a technophobe and a Luddite. Unfortunately, I was... not unfortunately, I was in medicine for 30-odd years and I am fully aware of the importance of body language. All the people are sitting and looking; what are they thinking? They can tell a lot from that. I think it is so important that people are actually present at meetings to interact and discuss things in a personal manner.

As Deputy Hadley said, we are very fortunate in Guernsey because people attend this Assembly; look around and you see there may be one or two seats that are empty, and there will be specific reasons. Also for Committee meetings, people attend; the attendance is very high. Personally, sir, I think it should be. No-one has asked you to stand as a Deputy. You know your commitments before you come and stand; you should also research your commitments if you want to sit in that top bench; you should make sure that you are fully aware of what your commitments... if you are going to join two Committees... Deputy James is on two very busy Committees and knows exactly how busy it is; other people may not be on any. But these are things you have to decide; you are making a commitment; you have to make sure you attend.

Yes, Deputy Luxon sometimes people miss occasional meetings; one accepts that. But I personally do not think we should make it easier. I do not like the technical aspects; I do not think you get the feedback, the personality of feedback, of the members of the Board.

As has been said by several people, it is fine for financial situations – actually most of them, but not all of them, in actual fact – but for the things that are discussed at some Boards, there are nuances that must be brought out.

There is one thing, Deputy Luxon, I cannot see anywhere in the amendment about who is going to pay for the equipment. I know there are video-conferencing facilities up at the hospital; Skype is straight forward; you have got television, etc. Does it mean that each Board has to have access to the equipment? That may be possible, but who is going to set it up? Who is going to run it? Who is going to make sure it is maintained properly? If it takes as long for that to be decided as it has taken for T&R Department to decide about electronic voting... (*Laughter*) which I am delighted to say is now actually progressing, over the last three or four months, and that States report should come hopefully by December, I think, concerning this matter. These are the things we just think, 'We should have this. Great idea.' How are you going to set it up? And as you say, if you are going to be present, is someone...? 'Look, there is Deputy Stewart up on the wall there because he is on video conference with us,' that would be interesting, wouldn't it?

People mention about if they are away on States business and they miss a meeting. If they are away on States business they are doing States business, and they will not be able to attend by any methodology a meeting of a Board in Guernsey because they would be busy at that meeting. Really, I think this is a bit over the top. I do not think it is necessary. I think it would take away a lot from meetings, but I accept on occasion – Alderney Representative mentioned it – fog, cross-winds, I accept on that type of situation there might be a place for it, but you can already participate but not be considered quorate, but your opinion can be given by phone, tele-conference or Skype.

Therefore, I think the facilities are already there and I do not think there needs to be any significant change in arrangements.

Thank you, sir.

The Bailiff: Anyone else?

Deputy Inglis.

Deputy Inglis: Sir, I was not going to rise today but there has been a lot said that I would have said.

I just want to seek some assurance from Deputy Luxon that... the request to consider Rule change is a fair question and is something that SACC would have, I would imagine, great difficulty in breaking down the areas of who would best benefit from this sort of technology. I embrace this technology; I think it is really good. But too many people hide behind electronic technology nowadays. We have lost in many respects the ability to have that face-to-face and what is scaring me is that our young generation is doing exactly the same; they are losing the power of communication.

So, for me, I find it difficult to agree with and support this amendment. Remember Members that we are going to debate in due course the transmission of live cameras from the Assembly here. Does that mean this meeting then gets linked with VoIP arrangements somewhere in another country? Who knows? That is the scary thing that we might fall down the line of.

The technology is good. I am all for embracing the likes of what happens in Alderney; it is very supportive there. But we are on a nine by four bit of rock; we do not, therefore, go out and canvas through this technology; we do it face-to-face and it is so important.

Could I also just make Members aware of my concerns, I suppose is the right word, I did write to – dare I say through an e-mail – to Deputy Luxon regarding the use of the word Skype. Skype have got themselves into an enviable position where it has become a trademark; it is like Hoover; it is like Formica... (*Interjection and laughter*) People do not realise that there are lots of other

3625 products around. I am surprised the Law Officers allowed it to go through because VoIP is a very standard, official term that is provided by services providers over here, and lots of businesses use it, but it is a lot more dynamic and it works a lot better and they have to pay for it, whereas our friends at Skype – who are owned by eBay and make a lot of money out of us even though they provide it for free... But that was my concern about it.

3630 I will have difficulty supporting this amendment but I do recognise that the question has to be asked.

Thanks you, sir.

The Bailiff: Anyone else? Yes, Deputy Lowe.

3635 **Deputy Lowe:** Thank you, sir.

I will not vote for the amendment. I did not have to think about it very long really because I am a great believer – in fact Deputy Adams said almost what I wanted to say... We make that choice to come into the States; it is your *choice* how many Departments or Committees you go on, and if you find you are out of the Island too much, for your own reasons, well, cull off the Department.

3640 It used to be said years ago if you missed three consecutive meetings, unless you were ill, it was time you stood down. You have to get your priorities right really. We are being paid by the taxpayer to be in here. We are being paid to be on Departments. You do not have to go on Departments; if your private life is so busy and you just want to be in this Parliament, come off the Committees that you are on.

3645 It is interesting that when you look at the Committee attendance, we have very good Committee attendance but many of those who miss meetings are actually the ones standing up today and saying we must have this. No, I do not think we do need this; you need to make up your minds where your priorities lie and be... I am not looking at you Deputy Rob Jones... There are times where Members will miss meetings, there is no doubt about that but you can still feed back quorately how you feel on particular matters that are being discussed at Committee level.

3650 I do see that, actually, if this goes through to be approved for Committees, you can always put money down that it will be in here before you know it; it will be within this Parliament. That is not what we are actually expected by the public, who pay us to be here, to be doing.

So, I will reject the amendment and I hope other States Members will too.

3655

The Bailiff: Anyone else? Deputy Gillson

Deputy Gillson: Sir, on the face of it this seems a reasonable amendment. Let us move forward with technology; let us make the best of technology; bring the States into the 21st century – all great soundbites, which people say at various times. But just because technology exists does not mean that using it will make things better. All changes or gains invariably also involve losing something.

3665 So what we need to ask ourselves, in deciding how to vote on this amendment – or any amendment – is: is there a problem with the current situation? Is that problem serious enough to warrant change? Will the change solve the problem? What are the down sides of the amendment? Is it really necessary?

So, let us consider in turn.

3670 The problem the amendment seeks to change is that a person cannot take part in a meeting if they are not physically there; they cannot join in. Well, they can join in the meeting; they can express opinion; they just cannot formally be part of the quorum and formally be recorded as present or formally be part of the vote. I wonder how much the fact that we still produce figures every six months, showing how often people are present at meetings impacts on this or is part of the drive for this amendment. People can add value to a meeting under our existing Rules.

Is the problem serious enough to warrant a change to the Rules?

3675 Not being part of quorum, which is the real difference, can really only affect a meeting if it would otherwise be inquorate. How often does that really happen? How often has anybody here been at a meeting where you are not quorate or you would be quorate if only somebody was at the end of the phone? I would bet that no-one has had that situation, where you would have to cancel a meeting because you were inquorate and that that could have changed. That problem does not really exist. If a meeting is quorate we have got Rules which allow other senior Members/politicians to be brought into a meeting if something is really that urgent.

3680 It affects Members' attendance records; that is no big deal; people have to justify their own attendance as and when.

3685 Not being able to take part in a vote; this amendment would change that so over the phone you could take part in a vote whereas you cannot. How often do Boards and Committees actually go to a real vote? Reasonably infrequently. It is not often that you will have a Committee that will actually go to a vote; you might express opinion, some people dissent and you get a sense of majority, but formal votes, I think, are pretty rare.

3690 It comes to: what is the downside of this amendment? Many of us will have participated in conference calls as a matter of course; in my 20 years in the finance industry I have been party to probably many hundreds and hundreds of meetings and I accept they can be needed in circumstances. I have been on boards where you have got a director in Mexico or the Far East and it is not practical for them to come to Guernsey every time you have a board meeting. So having attendance by phone is needed but I would class it as a necessary evil, rather than something you actually want to encourage.

3695 There are problems with remote attendance. There are going to be obviously technical problems; occasionally lines drop out and you get a bad lines, but the biggest problem I think is you lose a lot of communication. We do not communicate just with our voices; I stand here moving my hands, I gesticulate a lot unless I put my hands in my pockets. Our eyes are the windows to our soul; you can tell a lot from the way... the old saying, the whites of their eyes. You lose that on the phone. As I have said, I have done loads of phone... I am probably one of the half a dozen or so people who make conference calls as a natural part of their life and you do not necessarily get the full picture from somebody. That is bad enough if you are getting a call where you are being briefed; let us say you have an adviser in the Turkish Republic explaining about the hydro-electric plant that is being built.

3700 But when you have got a Committee where you are discussing developing and evolving a policy, being able to appreciate what people are saying, the way they are saying it, is really important. I think this is a situation where it sounds great on paper, 'Let's move forward and embrace technology,' but we will lose something. I think actually Members who are not used to telephone conference calls, and not used to doing them often, run the risk of losing most because I have no doubt other Members will say they do telephone conferences and they are great and they are used to them and they work for them and they do not see the problem – great. Those people who have done them a lot, used them a lot and are used to them, they work for them; what about the rest of the Members – people who do not often get involved in conference calls and are used to interpreting what people say both visually and by listening? I think that is where some people, on this, will lose more than some people will gain.

3715 I am not anti-technology, unlike my Chairman, but I really think this is a situation where we will lose more than we gain and it is something we should not rush into, we should not do it. At the moment it works. We have not had major problems because people cannot join meetings. It is an amendment which is seeking to solve a problem which I do not think really exists.

3720 So, please let us just forget this amendment. Please vote against it because, like I said, we will lose more than we gain.

Thank you.

3725 **The Bailiff:** Any other speakers? No.
Deputy Luxon then will reply to the debate.

Deputy Luxon: Thank you, sir.

3730 Thank you to all Members for their contributions. Can I just reiterate the existing practice is that Members can participate in meetings from remote places, using the technology we talk about; it is simply that they are not able to vote. So this is a subtle refinement to the Act that already exists.

3735 Deputy Fallaize gave several examples of the problem. I think some of my language might have been clumsy because it was not that I was indicating that there were high instances of Boards being inquorate. But my reference to being able to participate and be quorate, referred to individual Members. I totally accept there have not been lots of incidences, although some Members, you will remember, have given examples.

3740 Also, Deputy Fallaize said that if one person could give one reason why it would not extend itself to the States of Deliberation that he would... I do not know if he said he would eat his hat or he would agree to support the amendment, but it was one of those two, I think. But there are three reasons.

The presiding officer in this sense would have to agree to it; there would have to be a Rule change; somebody would have to bring that Rule change. Of course, Deputy Gollop said that it would not happen, so that is very compelling. (*Laughter*)

3745 The point of this amendment was simply to allow an enablement that if we have agreed that a Member of a Committee or a Board is able to participate – bearing in mind the long-running knowledge that that person may have a very important subject – that they are able to vote as well. I simply cannot understand why we should have reservations about allowing this to happen, if we are happy for them to participate and deal with all of the issues of being able to understand nuance or not.

3750 Sir, Deputy Rob Jones talked about Members from the west Skyping in, or whatever, from Cobo – as did Deputy James – but that certainly would not happen. And I thank him for the very unhelpful comments he made about Alderney cross-winds which just gingered up Alderney Representative Arditti. *(Laughter)*

3755 Deputy Arditti – and in fact Alderney Representative Louis Jean – I think they both talked about – although Alderney Representative Jean did actually support the idea, whereas Alderney Representative Arditti did not – in actual fact their issue is very real; they have been delayed from meetings in Guernsey and indeed Guernsey visiting Alderney, where this would have helped.

3760 Deputy Gollop, I truly did not understand what his support motivation was for this amendment *(Laughter)* but I do appreciate the support very much anyway. I mean that as a compliment, I listened carefully but I just did not follow. *(Laughter)*

3765 Deputy Langlois, by practice in reality many of us would experience using this technology. It does work; we do not have problems with the nuances. This distinction about Government business being different to corporate business... The matters of Government are very important and are very different to business, but at the same time there is no reason why we should make a distinction between the two. Both are very serious matters if one sits on a Board.

Thank you very much for Deputy Stewart's support, although of course it is Her Majesty the Queen up on the wall, not Deputy Stewart. *(Laughter)*

3770 Deputy Sherbourne, very wise words of practical experience and I am grateful to you for jumping off the fence my way, and I hope that that is where you stay when it comes to the vote.

Deputy Le Tocq, and indeed Deputy St Pier, talked about some practical realities, in terms of Policy Council meetings where it would have helped for the meeting to have become quorate, as opposed to a Member just being able to become quorate themselves.

3775 Sir, Deputy Trott... technology is everywhere, and when he says that nobody can say it better than Deputy Trott, he is absolutely right, as he well knows.

Deputy Bebb's clarification of Deputy Fallaize's argument... it is the choice of the Chairperson of either the Committee or the Board, so if there were circumstances where it was not appropriate then the Chairperson would actually not allow it to happen. It is the Chairperson of each Board who is responsible of the affairs of the smooth running of that Department.

3780 Sir, some of the comments tended to repeat but I think I would sum up largely by saying this is a very subtle refinement. Already Members can participate in meetings; this simply allows them to be able to vote as well.

I would urge Members to support the amendment. Thank you.

3785 **The Bailiff:** Members of the States, we will now vote for the Deputy Luxon/Deputy Robert Jones amendment and there is a request for a recorded vote.

There was a recorded vote.

3790 *Amendment by Deputies Luxon and Robert Jones:*

Carried – Pour 23, Contre 22, Abstained 0, Not Present 2

POUR	CONTRE	ABSTAINED	NOT PRESENT
Deputy Harwood	Deputy Kuttelwascher	None	Deputy Storey
Deputy Domaille	Deputy Brehaut		Deputy Stewart
Deputy Langlois	Deputy Conder		
Deputy Robert Jones	Deputy Gillson		
Deputy Le Clerc	Deputy Le Pelley		
Deputy Gollop	Deputy Fallaize		
Deputy Sherbourne	Deputy Laurie Queripel		
Deputy Bebb	Deputy Lowe		
Deputy Lester Queripel	Deputy Le Lièvre		
Deputy St Pier	Deputy Spruce		
Deputy Ogier	Deputy Collins		
Deputy Trott	Deputy Duquemin		
Deputy David Jones	Deputy Green		
Deputy Le Tocq	Deputy Dorey		
Deputy James	Deputy Paint		

Deputy Perrot	Deputy Adam
Deputy Brouard	Deputy De Lisle
Deputy Wilkie	Deputy Inglis
Deputy Burford	Deputy O'Hara
Deputy Soulsby	Deputy Quin
Deputy Sillars	Deputy Hadley
Deputy Luxon	Alderney Rep. Arditti
Alderney Rep. Jean	

3795 **The Bailiff:** Members of the States, on the Deputy Luxon/Deputy Robert Jones amendment there were 23 votes in favour; 22 against. I declare it carried.
That concludes debate on the amendments.

3800 **Deputy Fallaize:** Sir, in respect of that amendment, which the States has just approved, there is a direction for the Committee to report back to the States by December of this year. I think that is going to be virtually physically impossible. It said December because initially we were due to debate this amendment in July. Can I just rise at this time to... I do not know, sir, but maybe you could put it to the States – whether the States are prepared to accept that the Committee will come back some time after December 2013, because we just cannot physically put a report in, which can be included in the Billet by December 2013. Changing the 2013 to 2018 would probably do it.
3805 *(Laughter)* But seriously, sir, we just cannot do it by that time.

Deputy St. Pier: Sir, maybe they could meet telephonically to speed the process up.
(Laughter)

3810 **Deputy Fallaize:** It is not allowed under the present Rules. *(Laughter)*

The Bailiff: The amendment has now been approved. I am reluctant to re-open debate and I know that some people, perhaps yourself included, are very much in favour of having dates in amendments, *(Laughter)* by which people are to report...

3815 **Deputy Fallaize:** In which case, will you allow me to move an amendment to the Proposition, as amended?

3820 **The Bailiff:** Yes.

Deputy Fallaize: Will we have to circulate it?

The Bailiff: Given the point you have made that we are two months later debating this than you had expected, are you suggesting you report back by February 2014, which gives you the same length of time as you would have had if it had been debated in July?

3825 **Deputy Fallaize:** I think that is do-able, sir, yes.

The Bailiff: Should I put that to the Assembly then?

3830 **Deputy Fallaize:** If you wouldn't mind, thank you.

The Bailiff: Members in favour then that the report back by the States Assembly Constitution Committee shall be by February 2014. Those in favour; those against.

3835 *Members voted Pour.*

The Bailiff: There we are. We will consider that amended then.
We move into general debate. Deputy Perrot, were you wanting to rise in general debate some
3840 hours ago?

Deputy Perrot: You know, sir, I am not now sure why I caught your eye. *(Laughter)*

The Bailiff: Maybe you did not; maybe it is my memory that is failing me, Deputy Perrot.

3845 **Deputy Perrot:** I do recollect that at that time I still had a will to live. *(Laughter)*
No, I remember what it was. *(Laughter)*

3850 Yes, I wanted to congratulate Deputy Fallaize on the clarity and brevity on the introduction of his policy letter, which it seems to me is a shining example to all Ministers in this Assembly. I wish everybody would copy it.

We all receive Billets. Most of us who open our envelopes normally read the Billets, as well as bringing them into the Chamber, and when we arrive here we know what the Department is going to say. In my view, there is absolutely no need for a long introduction.

3855 Deputy Fallaize's today was agreeably short; it was three sentences, which was probably two sentences too long. (*Laughter*) But he did not have to say any more than he did. Perhaps, if I had thought about it in time, I would have put an amendment in to stop Deputy Fallaize coming to the States with tedious and unnecessary policy letters, other than once every five years. If I had had a chance I would have put a Rule in to the effect that policy letters do not need an introduction and when Ministers sum up, they ought to sum up out of what has been said and not invent new arguments at the end of the debate.

3860 I am sorry. I know that I am going too far but I have got it off my chest.

The Bailiff: Is there anyone else who wishes to speak in general debate?
Chief Minister.

3865

The Chief Minister (Deputy Harwood): Thank you, sir.

The reason for speaking is, I am supportive of the proposed wording of the amendment, which is on page 1306 – 1(c) – and which is also then repeated again on page 1317, as Proposition 1(c) again.

3870 The reason I want to speak is because this refers to the obligation to have a brief explanatory memorandum approved by Her Majesty's Procureur attached to every Projet de Loi, Ordinance and Statutory Instrument that is going to be laid before the States. Whilst accepting it and indeed welcoming this particular Rule amendment, I only wish to clarify for all States Members that for practical reasons to do with the administrative dates on which items for each Billet are sent to the printers for publication approximately two weeks prior to publication, after consultation with Her Majesty's Procureur, it is proposed or suggested that the obligation to have the explanatory memoranda should commence in the November 2013 Billet d'État, on the grounds that the October Billet has already been published and therefore we are without explanatory memoranda in relation to the items of legislation which will be brought to this Assembly as of tomorrow, and certainly in October.

3875 I would ask for the forbearance of all Members that in approving the amendment to the Rule, which I refer to, that we do allow the States Department some latitude in providing the explanatory memoranda because it will not be possible to do so in time for the September and October Billets.

3880 Thank you, sir.

3885

The Bailiff: Is anyone else rising? No?
Deputy Fallaize. Sorry, Deputy Brehaut.

3890 **Deputy Brehaut:** It was just to... I had written to the former House Committee and I had written to SACC on more than one occasion suggesting that they look at the provision to 'give way', and I am glad that it has been incorporated into the Report.

3895 If States Members take an interest in States debates going back many years, if ever you can take the time to get a tape, which I think are still available, the exchanges in the Assembly were very robust, very direct; there were some very animated speeches that took place. I think over time that, while a good thorough parliamentary exchange is a healthy thing for a democracy, I think of late there have been some interventions that cannot be remedied by the point of order, point of clarification, which is really a point of frustration half of the time because you feel a little perplexed. That comes about because possibly a Minister or another Member repeats a reference or a statement that is inaccurate then actually there is no remedy to that; it remains inaccurate. The advice one former Bailiff gave to me when I felt particularly aggrieved in a meeting... he said, 'You simply have to note it and mark their card,' which really leaves a bit of a charge in the air.

3900 So, if we do embrace... I know it sounds like a UK parliamentary thing but, I think if we do embrace the concept of 'giving way', then the issue can be diffused and dealt with in that way rather than remain outstanding.

3905 Thank you.

The Bailiff: Deputy Gollop.

3910 **Deputy Gollop:** Sir, there is a lot in that Report; some of which one can readily support and some of which will perhaps be more irksome. I am not sure if Deputy Perrot is entirely correct about everybody in that I suspect some of these things will go through and we will have impact that people have not foreseen because they have not really looked into them.

The 'give way' would be an interesting innovation for Guernsey. It seems to work in Jersey, but they have a different political culture there.

3915 I am perplexed as to why, with the question time for submitting questions for response. When I first joined the States of Guernsey, it used to be, I believe, three working days and the Chairman and the President of the Board administration or whoever, only had a brief period to be master of their brief. Now Ministers have five days and we are extending... and that is confusing sometimes because we are now meeting on Tuesdays and there are sometimes Bank Holiday Mondays and so on... but the five days are going to be extended again, because it is no longer five clear working days; it is five clear working days plus two normal working hours, because the Committee has decided that 3.00 p.m. is an arbitrary time and settlement instead of 4.00 p.m. when the Bailiff's Office used to be open at the Greffe or 5.00 p.m. I am not too sure of a policy why the States Assembly and Constitution Committee are wanting to make it slightly easier for Ministers and
3920 Departments to get information and slightly harder for non-Members of that Department to get that information, because again it is pushing the pendulum towards the executive.

There is certainly a lot of meat in this Report but I am tempted to say, that for an annual report, a lot of it is full of minutiae. There are two or three really big issues that the States Assembly could have considered in this Report. (A Member: Hear, hear.)

3930 The first issue is to do with mid-term elections: should it not be considered that within a year or so we consider restructuring Ministers, Chairmen, Departments, so that people have an opportunity to reconsider.

A second issue is Island-wide elections, which is completely absent from this, although admittedly I know the States Review Committee are looking at it.

3935 A third issue, which perhaps is the most pressing of all, is why we are getting into a new pattern of four-day States meetings without due consideration for moving from January or February next year to a fortnightly format, or two per month. Those are the kinds of questions that I would wish the States Assembly and Constitution Committee to consider and maybe I have been neglectful in not sending them a formal letter, but I think the time has come to do so.

3940

The Bailiff: Anyone else?
Deputy Fallaize will reply.

Deputy Fallaize: Thank you, sir.

3945 In response to the point made by Deputy Harwood, obviously the Committee fully appreciates that for a Billet which has already been published, Committees and Departments will not be able to adhere to Rules which the States may decide to impose with effect from today, and so we fully accept that the explanatory memorandum will not appear until the November Billet.

3950 I thank Deputy Brehaut for his comments about one of our proposals. In response to Deputy Gollop, the present Rules regarding the submission of questions were unclear, in the sense that it was not clear whether the question could be accepted up until midnight of the day set in the Rules or 5.00 p.m. or 4.00 p.m. which is the statutory closing time of the Greffe, as I understand it. All the Committee is doing is trying to make it absolutely clear what the cut off time is for the submission of questions and we decided 3.00 p.m.; and after taking the advice of officers who
3955 have to deal with questions... but there is no attempt by the Committee to in any way, certainly not materially, to reduce the amount of time that Members have available to submit questions to Committees and Departments.

3960 Mid-term elections, Deputy Gollop raised; that is something that is being considered by the States Review Committee. So is electoral reform to some extent; but moreover, the problem with electoral reform is that it has to be, at least to some extent, dependent on our machinery of Government; and for the States Assembly Constitution Committee to come to the States proposing electoral reform, and then a few months later the States Review Committee to come to the States proposing a major change, if indeed they propose that, in the machinery of Government, and if the States accept that, the two could be in conflict.

3965 So SACC is quite happy to look again at electoral reform but suggest that it is most sensible to do it after the States Review Committee has reported.

The point he makes about four-day States Meetings is interesting. The Committee did receive some correspondence from the Policy Council quite recently, inviting the Committee to consider whether four-day States meetings ought to become the norm. The view of the Committee is – and

3970 we think this is borne out by statistics – actually four-day States meetings is not the norm; it is highly unusual that the States meets over a period of four days. And actually the present arrangement, whereby the States are convened on the last Wednesday of every month and the norm then is that the States meets, if necessary, on the Thursday and Friday of that week as well and then the business is carried over to the Wednesdays after, that works perfectly well and the number of time the States does not complete their business by the end of the third day are few and far between. It may have happened at the end of the July meeting, but if one looks at the number of days for which the States has sat over the last several years, one finds that almost always the business of the States evens out. Lately there has been some sort of panic about whether the schedule of the States ought to be changed but I am quite certain that Members will acknowledge, perhaps by this time next year, that this brief period of extra work will have quietened down. As I understand it, the November Billet is not very full at all.

I think those were the only points raised in debate, notwithstanding what Deputy Perrot said, and I now run the risk of provoking his condemnation... There is one matter in this Report, which I thought was going to be raised by Members in debate, and that is with respect to the applicability of the Code of Conduct to electronic communications. This raises issues which have been drawn to the attention of the Committee recently with regard to not just the code of conduct but also privilege.

If I could just point this out, sir, because the Committee was going to do this in this debate... We know that absolute privilege is extended to anything which is set in meetings of the States and is also incorporated in reports submitted to the States by their Committees. But words said in the States still fall in to the jurisdiction of the Code of Conduct for Members of the States and there has been some confusion lately about that. Although Members are effectively excluded from facing court proceedings for anything said in the States, they are still bound by the terms of the Code of Conduct for anything that is said in the States. Moreover, privilege is not extended to anything done electronically, while we are sitting in the States. So, if a Member tweets something during a States meeting, just because it is being tweeted from a States meeting does not mean it is covered by privilege. If Members are unsure of that – because there have been some questions raised with the Committee recently – if they could seek the guidance of the Committee or more properly of the Law Officers. I just wanted to make that point, sir, building on the points made in paragraphs 99 and 100 of the Report.

Other than that, sir, I ask Members to support the Proposition.
Thank you.

Deputy Trott: Sir there was a question –

The Bailiff: Deputy Trott.

Deputy Trott: – raised about mid-term election, which the Chairman of SACC has avoided rather skilfully. *(Laughter)*

Deputy Fallaize: No, sir, I have not avoided it skilfully; Deputy Trott just was not listening. *(Laughter)* I said that mid-term elections and electoral reform were both being considered by the States Review Committee.

The Bailiff: Members, there are rather a lot of Propositions; they start on page 1317 of the Billet. What I propose to do is to put to you – unless anybody requests otherwise – all the Propositions from 1(a) on page 1317 to 1(p) on page 1319 together and then we will have to deal with 1(q) and 1(r) separately.

So 1(a) to 1(p)... I remind you that Proposition 1(g) has been deleted and replaced by a new Proposition as a result of the Deputy St Pier/Deputy Lowe amendment and that there is also a new 1(h)(a) and 1(h)(b) that have been inserted as a result of the successful Deputy Fallaize/Deputy Gillson amendment.

Subject to that I am putting to you Propositions 1(a) through to 1(p). Those in favour; those against.

Members voted Pour.

The Bailiff: I declare them carried.

Next Proposition 1(q), I will put on its own. There is an alternative 1(r) which will fail if 1(q) is carried.

I put to you, first of all, Proposition 1(q). Those in favour; those against.

Members voted Pour.

4035 **The Bailiff:** Would it help if we just reminded Members of what the...? Because I do not think there were many people voting on that. I wondered if it would be helpful to people if I just reminded them what the difference is between 1(q) and 1(r).

4040 Both of them deal with hustings for the election of a Chief Minister or a Minister. The difference between them is that in 1(q) all candidates remain present in the Chamber while questions are put in the hustings. In Proposition 1(r), candidates retire while another candidate is speaking or being questioned.

So in 1(q) all candidate remain present at the hustings... Is that just in relation to the Chief Minister or is that all Ministers?

4045 **Deputy Fallaize:** No, it is in relation to all Ministers and also, sir, under (r) different questions can be put to different candidates. Those are the two differences. The other candidates retire while one candidate is being questioned and different questions can be put to different candidates.

4050 **The Bailiff:** Yes, but under (q) all candidates remain and are asked the same questions. So, I will put to you again then, Proposition 1(q). Those in favour; those against.

Members voted Pour.

4055 **The Bailiff:** I declare Proposition 1(q) carried. In that case, Proposition 1(r) fails. We move on then to page 1325, where we see Proposition 1(s) and I think we will go through to the end of 1... In fact there is a new 1(y) that has been inserted as a result of the Deputy Fallaize/Deputy Gillson amendment.

So I put to you 1(s) through to 1(y). Those in favour; those against.

4060 *Members voted Pour.*

The Bailiff: They are carried.

4065 Next we have Proposition 2. I remind you that Proposition 2(c) has been deleted and substituted by the Deputy Fallaize/Deputy Conder amendment and a new 2A has been inserted by the Deputy Luxon/Deputy Robert Jones amendment.

I put to you Proposition 2(a), (b), (c), (d) and 2A altogether. Those in favour; those against.

Members voted Pour.

4070 **The Bailiff:** I declare them carried. Finally, I will put to you Propositions 3 and 4 together. Those in favour; those against.

Members voted Pour.

4075 **The Bailiff:** They are carried.

REQUÊTE

Clarification of the Responsibility and Accountability of the Civil Service to the Political Boards and Committees Debate commenced

4080 *Article XVI*

The States are asked to decide:

Whether, after consideration of the Requête dated 14th May, 2013 signed by Deputy E G Bebb and eight other Members of the States, they are of the opinion:

4085 *1. To direct the Chief Officer of each department shall be allowed the freedom to run the operations of their department within the rules of the States of Guernsey including, but not limited to, the ability to employ or dismiss all civil servants reporting to them.*

4090 2. To direct that all matters of the Chief Officer's employment, such as appraisals and performance reviews, shall be between the political Board and the Chief Officer as it is further believed that the Chief Officer's responsibility and accountability should be primarily to the political Board.

4095 3. To direct that competing priorities for cross departmental initiatives must be resolved by both the Minister and Chief Officer of the Department, thus placing the responsibility and accountability firmly with the Policy Council for such initiatives. As such, the Chief Executive and Chief Minister must liaise directly with the Chief Officer and Minister on cross-departmental issues.

4. To direct that any change to the overall structure of the civil service resulting in a change to inter departmental relationships would have a political effect and as such, should be subject to a States report and appropriate resolution by the States of Deliberation.

4100 5. To direct that, when services are devolved from departments a strong Service Level Agreement shall be in place to ensure clear lines of accountability. Failure to meet the SLA would assist in indicating which party is accountable and responsible.

4105 6. To direct the States Review Committee that any proposals they are considering making which will involve a change in the machinery of government should incorporate a proposal for the most appropriate model for the civil service to adopt, so as to give clear lines of service, responsibility and accountability.

The Senior Deputy Greffier: Requête: Clarification of the responsibility and accountability of the Civil Service to the Political Boards and Committees.

4110 **The Bailiff:** The opening speech would be from the lead requérant, Deputy Bebb.

Deputy Bebb: Thank you, *Monsieur Le Bailli*.

4115 Many months have passed since an evening that I spent frantically trying to write my first Requête on a topic that to many may seem introspective. Having discussed the basics and sounded out the support of a few individuals, my first Requête was written and signed.

Whilst time has worked away at some of that passion, the centrality of that Requête stands as statement what I believe to be a due solution to a problem inherent in our system of Government; one that is approached, tackled, discussed and resolved upon for a brief period of time before we embark on the whole process again.

4120 Due to the uniqueness of the consensus model that we have, the question over who makes the decisions has pestered many, but few have been willing to propose changes directly to the bureaucracy that serves the Government.

4125 This bureaucracy, due to a lack of party politics and consensus model, has within its grasp a greater degree of authority than would be accepted in most other jurisdictions. We do not have a system where political initiatives are worked upon and refined within a party machinery. The best access that we have to think tanks is only when looking at the work done in neighbouring countries. Some of this gives us the basis of ideas for refinement but none speak directly to our unique situation. That is a role that we have too frequently entrusted to the Civil Service, which should be there for the benefit of the Government, not for the shaping of it.

4130 It is interesting that a paltry three-page Requête has gathered a response of 15 pages, not all of it complimentary. But it speaks, if nothing else, of the controversy and unease that we so frequently feel in our relationship with the Civil Service. I suppose it also speaks clearly on a certain Committee's love of bureaucracy, with a six-page response to a three-page Requête.

4135 As detailed in the Requête, the idea of a meritocratic Civil Service was introduced to the UK through the Northcote-Trevelyan Report. Many have since discussed the benefits of the report and have held it in sufficient regard as to proselytise the UK system of Civil Service. The response to the Requête from the States Review Committee in its penultimate paragraph makes reference to the benefits of such a system. But the Northcote-Trevelyan Report is fully compatible with the appointment of civil servants by the political class and this was a practice that persisted long after its adoption. The Northcote-Trevelyan Report was written in 1854, adopted in 1870, but the practice of Ministers appointing their Permanent Secretaries persisted until 1938. Indeed, in 1941, Sir William Beveridge complained bitterly of this change, stating:

4145 'The Minister's function in war as in peace is first and foremost that of finding the right men and giving them responsibility.'

4150 Despite this apparent change, political appointments of Permanent Secretaries happen, though not in a formalised manner. The UK has sought to resolve this position by commissioning a report on this area of employment; its finding was unsurprising in suggesting the executive take on responsibility of appointing Permanent Secretaries. It is also unsurprising that this is bitterly contested by the Civil Service; what mandarin would want to lose the ability to hire and fire?

4155 The other near neighbour, of course, has a very different Civil Service; one that was reformed by one of my historic heroes. Napoleon was confronted by a Civil Service wholly appointed for the *ancien régime*, whose passion is essential to that *régime*. The reform that he oversaw created various councils, the most remarkable being the Council of State, which celebrated its bicentenary in 1999 and is still going strong. Due to the centrality of patronage and the mistrust of judges, senior positions were appointed directly by him and this persists to this day, with the President of the Republic appointing senior civil servants.

4160 Unsurprisingly, the Propositions in this Requête would give us a system that is a half-way house between the two larger neighbours. The Guernsey system of Civil Service was historically born of the right to raise fees on a harbour and retain them on the Island. I doubt that we will ever return to the expenditure that could be contained to taxes raised in the harbour, but it is also unsurprising that the Government and its bureaucracy has grown ever since; and some of it unchecked.

4165 I have little need to explain our current system of Government and I look forward to the States Review Committee's deliberations. So, why propose a change now? I firmly believe that the current bureaucracy has slowly but surely drifted further from the system of Government; so much so that we are in danger of the tail wagging the dog. In a system of Government that has no noticeable executive, the bureaucracy has stepped in to fill the perceived void. This has created an uncertainty of Chief Officer's reporting lines and diverging demands from the Department's political Members and the Chief Executive, to name only two examples of current ambiguity and discomfort.

4175 Let us all be clear on what a Chief Officer can and cannot do, should the Requête receive your blessing today. No Department, no Chief Officer, no Committee should openly defy the will of this Assembly; doing so is an open invitation to a vote of no confidence. Opting in or out of corporate initiatives is no more likely if the Chief Officer is appointed and line managed by the political Members than by the current system. If a Department objects to a corporate initiative it is, by its very nature, not corporate. But if this Assembly directs the Departments to do so, there is a simple choice of undertaking the work or resignations.

4180 I do not see how the proposals in the Requête change this and I am baffled by the Treasury and Resources Department's statement as such in their response. No doubt the Minister will want to elucidate how he feels such a blatant defiance of the will of this Assembly could exist.

4185 This response, however, is measured in the extreme when compared with the response from the Policy Council. I remember as a child enjoying the story of Chicken Little. (*Laughter*) For those of you unaware of the story, Chicken Little was awoken by an acorn that fell on his head. Believing the sky is falling down, he works sufficient frenzy into his fellow farmyard council members Goosey Loosey and Turkey Lurkey *et al* that the sky is indeed falling on their heads. (*Laughter*) Chicken Little's reaction was moderate compared to the response of the Policy Council. I believe in years to come the Policy Council's response will be used as an example of shroud-waving *par excellence*.

4190 It also speaks of ostrich-type behaviour. (*Laughter*) In the wake of the implementation of SAP, the Policy Council do not even support the proposal of proper Service Level Agreements between Departments. I am not sure that even the Policy Council can now support that position, as we have finally seen an acceptance of the erroneous implementation of SAP.

4195 But at what point do the Policy Council think it necessary to have strong Service Level Agreements without partner organisations but no need between Government Departments? Blame festers within various Departments and resentments, as to declining services, grows daily. The implementation was rushed through on what was a corporate initiative without proper checks and balances. Concerns raised by Chief Officers and those working for them were dismissed in favour of a corporate initiative. The balance has been lost.

4200 The response also talks a lot of unsubstantiated bluster; one-line statements such as, 'raise a number of significant legal issues' or 'have major costs and resource implications' and 'Departments could turn away from the overall objectives of Government'. On what evidence? There is none; no evidence presented to substantiate these claims. It is unsurprising that a statement written by the very people whose authority the Requête seeks to curtail would react so forcefully; but it is surprising that it is so devoid of evidence to support its spurious claims.

Needless to say, the Policy Council's response is ill-considered and needs amending in the same way as most of their recent reports.

4210 I would like to thank Her Majesty's Comptroller for her time in a meeting that we had to discuss the Requête and those fears attributed to her in the Policy Council's response. Having discussed matters, it became clear that Departments may need to be reminded of the sovereignty of this Assembly. Authority to line-managed Chief Officers is not an authority to damage States objectives. We must all abide by the will of this Assembly; those of us who voted against the FTP must work to deliver on the savings; those who voted against the States Strategic Plan must work 4215 within its confines; and indeed the Department that recently spoke against an amendment on its own report will now have to deliver on that amendment.

The Policy Council also make reference to the implications on the Code of Conduct for Members of the States. It is interesting how Rules are clung to at a Member's convenience; they of course can be amended. I would expect the current Policy Council to know this better than most. 4220 Regardless of this oddity, the premise is once again erroneous. New Zealand operate a Government where Civil Servants are appointed by Ministers but its values incorporate impartiality and this is not a lone example.

Most of the rest of the Policy Council's response can be rebuffed with the simple response, 'read the Requête again but this time with care'. It clearly states that Chief Officers must operate 4225 within the Rules of the States of Guernsey. Chief Officers, as is incumbent on us all, must abide by the resolutions of this Assembly. Could I also suggest that the morning of the debate is a little on the late side to start a PR initiative on behalf of the ELT.

The report by the UK Cabinet Office that I mentioned earlier was met with reservation by the UK Civil Service and the Cabinet Office Minister's response was as follows:

4230

'What else needs to change? There is too often a bias to inertia. There is little incentive to try new things. Any change is endlessly scrutinised and analysed for risk and benefit, while there's little downside to presiding over an inefficient status quo. Too often people feel "if I try and change it, and it goes wrong, it can wreck my career".

4235 This bias to inertia, against innovation, is hugely frustrating for those who do want change. They can become hugely disillusioned.

[...]

Good ministers want bright knowledgeable officials who will give the most brutally candid advice. Who will in that slightly annoying phrase "speak truth unto power".'

4240 Before any individual takes sufficient offence to my quote of the Conservative Minister as to go running off to the Labour Party Conference, the report received the broad support of all parties in the UK. If the UK, whose ministerial and party system gives far less authority to civil servants, seeks to regain authority, why do we think our position different? Authority should rest here, amongst us as 47 elected and accountable Members of this Assembly.

4245 In some measures, we already undertake some of the Requête's proposals, but in an unstructured and sporadic manner. SACC, in its pursuit of a Principal Officer, were left to their own devices by lack of interest but the Deputies that made the appointment now have no authority to line manage and performance manage that individual. T&R had a restructure following the resignation of that Department's Chief Officer. And I must register my surprise as to a particular 4250 meeting at HSSD where I was advised that the Chief Officer had departed. In what way can I be held responsible if my will and the majority of the Department's Members are ignored due to a diktat from a Chief Executive that happened earlier this year?

4255 Discussing this matter without naming and involving individuals is not easy done, but I would implore all Members to do so. The current structure, or lack thereof, is what I disagree with and is the thrust of this debate; not to enter into the mire of personal attacks on those who have no right of reply here.

I will close my speech with the following: in April last year, during the hustings of St Peter Port North, we were asked clearly what would we do as Deputies to overcome the incompetency of the Civil Service? My answer was emphatic: 'I am unsure if we have incompetent civil servants or incompetent Deputies and I am therefore unwilling to cast judgement.'

4260 I now realise that the question was born of a frustration as to the true accountability of the Deputies, once elected. That question remains unanswered. I cannot in good conscience state that I feel fully accountable for the actions taken by Government. The balance of authority is currently weighted heavily in favour of the unelected bureaucracy and a few Ministers, which in, and of, 4265 itself may not be the wrong answer, but it is most definitely not the right answer when considering our system of Government.

This Requête offers a means of redressing the balance; of placing responsibility squarely on our shoulders; of reforming the bureaucracy in favour of clear and unambiguous lines of accountability that come to a head here. The question that I pose to you today is, 'Are you willing

4270 to take on responsibility? Or is it too convenient to put aside over the current inefficient, incompatible *status quo*?

Thank you.

4275 **The Bailiff:** Members, I remind you that the order of speeches now is determined by Rule 17 of the Rules of Procedure. I will call next the Chief Minister and then each of the Ministers and a Chairman, in one case, of a Committee who have been consulted. I will call them in the order in which their letters appear in the Billet.

So, next the Chief Minister.

4280 **The Chief Minister (Deputy Harwood):** Mr Bailiff, thank you.

Members of the States, in response to Deputy Bebb's rhetoric – and I do congratulate him on his naked rhetoric in this instance – I would say this: the objections that have been laid out by Policy Council and by other Committees, which are set out in the Billet, are directed to the actual wording and the impact of the proposals which are set out in Deputy Bebb's Requête.

4285 The whole essence of the Requête is not to create or to re-establish sovereignty within this Assembly; it is to create effectively – and this is the inevitable consequence of the proposals if this Requête goes through – a whole diversification within our Civil Service. You will create not one Civil Service, but you will create 10 Civil Services; each Department having its own separate Civil Service, its own appointment, its own recruitment, its own employment. That may be all you
4290 desire but how many of the Members of this Assembly, when they submitted themselves for election last year, contained in their manifesto an obligation to create a more joined-up, co-ordinated system of Government? The whole essence, the whole thrust, the whole ethos of this Requête is totally opposed to that theme; so any of you Members who put yourselves on the hook – putting words to that effect in your mandate... that you wanted co-ordinated, joined up, efficient
4295 Government – you must reject this Requête. It is totally opposite, it is totally opposed to what you may have said to your electorate.

Sir, also the Deputy Requête has said the comments from Policy Council are ill-considered, that the comments of Policy Council... Sorry, Deputy Bebb, I do apologise. (*Laughter*) Deputy Bebb has accused Policy Council of being ill-considered, over-reactionary. But, as Deputy Bebb
4300 has himself said, what he is proposing here is not just a new system of bureaucracy, a new system of Civil Service. He is not even asking us to go back 20 years, 30 years, 40 years; he is actually asking us to go back to a situation where the Civil Service has never been *in situ*. He is asking to go back to a totally devolved method of Civil Service. If we want to have human resources, risk management, accountancy, finance replicated across 10 different Departments, then so be it; that
4305 will be the impact of Deputy Bebb's Requête.

Deputy Bebb has himself, I think, shied away from one phrase, which is important in this context, and that is the C word we should never utter; the word 'corporate'. Deputy Bebb also suggests that corporate is somehow linked to centrist, and in this regard he perhaps portrays there is some sort of coven, some practice of black art that goes on on top of Sir Charles Frossard House
4310 on the roof – I have not seen it. The reason I asked the Deputy Chief Executive to circulate the note about the ELT, the Executive Leadership Team, was precisely to try to dispel some of the myths, the mythology that has grown up over the years. I have to say – and I share this view with Deputy Gavin St Pier, in relation to his amendment – the phrase 'Executive Leadership Team' is perhaps inappropriate. It has the three words which are perhaps the most red rag to a bull as far as States Members are concerned – firstly 'executive', secondly 'leadership' and thirdly, the concept of a 'team'. (*Laughter*) But, whatever the name, it is there. In the paper that has been circulated we have tried to explain exactly what it does and more precisely what it does not do, in a hope to disabuse the mythology.

Sir, in the response from the Policy Council in the Billet, we have referred to a number of
4320 issues that will flow as a consequence of the approval of the Bebb Requête; not least of those are legal issues. Who will then become the employer of the Civil Service? As I have already said, the natural consequence of the proposals in the Bebb Requête are that each Department will become an employer; each Department will therefore have to be staffed up with human resources; each Department will have to then consider the terms of the contracts of employment with States
4325 Members. I think it is one issue that Deputy Bebb has not addressed but which will be a consequence.

Will that happen overnight? Even if this Requête is approved – and I am not asking you to do so – the Policy Council is going to have to drop everything else it is doing; its executive is then going to have to consider bringing back a whole load of reports to deal with the implantation of
4330 the consequences of this Requête. Those consequences of the implementation are spelt out in the

comments we have made to the report. It is naïve for Deputy Bebb to suggest that he can just ignore those; we do have to take cognisance of them; we cannot ignore them.

4335 Even if the Requête is approved, nothing will happen overnight. It is naïve to say that the next day Chief Officers of all the Departments are going to start hiring and firing; are going to start negotiating new salary deals for their staff and so on. There will be a considerable amount of work, consultation and contractual negotiations, where with our own people because of the current nature of their employment or with suppliers of our major corporate initiatives. We will need to produce one or more report to the States to gain authority to embed the new arrangements in our organisation. Not least, as a consequence of the Requête, this Assembly will need to consider
4340 fundamental amendments to the mandates, certainly of Policy Council, and consequent changes to the mandates of other Departments.

Sir, I think at this stage that is all I wish to say. The Policy Council was unanimous in its comments on the Bebb Requête. For the reasons I have stated, I would urge strongly all Members of this Assembly to vote against the Requête.

4345 Thank you, sir.

The Bailiff: Deputy St Pier, the Minister of the Treasury and Resources Department.

Deputy St Pier: Thank you, sir.

4350 Just to be clear, I am speaking as the Minister of Treasury and Resources, in relation to Treasury and Resources' comment on this, which reflects the views of the Board at the end of May, which I think may have preceded Deputy Adams' appointment to the Department.

Our view is that this simply echoes the comments of the Chief Minister that the implementation of this Requête in its current form would effectively lead to devolved Government amongst the 10 Departments, and that represents a significant challenge to Treasury and Resources' current mandate, which is set out on pages 1331 and 1332 of your Billets.
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I do not intend to repeat what is before you, but it does appear that the Requête would, in essence, offer Chief Officers the freedom to opt in and out of corporate initiatives and services, perhaps at the direction of the five political Members of the Board. In particular, Departments would be able to perhaps develop their own policies and procedures in the corporate areas which are within Treasury and Resources' current mandate, whether that is finance, procurement, property, IT...
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Of particular concern to me, and I would suggest to this entire Assembly following the fraud last year, following PAC's report earlier this year, also the question of risk, which sits within the Treasury mandate at present. It would be entirely inappropriate for Departments, in my view, to be taking their own view on some of these issues; it would be deeply inefficient and ineffective and will cost the States dearly, I would suggest.
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The final comment, sir, is in relation to Rule 15(2) and the Department is concerned the cost implications of implementing this would be significant. It is not possible to accurately quantify those, but undoubtedly it does represent a significant change in our system of Government if implemented as currently set out.
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Those are the concerns of the Treasury and Resources Department, sir.

The Bailiff: The next person to add their comment is the Chairman of the States Review Committee, but I see the letter in the Billet is signed by the Vice-Chairman, which intimates that Deputy Fallaize will speak, if there is to be a speech.
4375

Deputy Fallaize: No, there is not, sir. The Committee has nothing to add to what is in the Billet.
4380

The Bailiff: Thank you very much.
Minister for the Environment Department, Deputy Domaille?

Deputy Domaille: Thank you, sir.
4385 I have nothing to add to the letter that is appended.

The Bailiff: The Minister of the Housing Department?

Deputy David Jones: I have nothing to add to the letter of comment.
4390

The Bailiff: The Culture and Leisure Minister?

Deputy O'Hara: Likewise, sir.

4395 **The Bailiff:** Thank you.
The Education Minister?

Deputy Sillars: The same, sir.

4400 **The Bailiff:** The Health and Social Services Minister?

Deputy Dorey: Likewise, sir.

4405 **The Bailiff:** It will be the Deputy Minister of the Commerce and Employment Department, in the absence of Deputy Stewart. Deputy Brouard...

Deputy Brouard: Likewise, sir.

4410 **The Bailiff:** Thank you very much.
In that case, I think we move next then to the amendment that has been circulated; the amendment that has been proposed by Deputy St Pier and seconded by Deputy Fallaize.
Deputy St Pier.

Amendment:

4415 *To delete Propositions 1 to 6 and substitute therefor:*
"1. To confirm that chief officers are, inter alia, responsible for implementing policy formulated by the committees which they are appointed to serve, but that, when making policy decisions, committees of the States are subject always to the primacy of direction by the States acting by Resolution.

4420 "2. To confirm that the Chief Executive is responsible for the line management of chief officers.

"3. To approve of the Chief Executive, when appraising a chief officer, continuing to afford an opportunity to the chairman of the committee concerned to advise as to its members' views.

4425 "4. To confirm that the Chief Executive is, inter alia, responsible for structuring and organising the civil service and this should be discharged in accordance with all relevant Resolutions of the States.

"5. To direct the Policy Council to take into account the prevailing view of the States is that the 'Executive Leadership Team' should be renamed the 'Chief Executive's Management Team'.

4430 "6. To direct that, where appropriate, there should be internal Service Level Agreements within the States of Guernsey, including in respect of services provided by the Shared Transaction Service Centre ("the Hub"), in order to provide for clear definition of responsibilities and clear lines of accountability.

4435 "7. To direct that when the States Review Committee reports to the States it shall make proposals designed to ensure that the structure of the civil service and titles of officers (such as "Chief Executive" or "States Supervisor") are consistent with the organisation of States affairs which the Committee will recommend be adopted with effect from 2016."

Deputy St Pier: Thank you, sir

4440 Again, if I could begin by thanking my seconder, Deputy Fallaize, with whom I have worked closely on this amendment in the last few weeks. I would also like to thank all those who have formally indicated their support for this amendment.

4445 In preparing this, and considering what the options were with this Requête, I had many Members and others say to me, 'Look, the Propositions are just so ludicrous that you should not be seeking to amend this; this will just give credibility and oxygen to an issue and to Propositions which simply do not deserve them.' It has also been articulated to me that, if the amendment is passed then in a sense the petition and the resolutions may be inconsistent.

4450 I cannot really speak much further about the amendment without just addressing some of the contents of the petition and the Propositions as they stand. I will not go through all my comments, but... and I do also reserve my right to speak in general debate, should my amendment be defeated, sir.

The first four paragraphs are an interesting history lesson, but they do stop 160 years ago, and of course there have been significant Civil Service reforms around the world which focus on

leadership, performance and good governance and accountability and so on. So I am not sure that takes us very far.

4455 Paragraph 5 says the Civil Service in Guernsey provides the people of Guernsey with a number of socially important services. I am not sure I can agree with that; I think it is inaccurate. The States Departments are mandated by this Assembly to provide the essential services, and that is discharged by a wide group of people of public service employees, so many of whom are not civil servants.

4460 Paragraph 6 deals with the Executive Leadership Team. I think the note which was circulated earlier today addresses that and there is little further that I would wish to add to that. In his opening comments, Deputy Bebb referred to centrality; we then have the centrist corporate view in paragraph 11; something else being centrally driven in paragraph 12. There is certainly a theme around the word 'centre' but I am not sure that there is any evidence really in relation to this centrist, corporate view that is articulated in paragraph 11. The centrally-driven initiatives in paragraph 12... many of those of course have been driven by this Assembly, for example the FTP Programme itself, which cuts across all Departments.

4470 We then turn to the current Propositions. Paragraph 17, that Chief Officers should be allowed the freedom to run their operations, including the ability to employ or dismiss civil servants reporting to them. This is totally impractical in my view, sir. The resources required to permit this simply do not exist and I am not sure, as has been articulated, that the Law Officers' view is that the Chief Officers currently have the legal powers to themselves have the capacity to enter into contracts of that nature.

Then in paragraph 18, we have that:

4475

'To direct that all matters of the Chief Officer's employment, such as appraisals and performance reviews, should be between the political board.'

4480 I cannot imagine how Chief Officers would wish to be appraised by the five Members of the political Board and have their objectives set by those five... I mean this is a fluid body; as we know Boards come and go and change. How can we possibly properly assess and performance review Chief Officers with a body which is changing? It would totally undermine the long-established concept of an independent Civil Service; it would become a politicised Civil Service and, effectively, Chief Officers would become political appointees doing entirely the bidding of the politicians on the Board of the day.

4485 So, sir, why then am I bringing this amendment and what is it seeking to do? The argument that the Propositions are so ludicrous and therefore should not go further, I think ignores the political environment and the political reality, which gave rise to this Requête, which has not been brought lightly by the signatories to it. I think it cannot be dismissed lightly, and this is intended to be a serious response to the concerns expressed by the *requérants*, in bringing this amendment. Many of whom wish these issues to be discussed. This amendment, sir, is intended to be, I guess, a healing amendment. I hope it will foreshorten debate. I hope it will enable us to... a majority quite quickly to swing behind this and recognise that what it is seeking to do is to, in one place, clearly articulate – particularly in paragraphs 1 to 4 of the amendment– what many either think is or believe ought to be the current relationship between the Civil Service and the political body.

4495 The Chief Minister has kindly already referred to paragraph 5 and the suggested renaming of the Executive Leadership Team to the Chief Executive Management Team, which is reflective of its role, as is set out in the note distributed earlier; it is simply those who are assisting the Chief Executive in his role.

4500 Proposition 6 is a slightly more pragmatic version of what appears in the original Requête. In particular, I draw your attention to the fact that it says:

'To direct that, where appropriate...'

4505 I think the original wording was too broad; it implied that all services between Departments should be subject to Service Level Agreements. I am not sure that... we could quite quickly get gummed up with every single service between Departments being subject to Service Level Agreements. So, I think it is pragmatic to insert provision that it should be 'where appropriate' and that due consideration is given to that.

4510 It is entirely appropriate to draw specifically attention to the hub – which is something of course which my Department is responsible – and it is entirely appropriate that there should be Service Level Agreements between the Hub and other Departments. I say that, of course, because an agreement imposes mutual obligations, which is very important to the efficient operation of the services, so I am very much in favour of that.

4515 Proposed Proposition 7: I think it is quite clearly the intention of the States Review Committee to have due regard to the structure of the Civil Service, as it engages in its work and in the proposals that it will submit to the Assembly in due course. But I see absolutely no harm whatsoever in belt and braces, and incorporating this direction in taking opportunity of this Requête to incorporate this direction in this format.

4520 There are many, sir, who would say that it is inappropriate to be meddling at this level of detail with the amendment and the propositions which appear here. But I do think... I reiterate, I do think that it is useful to encapsulate the principles in one place.

Sir, I am conscious of the time so I will close by just encouraging all Members to support this amendment.

4525

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

Deputy Fallaize: Yes, I second and reserve my right to speak later, sir.

4530 **The Bailiff:** Thank you. It has just turned 5.30 p.m. I propose that we rise and resume tomorrow morning at 9.30 a.m.

The Assembly adjourned at 5.31 p.m.