



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Wednesday, 10th December 2014

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Present:

Sir Richard J. Collas, Kt, Bailiff and Presiding Officer

Law Officers

H. E. Roberts Esq., Q.C. (H.M. Procureur)

People's Deputies

St. Peter Port South

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

St. Peter Port North

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

St. Sampson

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

The Vale

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

The Castel

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

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 and R. N. Harvey

The Clerk to the States of Deliberation

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

Absent at the Evocation

Miss M. M. E. Pullum, Q.C. (H.M. Comptroller);
Deputy M. J. Storey, (*indisposé*)

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States of Deliberation

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

[THE BAILIFF *in the Chair*]

PRAYERS

The Greffier

EVOCATION

CONVOCATION

The Greffier: To the Members of the States of the Island of Guernsey, I hereby give notice that a meeting of the States of Deliberation will be held at the Royal Court House on Wednesday, 10th December 2014 at 9.30 a.m. to consider the Items contained in Billets d'État XXVI, XXX, and XXXI which have been submitted for debate.

5

The Bailiff: Members, I have just had a message asking if, in the Christmas spirit, Members may be allowed to remove their jackets. I did not know that removing jackets was part of the Christmas spirit, but I have no mind to be a scrooge at Christmas time. Those who wish to may.

STATEMENT

The Parochial Church Property (Guernsey) Law – Statement by the Chairman of the Parochial Ecclesiastical Rates Review Committee

10 **The Bailiff:** The first Item of business is a Statement to be delivered by the Chairman of the Parochial Ecclesiastical Rates Review Committee, Deputy Gollop.

Deputy Gollop: Thank you, sir.

15 In connection with a written question put in 2013 last year by Deputy Matt Fallaize to the Parochial Ecclesiastical Rates Review Committee, I made a statement to the February 2014 meeting of the States. This provided information as to the fulfilment of PERRC – or its full name, the Parochial Ecclesiastical Rates Review Committee – of a States' Resolution made some two years earlier directing the preparation of legislation. It is now appropriate to update that statement and report further progress.

20 I am pleased to tell Members of the States that a Projet de Loi, as prepared by PERRC and entitled 'The Parochial Church Property (Guernsey) Law', is tabled for consideration at the next meeting of the Legislation Select Committee, scheduled for the 15th of this month – next Monday. My Committee intends that the Projet then be brought before the February meeting of this Assembly.

25 Of necessity, it has been a long process to create the proposed legislation. There has been a good deal of legal advice, for which my Committee is grateful to St James Chambers and, of course, HM Procureur. We have consulted widely, not only with the Deanery, as we were requested to do, but also with the 10 Parish Douzaines. PERRC has fulfilled its mandate and the proposed legislation will reflect and implement the States' Resolutions.

I have, in my hand here, a copy of the legislation that has been drafted, complete with references to management boards and glebe lands.

30 **The Bailiff:** Are there any questions for the Chairman?
Deputy Perrot and then Deputy Le Pelley.

Deputy Perrot: Thank you, sir.

The PERRC proposals will deal with the vesting and potential sale of rectories, but not with what happens to rental income from leased out rectories. Will the Committee be prepared to recommend to the States the activation of the Rectories (Maintenance and Use in Cases of Plurality) Law, 1993 and the Ordinance made thereunder, which deal with the sharing of income and if not, why not?

I ask the question, given the present inequity between the parishes of St Saviour, the Forest, St Pier du Bois and Torteval.

The Bailiff: Deputy Gollop.

Deputy Gollop: Thanking Deputy Perrot and yourself, sir.

I am, in a sense, the last surviving Member of the original PERRC Committee, although Deputy Lowe has served for many years as Chairman. The Committee was originally formed, I believe, in June 2005 under the chairmanship of Deputy Di Lewis and went through many different manifestations and ideas. And during that period, of course, we have seen more pluralities come into being.

The question pertaining to the 1993 Law was not within our original mandate. Our original mandate was clear on focusing on the ratepayers' demands to pay for the upkeep of rectories and churches and for alternative funds for the Church. It did not even stretch as far really as, for example, the Ecclesiastical court issue.

Now, the issue that Deputy Perrot refers to has been dealt with in the past and I will take back to the Committee the idea that he has expressed. I am personally sympathetic to it because I can see that one parish there is placed in a difficult position in relation to three other parishes. But the Committee and myself did not see it my role to mediate between the parishes or to be seen as partisan.

I do suspect that the answer to the question that the Deputy is looking for is that it is up to a States' Member or the parish itself to put a formal request to the Policy Council for the implementation of this Law.

I wonder if H.M. Procureur could assist further on the specifics?

The Procureur: No, sir.

When Deputy Gollop actually got to the question I thought his answer was absolutely correct.

The Bailiff: Deputy Le Pelley.

Deputy Le Pelley: Thank you, sir.

As some Members may be aware, I am a Junior Constable at St Sampson's, as well as a Deputy for that same district. I attended an Island Constables meeting on 1st December where this PERRC report was actually discussed. A considerable number of Island Constables reported, sir that they were not happy with the consultation process to date and would request – and had requested and had denied to them – further meetings.

I am just wondering if the Chairman of PERRC could actually state whether those meetings could possibly be held so that further discussions could take place?

Thank you, sir.

The Bailiff: Deputy Gollop.

Deputy Gollop: Thanking Deputy Le Pelley.

We have considered, over the past year, meeting again with the Douzaines and parish representatives. It should be pointed out parochial representatives met the Committee at many stages in the early... We have had 65 meetings since we formed as a Committee – which has to be a kind of record, I think, for this kind of body. The reality is our process was simple: the Resolutions of the States were to be implemented by this Assembly and we are instructed to accurately oversee and draft the Law. This is not a stage for a further report, unless the States will it.

We have to assume that the States are collectively happy with the Resolutions that were passed in February 2012 and therefore further dialogue with the parishes might not be helpful.

We *have* consulted with the parishes with copies of the legislation. We *have* amended and changed many of the particulars where a situation has arisen. We *are* aware that all 10 parishes have slightly different concerns and different historical issues.

I personally regret that the Constables are unhappy, but maybe they have not fully, in some cases, understood the Law, and the time for further deliberation will be in the new year, in January, when hopefully this Law will be published for everybody in the community to read and consider.

I also would add as an afterthought that the parishes are of different mind, with different Constables and Douzaines having different points of view. And, of course, we were obliged to consult with the Church of England as well, whose perspective is somewhat different in a few material regards.

95

The Bailiff: Deputy O'Hara.

Deputy O'Hara: Thank you, sir.

100 Would the Chairman recognise that correspondence has taken place between myself, as Chairman of the Douzaine Liaison Group... and that the Douzaines have some final issues, which they wish to discuss? Would he be prepared to meet with the DLG urgently to just discuss the matter further?

I would like to bring it to Members' attention that copies of the draft report were presented to the Douzaines at the recent DLG meeting but they expected – *seriously* expected – that there would be a further meeting just to discuss some final issues.

105

Thank you.

The Bailiff: Deputy Gollop.

110 **Deputy Gollop:** As a person, I would be willing to meet with the Group. I would, however, have to ensure that the Committee was supportive of that, or maybe the whole Committee should meet. And I could not guarantee to be representative of a majority of the Committee. We act as a team, we work together, the five or us are united and have been united. We have considered our task in very legalistic terms of implementing the Resolutions of the States and not allowing us to be distracted by material considerations or extra points of view.

115 We have also considered the situation regarding one or two parishes where they may have concerns about the legislation and we personally might be open to support an amendment, if it is well-considered and well-placed. I do also urge all Deputies present that if they have a substantial body of opinion that requires a different case to be made, to consider their options of placing an amendment when the legislation comes before the States. I think that is the correct time to consider it.

120

The Bailiff: Deputy Bebb.

Deputy Bebb: Thank you, Monsieur Le Bailli.

125 Could I ask the Chairman of PERRC... Members will be fully aware from the Statement that this process has been fairly long in coming to a conclusion, shall I put it that way? I think that it pre-dates the previous Dean's instalment here in Guernsey and he was resident for, I believe, nearly 11 years.

Given that the Chairman also specified quite clearly that there has been extensive legal opinion given in relation to this matter, I am concerned as to the amount of money that has been spent by the States pursuing this. Could I ask whether the Chairman would be willing to take it back to his Committee and request at the time of the debate it is divulged as to an approximation as to the cost of what the whole process has been?

130

Deputy Gollop: Sir, I would be happy if somebody else made that calculation, but I do not think it is my role to give such a commitment.

135 We have, of course, been advised by two of H.M. Procureurs, various other senior lawyers from St James Chambers, a variety of civil servants and I remember even the Minister of Treasury & Resources on one occasion visited us. It is very hard to cost that out in an appropriate way. And, of course, the Government Business Unit and the States' Archivist give us support. They are employed to do other roles and so it is very hard to calculate any sensible notional cost.

140 **The Bailiff:** Can I just remind Members questions are permitted, but only within the context of the Statement that has been made? This Statement was about bringing a Projet de Loi back before the States and there is a danger, I think, that questions are going to go beyond what is permissible.

Deputy Lowe.

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

Would the Chairman agree with me that there has been an awful lot of frustration – and it is expressed to you this morning in this Assembly – where some of the Douzaines, although they were consulted and we have now amended the legislation, still feel rather frustrated. But we are tied by the States' Resolutions and cannot go beyond and therefore if some Members of this States believe they wish to represent the issues that go further than the States' Resolutions, it is for them to either write to Policy Council to ask for a report to come forward or, indeed, to produce a Requête, as we are unable to go further than the States' Resolutions in the first place.

150

The Bailiff: Deputy Gollop.

155 **Deputy Gollop:** Yes, I would agree. I entirely agree with what Deputy Lowe has said.
Meeting the Douzaines' requirements can be a thankless task at times because there are 10 of them. They change every year in composition, and they make different representations over time. And we are ourselves tied to Resolutions that were passed by this Assembly at the end of the previous House in 2012. Occasionally things move on in that time, but it is very much in the hands of the Assembly to raise their
160 concerns rather than berate the Committee for not doing its job.

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.
165 Clearly this review has taken some time. I think it was held up by the reformation. (*Laughter*)
Could Deputy Gollop advise the States, because there has been some suggestion that there might be opportunity for further consultation even within the parameters of the States' Resolutions of 2012... Could he just give the States a bit more... I know he said they were coming back in February with the Projet, but could he give a bit more indication about exactly where they are? What stage of the timeline they are? Is
170 there any opportunity before submission of the legislation for consideration in February for amendment to that legislation between now and the submission of the legislation?
Thank you, sir.

The Bailiff: Deputy Gollop.

175 **Deputy Gollop:** The first point, I would say, in relation to that is the States gave PERRC a particularly difficult task in this Assembly, because when the then Deputy Le Pelley took the report to the States, I remember the Chief Minister of the time put a sursis. It was very nearly successful, and the sursis raised concerns about our constitutional relationship with various bodies, if we should pass legislation that was ill-
180 considered.

The mood of the States was nearly 50/50 on that and there was a viewpoint raised that we had to tread cautiously. Yet the States eventually, virtually unanimously, supported all the Resolutions. But we took away a spirit of understanding from the debate that further consultation was desirable, in order to ensure a degree of Guernsey compromise and consensus.

185 That we have done at enormous length because we are now two and a half years on and we have had several redrafts and gone through several different ideas. In fact, it was precisely the consultation of the parishes over the summer that led us to have various meetings in the autumn to focus more on the Resolutions, rather than trying to resolve other questions such as plurality, for example.

As I explained in my initial statement, here I have – this is a copy – which is unlikely to be substantially
190 changed, of the legislation that is going to the Scrutiny Committee – well, the Legislative Select Committee – headed by Deputy Rob Jones, that in fact two Members of PERRC sit on, but we will have to cross that bridge when we come... but this legislation is more or less in final form. And, assuming it goes through the Committee procedure at the end of this month, it will be published in January, for February debate.

195 There is every possibility that 45 or 47 States' Members *might* sursis it, amend it, request a different report – who knows? I personally consider that to be a waste of time and also it would be in direct contradiction of the States' Resolutions.

So there is a final chance to amend the legislation, but the Committee itself is no longer really in a position to keep on changing our mind. That is the procedure. So it is very much now over to the public, over to the States' Members, to ensure that this passes through the Assembly as efficiently as possible.

200 **The Bailiff:** Deputy De Lisle, and this will be the last question because the 15 minutes allotted are nearly up.

Deputy De Lisle: Sir, would the Chairman agree with me that there was no mention in the States' Resolutions or in the States' Report with reference to pluralities or the Plurality Law?

The Bailiff: Deputy Gollop.

210 **Deputy Gollop:** Yes. This has certainly been an unusual question time – and I have had Members of my own Committee asking me questions – (*Laughter*) but I think that gives a flavour of the intensity of debate that we have had.

The answer to Deputy De Lisle's question is, no, plurality was not part of the 2012 debate or Resolutions.

215 **The Bailiff:** Well, Deputy Gollop, you are now released from answering questions, (*Laughter*) because the 15 minutes have expired and it is now your opportunity to ask a question of the Minister of the Commerce & Employment Department.

Questions for Oral Answer

Old Quarter, St Peter Port – Retail initiatives

Deputy Gollop: Apologies for them. I left mine in the wrong bag, so I will have to remember it.

220 It is a Question to Deputy Stewart, Minister of Commerce & Employment. Is the Department of Commerce & Employment able and willing to give support to Old Quarter, St Peter Port, retail initiatives such as Christmas fairs and other activities designed to stimulate community and retail activity?

The Bailiff: I think that is the gist of the question you had notice of, Deputy Stewart. Deputy Stewart will reply.

225 **Deputy Stewart:** Mr Bailiff.

The C&E Department is mandated to help create a business environment that is conducive for all economic sectors, including retail, and hopefully to help them evolve and hopefully flourish. Success is often dependent on prevailing economic market conditions, behaviours and trends at the time.

230 The C&E Board does not believe it is the role of a Department of the States to play an organisational role or provide tactical front line events of this sort. The Board's view is that this sort of event could very well be organised by the Town Centre Partnership or by a stand alone retail consortia.

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

235 **Deputy Gollop:** Whilst concurring that perhaps politicians or civil servants organising those events might not be a best use of resource, but the Minister's answer implies that the Department might give financial support to a retail consortia or partnership. Is there a possibility, not of providing human resources or organisational resources, but financial budgetary support to other groups doing such initiatives in the future?

240 **The Bailiff:** Deputy Stewart.

Deputy Stewart: Mr Bailiff.

245 Well, we do, of course, grant Culture & Leisure money from our budget, to support events such as Sea Front Sundays and our fantastic floral displays are also supported out of those monies as well. So, in actual fact, we will look at anything if people approach us individually. If they have ideas, we will look at ways of always supporting business and we do work closely with Chamber and other groups.

250 So, although we do not have any particular responsibility to get directly involved in the organisation, if people come to us and want support then we will always look at ways of giving that support, Deputy Gollop.

The Bailiff: Are there any further supplementary questions? No.
That concludes Question Time and we will move on to legislation. Greffier.

Billet d'État XXVI

ORDINANCES

I. The Motor Taxation (First Registration Duty) (Guernsey) Ordinance, 2014 – Sursis carried

Article I.

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled 'The Motor Taxation (First Registration Duty) (Guernsey) Ordinance, 2014', and to direct that the same shall have effect as an Ordinance of the States.

255 **The Greffier:** Billet d'État XXVI, Article I, the Motor Taxation (First Registration Duty) (Guernsey) Ordinance, 2014.

260 **The Bailiff:** I understand that the Minister of the Environment Department, Deputy Burford, wishes to lay a sursis.
Deputy Burford.

Sursis:

To sursis the draft Ordinance entitled 'The Motor Taxation (First Registration Duty) (Guernsey) Ordinance, 2014' (see page 1 of the Brochure) until the January 2015 meeting of the States.

Deputy Burford: Thank you, sir.

265 This sursis has been circulated to Members. It is proposed by me and seconded by Deputy Brehaut, on behalf of the five Members of the Department. It is a very straightforward sursis and I will, of course, restrict my speech to explaining why the Department wishes the legislation to be considered by the States at the January meeting, rather than at this meeting today.

270 The crux of the matter is that we wish to lay a reasonably extensive amendment to the Ordinance and we are asking the States for this extra period of time in order to ensure that the amendment is complete and that it addresses all of the legitimate concerns raised about the Ordinance in the brochure. And also to afford the public and Members of the States a reasonable period of time to reflect on that amendment, rather than just a few days, as would have been the case had we not decided to ask the States for a delay.

It may help the States' resolving upon this sursis if I outline very briefly the kind of amendments we will be proposing in the event that debate is deferred.

275 Following representations from members of the Caravan and Camping Club, and from a couple of other special interest groups who do not routinely circulate their vehicles on Guernsey roads, the amendment will propose some further moderate exemptions.

280 A local car hire company has requested that the full duty, in the minority of cases where it applies, should not be paid up front and then partially rebated, but rather just the discounted portion be charged; and we agree and we will incorporate that into the amendment.

There is also a general feeling amongst both members of the public and some Members of the States that the banding for the width duty might be sensibly adjusted to increase further the range of family-sized cars to be available without any duty, and the amendment will reflect that. Indeed, we envisage that this will mean that there will even be some seven-foot vehicles free of all duty under the amendment.

285 There were also requests to consider having a proportionately lower duty on imported older cars at first registration in Guernsey and we will be proposing this too, with a sensible cut off point to ensure that there remains an element of deterrent to importing old large highly polluting vehicles.

If the States are prepared to support this sursis today, we will ensure that the effects of the amendment once published are widely disseminated, and accurately too.

290 Approaching today, I have been increasingly concerned about the possibility of our embarking upon debate with a great deal of misrepresentation and misunderstanding in our inboxes, in the media and possibly in our minds.

295 I doubt very much that even in his most fevered dreams Winston Churchill had envisaged the effects of social media when he said that a lie gets half way round the world before the truth has had a chance to get its pants on. (*Laughter*)

In those days of printing presses, telegrams and Morse code, it was still a challenge to disseminate the facts. Throw social media into the mix and truth is left at the starting line in the wake of misunderstanding.

It has been published widely that the proposed legislation will affect *all* motorists, adding an average of £2,000 to the cost of a new or imported car. If that were in any way true the duty from cars would be set to raise £8 million net annually. The truth is that, even in its present and un-amended form, it would raise about £2.9 million net from cars each year.

I appreciate there are commercial interests to protect, but this is a nearly three-fold-over statement of the impact of the duty. No wonder some people are up in arms. The misunderstanding does not stop there by any means, but the point is that it would be of great benefit to public understanding and debate if the short delay occasioned by the proposed sursis also allowed time for the truth to catch up.

This sursis does not represent retreat. We do not withdraw from the thrust of our policy, which is to discourage the purchase and, therefore, use of large or polluting vehicles. We do not plan to change, in any significant way, the duty charged on very large vehicles. The disincentives will still be there. It is a fundamental plank of the Transport Strategy to address the issue of big, high emission vehicles on our small roads – and that is precisely what this policy will still do.

The change will not happen overnight. It will take time to feed through. It should have been done sooner but we want to do it as soon as we can.

The sursis does represent reflection and listening to concerns. The amendment we wish to lay in January, if the sursis succeeds, will address the more legitimate concerns raised about the Ordinance in its present form.

The amendment, rather than being rushed, requires proper reflection and scrutiny, including by the Policy Council and T&R and other Members of the States, the public and industry, in order that all parties can make an objective assessment of the modifications we wish to propose.

Deferring consideration of this Article to January does not, of course, stop other Members bringing amendments at that time; indeed, it actively facilitates it. We would ensure that our amendment is published in good time ahead of the amendment deadline.

This sursis represents sensible Government and good governance, and I ask Members to support it.

Thank you.

The Bailiff: Deputy Brehaut, do you formally second the sursis?

Deputy Brehaut: Yes, sir, I would like to second the sursis. Thank you, sir.

The Bailiff: Thank you.

Can I just remind Members of what Rule 13(5) of the Rules of Procedure provides, which is that:

‘When a sursis of a matter has been proposed and seconded...’

– which is where we are –

‘...debate shall be limited strictly to the sursis and no other issues relating to that matter including proposed amendments shall be debated until the sursis has been voted upon.’

I know that is a bit difficult when the Minister has outlined some proposed amendments, but nevertheless the Rules are absolutely clear there is to be no debate about these proposed amendments. The debate this morning is to be limited simply to the sursis, i.e. to the question of whether debate proceeds today or debate is deferred until January.

Having said that, is there anybody who wishes to speak in debate?

Deputy Brouard and then Deputy Stewart.

Deputy Brouard: Thank you, sir.

We have four options this morning: we can pass the Law as drafted by Environment and as agreed by the States back in May – we can do that; we can approve the sursis, which is what is in front of us now; there is an amendment, which if the sursis is lost, myself and Deputy Trott will be placing, which will allow the Environment Department to come back, not only with the new Law but also with an explanation that goes with it; and, finally, we have option four which is we say actually we do not want this at all and tell Environment just basically come back another time, whenever.

So those are our four options available to us today. I think the one question that you have really is: do you want Environment to come back with their new Law, which they say – apparently they say here – is going to be reasonably extensive? They have got one, two, three, four, five, six or seven different lines of amendments and they are going to be doing that over the Christmas period and we are going to be coming

back here. I am assuming the amendments will come out somewhere mid-January, just after the Christmas period – and we will have about two weeks to scabble together to try and see what on earth it is that they are proposing. How on earth can we as States' Members have the time to then check with the motor trade, the finance houses and with our electorate generally? I think that is going to be a very difficult thing to do and, of course, we will not have the story, we will just have the new Law – the new table 1 or table 2 or whatever. We will not have the benefit of any narrative to go with it.

The Minister may well stand up now and say, 'Well, actually we are going to put some narrative with it.' Well, in that case, you might as well do me a proper Billet and we will do it professionally.

Well-played with the sursis. I think a brilliant bit of political play because of course I had to put in my amendment 10 days ago, not knowing exactly what Environment were going to do, because at that stage Environment were coming up with a new table 1 which was going to be watered down. So of course their sursis, if it is approved now, will stop all debate and we will then be debating this back in January again. So well played, because it kicks my amendment or the chance of me being able to place any amendments straight away out of touch.

Now, the sursis, if approved, will allow Environment to return in January with a hotchpotch of proposals and, of course, this will be contrary to the Resolutions back in May.

And Deputy Gollop was, just now, a few moments ago, saying to us that PERRC... and one of the reasons why PERRC is like it is, is because it was following the Resolutions, and I hope... Deputy Gollop, you are on Environment as well, I understand. Deputy Gollop was saying that you have to come back with the Law that matches what was approved by the States.

Deputy Bebb: Point of Correction.

The Bailiff: Deputy Bebb.

Deputy Bebb: Sorry, I believe that actually the Law that will reappear is exactly as the Law is today. The only thing that will be different is if the Department were to lay an amendment, so that there cannot be any other new law. Am I correct in that matter, sir? Because, to my understanding, the Law must be as per the Resolution and therefore it will come, and the only thing that we will have different is an amendment which we may or may not accept at that point in time.

The Bailiff: If the Procureur would like to assist us in this.

The Procureur: I am not quite sure what that is a point of, but if the Department want to come back with amendments which make the legislation inconsistent with prior Resolutions then those inconsistencies will have to be addressed at that time.

The Bailiff: Deputy Brouard.

Deputy Fallaize: Sir, on a point of... Well, perhaps –

The Bailiff: Deputy Fallaize.

Deputy Fallaize: – I am asking a question.

Surely, sir, this is just not what is proposed. The Proposal is to sursis the draft Ordinance entitled... until the January 2015 meeting. Sir, that is the Ordinance that will come back to the States. It will be up to any Member, including Deputy Burford, whether she chooses to lay an amendment, but it will be this particular Article of legislation that is coming back in January, won't it? Isn't that the case, Mr Procureur?

The Procureur: Well, yes. That is right, but what Members seem to be wanting to discuss is what will be the package presented in January by the Environment Department because, in honesty, they have made it perfectly clear that the intention is to propose some amendments. Now, I daresay Deputy Fallaize will have other amendments to propose. That is right.

But I mean the Environment is well advised by certain advocates of this parish and if she feels that the amendments are such that changes need to be proposed to the Resolutions of May 2014, then that is the way in which the amendments will be proposed. So that technical matter will be dealt with.

The Bailiff: Thank you.

Please continue Deputy Brouard.

Deputy Brouard: Thank you, sir.

I think that makes my point... is that if you wanted – and I have touched in my speech somewhere else – but if you want... What was approved back in May is what is on the table today, so the 23 that voted for this, it is there and I hope – I will do it now then – you will be fighting this sursis because you want the table that is already in the drafting here, because that is your option. You vote for the legislation as is as you requested back in May, because they have just literally cut and pasted the proposals they had in May and brought it into the Law now.

So if the 23 of you who wanted this just vote everything out and then vote at the very end in favour of the legislation, I mean you might bring the table down on you but that is your option.

So we are going to be in a position that we are going to be considering this amendment or amendments, which we are told will happen, with very short time period. We were going to have amendments which were going to be... I was advised over 10 days ago that the amendments would be in within a few days. That did not happen. I was still waiting for them. Then suddenly we find that at the very last minute we are going to have a sursis to move the debate on to the end of January, and that gives the Environment then more time to fiddle with the figures because the figures are exactly what they proposed originally in summer, so I am having difficulty with that.

There is no mandate from the States to bring revised figures in January 2015. That has already happened. The mandate from the States is the previous one. Now what Environment should be doing is coming to the States with a new policy that says, ‘Actually, I think we have got it wrong. We need to reconsider how the Transport Strategy works, how it is funded. The goals may stay the same. I think we all live on the Island, we all want to see the best for it, but most of us here approved the overall high level – it is just getting there and I think that is where Environment comes unstuck.

What a strained situation over the last few months. The Environment early in October were getting on with the implementation of the Integrated Transport Strategy and then, as the public came to understand the depth and breadth of the first registration, and that on the back of the misery that paid parking will bring. Then the mood music from the emails from Environment changed – only marginally at first, but I picked it up in a reply to –

The Bailiff: You are straying beyond the sursis, Deputy Brouard.

Deputy Brouard: No, sir. No, no, no, it literally is –

The Bailiff: I do not have the benefit of seeing your speech so I do not know where you are going, but I am worried that you may be straying.

Deputy Perrot: I have! (*Laughter and interjections*)

Deputy Brouard: And I thank you for all the help you gave me in crafting it, sir!

But Environment changed, only marginally at first and I picked it up in a reply that Environment sent to a Mr Haysom on 10th November, and Environment said this:

‘...all this being said, the Environment Department is listening carefully and closely to all representations from individuals and businesses, and will take them into account prior to the debate.’

Now, I am thinking to myself why? We have an Integrated Transport Strategy. I do not think it is any good, but have it we do. And one factor of it is the Law coming back. Now, Environment have done exactly what we asked for in May, and they have come back with table 1. So I was concerned that the Environment were now suddenly in listening mode and it just seemed to be a sort of act of desperation with a policy that is unravelling faster than Auntie Jessie’s jumper, (*Interjection*) and I argued back in May that it was a smorgasbord of ideas. So here we are at the eleventh hour with only days to go and Environment are desperately gauging how bad they can make it but still get it through,

Now, we do not have a second Assembly so when legislation returns for approval, it is our equivalent of a Second Reading, and even more so when new Laws and encumbrances are passed by just a few votes. It is right that we give due scrutiny at that final gateway.

The vote of this new charge back in May was extremely close in the May Assembly and I have got a list here. I will not read out all the people who actually said no in May, but if anyone wants to know how they voted I have it here for them! (*Laughter*)

But now Environment want more time to amend but without a change in policy. So what does the sursis do? Well, it keeps the flawed Integrated Strategy alive and that is about all. The Strategy was flawed well before the May debate, but of course that did not really come out in the May debate. I do not think we did justice to this element in the May debate and gave it the scrutiny it deserves.

A lot of the May debate was taken up with paid parking etc and I do not have any apology for that. I was happy if the May debate carried on for four or five days. We have got to spend the time to get it right.

Sir, when you look then at table 1, back in May, we were then being advised more recently that Environment were going to look at a softer new table 1, but of course it will still carry the same damaged genes from earlier.

I do not think my colleagues realised back in May how draconian and punishing this Strategy was going to be. If this Strategy is integrated and – I challenged then and I challenge now – if you change your Strategy, you need to bring it back to the States. You cannot have it both ways. Either it is an integrated package with table 1 or it is not. And here we are, the green confetti has hardly been swept away; but this marriage of ideals and hope was always going to end on the rocks, when the consultation was poor and understanding was weak.

How many times does Environment need to come to the States with a Strategy? Is this the third or fourth? And they are doomed to fail. We need to get a Strategy that works for Islanders, to get our children to school, to get to work and, yes, we do need to have regard for the environment. We all live here and we all care about the environment. But we do not need to beat ourselves over the head with this new Strategy.

Now, another email from Environment said that Environment were genuinely... the Environment Department are in listening mode, as are our colleagues. Collectively we have approved a Strategy. As to what the ultimate Strategy looks like, will be informed by recent discussions. And it will not be obvious to the current lively community context, I am quite sure. No, it is not. That is not how it works. It is not recent discussions informing strategy. You are looking at recent discussions informing law. If you want to change the Strategy, bring a policy letter to the States. (**A Member:** Hear, hear.)

So Environment cannot be in listening mode and doing amendments on the hoof to legislation. If it is in listening mode to bring policy, fine, bring that Billet. It is poor Government to amend legislation without a credible explanation, other than it is to keep a dying Strategy alive a little longer. It becomes less about principle and visions and more about survival.

Now, Deputy Bebb and myself had an exchange recently, where we were discussing whether or not this was the appropriate time or how much amendment you can make. How much amendment can you make to a Law before it really calls into question the policy? I do not know where that line is. I think it is crossed now, but everybody will have their own opinion on that.

And Deputy Harwood on the Sunday phone-in: ‘We are implementing the States’ Resolution in May’ –

Deputy Perrot: Point of order.

The Bailiff: Deputy Perrot, you have switched the microphone off rather than on.

Deputy Brouard: That is fine, sir! (*Laughter*)

The Bailiff: Deputy Perrot, on a point of order.

Deputy Perrot: I hate to interfere with Deputy Brouard’s well-polished phrases but there is absolutely pages more of this stuff (*Laughter*) and I suggest that this does not deal with the fundamental question of whether or not we should support the sursis. (**Several Members:** Hear, hear.)

The Bailiff: Deputy Brouard.

Deputy Brouard: I think it actually fundamentally does, because what I am... (*Interjection*) The argument I am making out, sir, is that kicking the can down the road to January, and then doing amendments to it, is just not the way that you should be doing Government.

If you want to make changes to the Law you need to bring a policy letter and that is what I am arguing for, sir.

Deputy Harwood on the Sunday phone-in: ‘We are implementing the Resolutions in May.’ Well, you were, but you are not now because you have now changed what was agreed in May –

The Bailiff: I think you are in danger of repeating the same point –

Deputy Brouard: Sorry, sir, just ...

The Bailiff: You have made the point you want to make.

Deputy Brouard: Yes, also, sir, it was in May it was not sold as an aspirational target for 2030. There was no journey of travel. It was not sold as a piecemeal, 'Have this now and then we will ratchet it up.' It was sold as table 1. End of story.

535 I have got quite a few other bits of paper. (*Laughter*)

The Bailiff: Have you any points to make that you have not already made, Deputy Brouard?

Deputy Brouard: I will leave that for the next –

540 If you want to have a bash at doing legislation and policy on the hoof, vote for the sursis and we will have our day in January. Fine. Vote for the sursis if you want to do it on the hoof in January.

If you want Environment to come back with a proper thought out and considered Billet, which does all the things which Environment said that they were going to do... They were going to be talking to people – short delay. 'We are going to be changing this that and the other and give us time for proper reflection.'

545 Well, let's have that proper reflection written down on a piece of paper (**A Member:** Hear, hear.) with a proper thought out and considered Billet addressing all the points.

So, please, I would say vote out the sursis and within five minutes you will have the opportunity to approve an amendment which I and Deputy Trott will place which will call for such a report.

550 The difficulty is, as well, if the sursis is thrown out and we get to the substantive debate, those of you who threw it out completely and I am sure there are some people who will wish to throw the Law out completely... (**A Member:** Hear, hear.) Although that will give Environment a bloody nose, I suppose. In effect, it will not stop them popping up every month with a new piece of legislation, which they will try and get through on the hoof. The only way – *the only way* – that you... The only way that you, Deputy Perrot... – so sorry, through the Chair, sir.

555 Could you ask Deputy Perrot to stop moaning in my ear all the time, sir? (*Laughter*) It is not pleasant at the best of times.

Deputy Perrot: I moan in his waist line at the moment. (*Interjections*)

560 **Deputy Brouard:** Sir, there is argument that if you vote it all out, you will give a stronger message, but it does not give Environment any instruction. They will just turn up month after month with a new table 1 and a table 2 and, 'We will try this and we will try caravans with electricity,' or 'We will try motor traders with something else'.

565 The only one that is a sensible play is to ask Environment to come back with a piece of paper written in a Billet, fully explaining how... because it does not just change this little tiny bit of law. Their Strategy, so they say, was integrated, so it is all linked together. So how does it change the finances? How are the buses going to be funded? How are we going to pay for this, how are we going to pay for that?

So please reject the sursis. Do not do legislation on the hoof.

Thank you, sir.

570

The Bailiff: Next I will call Deputy Stewart, to be followed by Deputy Trott and Deputy Dave Jones and Deputy Lester Queripel.

Deputy Stewart.

575 **Deputy Stewart:** Mr Bailiff, I think first of all I would like to thank the organisers of Enough is Enough and the people that were on the steps, for their exemplary behaviour this morning and the way they conducted themselves. I think it has shown Guernsey in an extremely good light.

Deputy Burford said that they can bring new proposals to this Assembly in January and they could then be subject to proper scrutiny. I would fundamentally disagree with that.

580 What has come out over the past few months – and I think it is not just through social media that people have been engaged... I think when the electorate think we have got it wrong, they always have risen up over the years, whether it is the Jarrow Marches back in Churchill's time or any time, it is not just social media; and I think there is a huge depth of feeling around this and I think we, as elected representatives, need to listen and engage. And to bring something back in January will not give us time to properly engage and understand what the impacts of whatever the new proposals are.

585 We have tried to do a huge amount of work at Commerce & Employment, meeting not only with the motor traders but with insurers, listening to some of the finance houses – even Condor, who bring the cars in to the Island.

590 If there was not this sursis we were going to distribute this document which we have tried, through meetings with the motor traders and other key stake holders, to look at what the economic impact is of this, because motor traders contribute hugely in the variety of employment they bring to this Island – the

associated businesses – so we have all levels of employment, and actually they contribute to the economy more than the fulfilment industry even did in terms of GDP –

595 **The Bailiff:** I think you are in danger of –

Deputy Stewart: I think, sir, so what I am saying is why we should vote against this sursis and vote against the legislation placed in front of us, is that we will not have time, given that this will be done over Christmas and given that these new proposals will be brought back to us in January, we will not have time
600 to conduct a proper economic impact assessment, and meet with not just the main GMTA but the other motor traders with the finance houses, with Condor, with all the other people that have a stake in this hugely important industry for this Island.

 So that is why we should vote against the sursis. We will not have time to do a proper piece of work and for Members to consider it.

605 Thank you, sir.

The Bailiff: Deputy Trott.

Deputy Trott: Sir, I shall be brief, to avoid repetition, but I would ask you and other Members to bear
610 in mind that the Minister, in presenting the sursis, did make reference to issues such as discussions with the Policy Council and the Treasury & Resources Department.

 So the issue is what happens as a consequence of supporting this sursis. Now, it seems to me that the current governance on this policy is bonkers because the policy appears – whether it is or not, it appears to be a shambles.

615 Now, sir, this Assembly is obliged to make proper evidence-based decisions, and Environment themselves have admitted that the current proposals are inadequate, for whatever reason that may be, whether that is in addressing public opinion or because they themselves have spotted faults and errors in it, I know not. But they wish to amend those proposals next month.

 Now, sir, we were told that the Policy Council's view will be sought. Well, will the Policy Council's
620 view be appended to the amendment? We were told that the Treasury & Resources Department's view would be sought. Will the Treasury & Resources Department's view be appended to the amendment? And, sir, will the GMTA's view and other interested parties' views be sought, and will they be appended to the amendment? I am certain the answer to all of those questions must be yes, because the Minister referred to that consultation in her opening remark.

625 So what I am describing to you is a States' report. That is what is required and anyone with any duration in this Assembly will tell you that mistakes are made when we do not follow proper procedure. Deputy Brouard is absolutely right: throw out the sursis, support his amendment. That way you get the report that is proper evidence-based and that way you can make a proper informed decision. (**A Member:** Hear, hear.)

 Thank you.

630

The Bailiff: Deputy Dave Jones.

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

635 To follow on from Deputy Stewart, the people out there are there to remind us who put us here in the first place and I am glad to see the numbers turn out.

 Deputy Brouard, as one of the Members who voted staunchly against this policy, I am going to support the sursis, and the reason for that is because the people – Enough is Enough and other people – who have sent emails and phone calls have asked Environment to rethink this. Now, it would be a little crass, in my
640 view, if you ask a Department to rethink something and then when they say they are prepared to go away and do that, you say we are going to pull the rug from under you.

 Make no mistake, if they come back here in January and they have got it wrong and it does not stand up as a States' report should do or an amended report does, then I will not support it. It is as simple as that. And it has to agree some pretty drastic amendments to get me on board with this whole Strategy.

645 So I am going to support this sursis. I think, as I said – to repeat what I have just said – it is wrong to ask a Department to go away and consult with the public and then, when the public tell them they are unhappy with what is being proposed, to then say, 'Well, we are just going to throw it out anyway.'

 Thank you.

The Bailiff: Deputy Lester Queripel.

650

Deputy Lester Queripel: Thank you, sir.

Sir, to state the obvious, this sursis seeks to delay whilst the Department compiles an amendment to their own Transport Strategy Proposals. And, sir, I say that mainly for the benefit of Deputy Stewart, because Deputy Stewart said in a recent Sunday phone-in, he was not sure we all knew what we were voting for back in April of this year. Well, sir, he may not have known what he was voting for, but I knew *exactly* what I was voting for, because I want to see the whole Transport Strategy thrown out. I wanted to see it thrown out then and I still want to see it thrown out today.

And my approach is as clear today as it was in April and I can see an opportunity here to derail the whole Strategy by first of all voting against this sursis and then voting not to approve the Ordinance for the first registration duty. If we do that today, what we will be doing is removing one of the foundation blocks in the whole Strategy itself.

And if we add to that, sir, the fact that we will be debating Deputy Brouard's Requête in February next year, there seems to me to be a real chance we could get the whole Strategy thrown out altogether. So I ask my colleagues to, please, listen very closely to Deputy Burford when she answers the question I am about to pose, because it relates to the sursis and it relates to the type of amendment that the Department will be laying before us in January, if this sursis succeeds today. Because it could be argued that we need to vote in favour of this sursis, to give the Department the chance to come back to this Assembly with an amendment that addresses all the problems.

The way I see it, sir, is that argument is built on sand because the amendment the Department will lay will not possibly address all of the problems. The reason I say that, sir, is because the Department do not seem to be able to recognise what those problems are.

Now, I voted against the Strategy on the grounds that I think it is completely unrealistic and totally idealistic. And also not only does it discriminate against the motorist, but it discriminates against people who need to park their cars on the piers whilst they go to work in our Town –

The Bailiff: You are straying beyond the sursis. (*Interjections*)

Deputy Lester Queripel: Sir, I accept your ruling.

My questions to Deputy Burford, sir, are as follows. Will voting in favour of this sursis result in the Department laying amendments that seek to dispense with our oversized buses and seek to purchase a whole new fleet of mini buses to go down the lanes to pick up the thousands of Islanders who live down those lanes? (*Interjections*) Will voting in favour of this sursis –? (*Interjections*) Sir, it is asking a question on the sursis. (*Interjections*)

The Bailiff: No, it is not.

Deputy Lester Queripel: Sir, it is relating to the sursis, surely?

The Bailiff: The sursis is about whether we go ahead today or delay to January. (*Laughter*) You are raising policy issues and some possible proposed amendments, which is specifically prohibited under Rule 13(5).

Deputy Lester Queripel: Sir, it seems to me this is a bit of a nonsense. How can we vote – (*Laughter and interjections*) Sir, how can we vote for a motion to delay whilst an amendment is compiled, when we do not know what that amendment will consist of.

The Bailiff: That is the idea of having the delay so that people can see what the amendment is. (*Laughter*)

Deputy Lester Queripel: Well, I repeat, sir –

The Bailiff: If the amendment was ready today it might have been laid today.

Deputy Lester Queripel: Sir, I repeat, to me, this is nonsense. It seems to me the only real option I have is to lay a sursis that seeks to sursis the sursis. Am I right there, sir? (**The Bailiff:** No.) (*Interjections and laughter*) I am not sure what questions I can ask now then, sir, because to my mind it all relates to the sursis. Shall I just ask them and let you rule, sir, whether they are permitted or not? (*Laughter*)

The Bailiff: No. I will rule and if they are along the lines of that question you were trying to pose just now I would say they are not permitted, because they are addressing proposed amendments and that is something that is specifically excluded under Rule 13(5) of the Rules of Procedure.

Deputy Trott: Sir, may I –?

715 **Deputy Lester Queripel:** Sir, I give way to Deputy Trott.

Deputy Trott: Is my friend aware, sir, that he can legitimately address any items that were mentioned in the Minister's presentation speech, so he could – he *could* – talk about what sort of consultation will take place and what the potential consequences of that were, because that is legitimate because you ruled it so, sir, by not disallowing it during her opening remarks.

Deputy Lester Queripel: Sir, I thank Deputy Trott for that. But to my mind, sir, I am doing exactly what he said I should be doing because Deputy Burford spoke of an amendment. She spoke about an amendment.

725 **The Bailiff:** But what the Rule says is that after the:

'... matter has been proposed and seconded, debate shall be limited solely to the sursis and no other issues including proposed amendments...'

730 As I read that Rule, it does not prevent the Minister, in opening, making reference to the fact that there may be proposed amendments but debate... I am only interpreting the Rule as it is. If you do not like the Rule you can refer it to the States Assembly and Constitution Committee, but debate after:

'...a matter has been proposed and seconded... shall be limited solely to the sursis and no other issues relating to that matter including proposed amendments...'

735 You might think it is an odd Rule but that is the Rule and I am doing my best to interpret it for the benefit of Members of the Assembly.

Deputy Queripel: Sir, thank you. I appreciate that, sir. Well, in that case I am a bit stumped.

740 **The Bailiff:** I think you have made your point though, Deputy Queripel, as to how you wish Members to vote.

Deputy Queripel: Well, I am not supporting the sursis, but the intention.... Surely the idea of making a speech is to try and get those reasons why I am not supporting it over to my colleagues, sir.

745 **The Bailiff:** Well, I think you have done that Deputy Queripel. I certainly understood! (*Laughter*)

Deputy Queripel: Sir, I will conclude then, and my message to my colleagues who are opposed to the Strategy is please, please, vote against the sursis and vote to not approve the Ordinance because by doing that we will seriously derail the whole Transport Strategy. Thank you, sir.

The Bailiff: Deputy Paint.

755 **Deputy Paint:** Sir and Members of the Assembly, I am sure we stopped at the "... but there we go. It has become much clearer in the last few months that a large proportion of the people of the Island are not in favour of the whole Transport Strategy, or even this part of it, but still Environment persists in pushing through regardless of the adverse effect to the general public and businesses.

760 It is also obvious that the Environment Board are trying to sell this flawed and damaging Strategy to you Deputies by this request for a delay. Tarding it up! But it will still be a wolf in sheep's clothing or, as some would say, a shark dressed up as a mackerel! (*Laughter*)

It is also shame on them that they were so blind to public opinion on this matter until the demonstration on North Beach and, having taken the backlash from the general public, now want to convince you that they need more time to adjust the Strategy to be more acceptable.

765 On 4th December Deputy Burford sent an email to Deputy Al Brouard which was circulated to all Deputies, part of which, in the second paragraph, read:

'...we are not proposing wholesale changes, we are committed to the principle of the width and emissions duty, as an effective way to reduce both the size of emissions and the overall fleet on our roads, over a period of time..'

770 This can only mean that Environment are not prepared to make any significant changes to the Strategy, or prepared to face the reality of living on an Island and, importantly enough, damaging and taking away people's freedoms.

I cannot agree with this delay on this unnecessary, unwelcome width and emission charge legislation, which is just a ploy and, some would say, a confidence trick to gain time (*Interjection*) for the Environment for things to calm down in the public arena.

775 What this delay will do is enable the Environment Department Deputies to, again, try to lobby support amongst some of the more gullible Deputies (*Interjections*) to continue to support them in what they were trying to force on all of us.

780 This delay on this part of the Transport Strategy... If passed today, what we will have is a reduction in costs in the proposals for a time and then amendments and increased charges will no doubt follow a little at a time and eventually we will end up exactly where we are now.

To explain this further, as a Deputy said in the Assembly earlier this year, the car is a cash cow that needs to be milked. You will then have a cash calf which will eventually grow into a cash cow, and we will end up again exactly where we are now.

785 It is a real shame that because of the various taxes included with the emission charges and paid parking, we are fast becoming a society which wants everything as long as somebody else is paying for it. This, in my opinion, will destroy the basic structure of how Guernsey has managed to stay ahead of the rest of the world today. Do not allow this to happen. Vote against this part of the Strategy and the whole Strategy.

Thank you, sir.

790 **The Bailiff:** Thank you. Does anyone else wish to – Deputy Domaille, and Deputy Lowe and Deputy Gillson.

Deputy Domaille: Thank you, sir.

795 I will be brief. I concur with Deputy Trott's comments. I thought they made an outline case, actually, for rejecting this sursis.

I would just simply add that it sounds as if the amended proposals will be very similar to those contained in the Majority Report, which was rejected by the majority of this Assembly. Delay again is just a complete waste of time. Common sense says that Environment should come back with properly thought through integrated changes that still meet the overall need for the Integrated Transport Strategy.

800 Nobody is arguing with the overall aims – or I am not anyway. Please reject the sursis in order that we can ask Environment to come back with some properly thought through evidenced and structured proposals.

Several Members: Hear, hear.

805 **The Bailiff:** Deputy Lowe.

Deputy Lowe: Thank you, sir.

810 Following Deputy Domaille, sir, you are probably going to point out the Rule to me, sir, about repetitive speeches, because Deputy Domaille said virtually what I wanted to say here – that, actually, please go down the route of rejecting the sursis.

815 I am surprised at Deputy Jones, actually who is a long standing Member in this States who would be prepared for legislation to come back by amendment. That is not the way the States operates. If you want to change anything you bring it through the proper channels through an informed and evidence-based report, (**Several Members:** Hear, hear.) and I would hope he would give reflection to that decision to actually support this sursis.

There is a great cry from everybody in this Assembly, and all the Departments, about the resources and how we have got a lack of resources and yet we have got here a position where we are sending a Department back. Now, I am not going to support the sursis and I am not going to support the main legislation either. I did not support it last time and I have no intention of supporting it again.

820 So I am not going to kick the can down the road by just saying let's leave it again and send them away. However, it is right and proper that they come back with a full documented report that would be evidence-based, and not go down the route of legislation by amendment, which is not the way the States have operated before.

825 I would make a plea to States' Members to please reject the sursis and when the amendment comes forward by Deputy Brouard to operate in good governance, which we promote fully in this Assembly, and we go down that route of having an informed report...

The final thing I would say is that I am a little disappointed to hear remarks about States' Members being gullible. (*Interjections*) I just hope the States' Members go down the route of respecting that we have

differing opinions and that does not mean to say we are gullible or did not understand what we were voting for; that we just respect one another's opinion and how we voted on the day and indeed today.

Thank you, sir.

Several Members: Hear, hear.

The Bailiff: Deputy Gillson.

Deputy Gillson: Sir, first, I would like to remind Members that last May I voted against the Minority Report and I also voted against the Proposition relating to width and CO₂ duty, and I do have concerns about the Transport Strategy. However, I do have sympathy with the width tax. Cars are getting wider, but our roads are not getting wider. For instance, the Ford Focus, which replaces the Ford Escort, is 11 inches wider than the Escort, which basically means compared to two Escorts, two Focuses need a road to be nearly two foot wider to pass.

The Bailiff: Is this on the sursis?

Deputy Gillson: Yes, it is explaining my logic and will become clear. So although I do have some sympathy with what is being proposed in the legislation is too aggressive, which is why I did say I was going to propose an amendment. But I am not going to do that because having spoken on many occasions to Deputy Burford. She has convinced me that the way the Department is planning to amend legislation may satisfy my concerns.

So even though I voted against the Majority Report, I am willing to give the Department the benefit of the debate. I am willing to support the sursis so that their revised proposals can be debated.

Now, I have also made it very clear to Deputy Burford that if the sursis is lost I will vote against the legislation, because I think it is too aggressive. But I am willing to support the sursis – support their intention to revert with less aggressive proposals. I may or may not support what they come back with in January, but they have been listening and so supporting the sursis seems to me to be the fair thing to do.

The Bailiff: Deputy Ogier.

Deputy Ogier: There are a few comments I wanted to address very briefly.

Deputy Paint said the majority of Islanders are against this Strategy. (*Interjection*) Well, we have just seen a letter today from one of the Islanders who has said that she has spoken to several people recently who are in favour of the original Strategy and she can only hope they have contacted you – us. She says, 'I fear they have not and that you may be under the illusion that Enough is Enough campaign speak for them but they do not.' So there is a split in society and we just cannot gauge where the balance lays in this – although Environment Department have conducted a consultation, which I am sure the Minister may mention later on.

Deputy Trott says the policy is a shambles but, of course, what we are seeing playing out here is what we have seen played out on a number of occasions before, which is if you want to bring down a States' policy the answer is to create confusion (*Laughter*) and then claim it is a shambles and, where numbers are concerned, it is easy to spread confusion and it is easy to be confused.

Anti-Transport Strategy supporters have often chosen, for example, a normal vehicle that you may wish to purchase, but with a large engine, the specification said if you buy one of these you are going to have to pay emissions tax, but of course the reality is that particular model has a number of variants and there are a few that you can purchase without incurring those charges. But the headline is you cannot buy one of these without paying £1,000, £2,000 or £3,000, where you can buy a number of them without incurring extra costs.

So the truth is many vehicles, which have been singled out, have perfectly appropriate versions to purchase. And this policy is not a shambles but, in light of the comments which have been made, Environment Department wish to make a few adjustments to recommend to this Chamber and I am quite content to give them a month to do that.

A Member: Hear, hear.

The Bailiff: Deputy Le Tocq, the Chief Minister.

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

I completely concur with the arguments that Deputy Gillson just articulated before. The Environment Department is the *primus inter pares* when it comes to matters relating to its mandate, compared to every

890 other Department, Committee and indeed Member of the States. We mandate it to do such and, as such, it should be given... the Board of Environment, the Minister and the Board should be given time to review and to come forward with an amendment that they have not rushed through for this particular occasion, but they have promised that we will be given appropriate time for the January debate.

895 That gives us – *us* – enough time to consider the reasons and the manner in which they wish to make those amendments, and then to vote appropriately at that time. I think we owe it to them because they have listened and they have not rushed through all guns blazing to get this legislation through, but they have listened and continue to do so. In fact, I think they should be commended for having done so in a civil manner, with those who have had alternative views. That is how we should do Government here.

900 So I encourage Members of this Assembly to vote for the sursis and to give Environment the due time and opportunity that they have asked for.

Thank you.

The Bailiff: Deputy Harwood and then Deputy Bebb.

905 **Deputy Harwood:** Thank you, sir.

Not surprisingly, I would urge all Members of the Assembly to support this sursis.

910 It is a very odd situation because as a Department we are damned if we do and we are damned if we don't. We would be accused of steamrolling something through, against the wishes of a large number of people in the Island, including the trading interests as well. On the other hand, we are being damned on the grounds of saying, 'Well, no, we should not allow you a period of time to reflect to take on board comments, which have been – well, some of which have been – well and truly meant.

915 So, sir, the Department finds itself in a difficult situation. Either we say, 'No, we are not going to listen to anybody,' – then we are accused of ignoring the popular will – or we say, 'Yes, we are prepared to listen,' and then we are accused of – 'Well, this is some sort of cynical manoeuvre on the part of the Department.'

920 Sir, the Department is genuinely concerned about the economic impact. We are prepared to listen to the representations that have been made and, certainly, yes, there will be some modifications but the modification will be in the bandings and in the rates, not in the principle. And it was the States that supported the principle of the combined charge of width and the CO₂ charges. Those will still be intact. It is the bandings that we will be talking about – and some exemptions.

So I urge all States' Members on this occasion to support the sursis, to allow the Department to have time to actually listen and evolve well-meaning, well-reasoned, and well-considered proposals for this Assembly.

Thank you, sir.

925

The Bailiff: Deputy Bebb.

Deputy Bebb: Thank you, Mr Bailiff.

930 Members, certain comments have been made today and I would actually like to dispel some of them. We have heard the comments with regard to, 'This is not the way we do legislation,' but we are primarily legislators and we do legislation in accordance with the Rules and, therefore, any suggestion that amendments to legislation is not appropriate – is absolutely unfair, unfounded. Of course, as legislators we should be amending legislation.

935 Another comment that has been made is that it was inappropriate to lay the sursis, but I have to say it is, of course, within the Rules. Everything that has been done is within the Rules and if anyone has any complaint about that I would urge you to contact the States' Assembly & Constitution Committee regarding it. We will reflect upon that.

On this occasion, Members know full well that I am very supportive of the original Transport Strategy, and I have to say that I am a little disappointed in seeing this sursis.

940 I personally – as I am sure it would not be of any surprise to anybody – would be very supportive of the proposals as they stand. However, in all honesty, when a Department asks for a little additional time, I am willing to grant them that time and then when it comes back, if it is not to my liking I am willing to actually vote against any amendment in order to support the original proposals.

945 But to think that we cannot afford an additional month for a Department, and to say that that is insufficient time when, in all honesty, it gives an additional month for reflection, is nonsense.

950 The proposals of the Minority Report have been well known to Members since we passed it. To say that individual items are now only coming to light is unfair. It is not a reflection of the reality. Members, as well as the whole Island, will know what was contained in that Minority Report when it passed, and on this occasion what we are seeing is an additional month's time. I see no harm in it and I would urge Members to simply vote for the sursis so that we can then get on with the substantive business for the rest of the day.

Thank you.

The Bailiff: Deputy Luxon.

955 **Deputy Luxon:** Thank you, Mr Bailiff.

Could I congratulate Deputy Brehaut on his impersonation of a redundant butcher with a blunt knife. Deputy Brouard did not like the Transport Strategy and he advised us that those that had voted for the Strategy early in the year – (**A Member:** Brouard, Brouard!) Sorry.

960 **Deputy Brehaut:** Did you – yes, if it helps I can grow a ‘tache. (*Laughter*)

Deputy Luxon: Deputy Brehaut, I apologise. (*Interjections*) Deputy Brehaut, I apologise, I apologise.

I have completely lost the plot now! (*Laughter*) Deputy Brehaut advised those that had supported the Transport Strategy not to support the sursis, because we would then want to go on and support the Ordinance – (*Interjections*) Oh – can I start again?

Deputy Brouard: Has someone had too much Christmas spirit already?

970 **Deputy Luxon:** I think I may have done. I had a coffee this morning, I apologise – I had a green tea actually! (*Interjections*)

Sir, can I start again.

I would like to congratulate Deputy Brouard (*Cheers and applause*) on his impersonation of a redundant butcher with a blunt knife.

975 He does not like the Transport Strategy, sir, and he advised those of us that had supported the Strategy early this year to not support the sursis and to go on and support the Ordinance. That would completely and utterly disregard the feedback that we have had from many members of this community. We have had a tremendous amount of feedback, and the Environment Department have listened to that feedback and they have assured us that they are going to try and encompass some of those concerns. I absolutely support the sursis. It is the right thing to do.

980

The Bailiff: Deputy Brouard.

Deputy Brouard: Thank you, sir.

985 I think Deputy Luxon misses the point I was making. I do not mind Environment coming back, I just think they should come back with a States’ Billet.

The Bailiff: Deputy Luxon.

990 **Deputy Luxon:** I support this sursis, sir, because it allows us, this Government, and the Environment Department, to listen to the feedback from the people who have not said necessarily that they do not agree with the Transport Strategy but they have some specific concerns.

Thank you, sir.

The Bailiff: Deputy Spruce and then Deputy Fallaize.

995

Deputy Spruce: Thank you, sir.

Members, it is my view that this sursis should be thrown out, as should the Ordinance placed before the Assembly today.

1000 The fact that the Environment Department find it necessary to sursis their own Ordinance is really quite beyond belief. It just shows how ill thought through and overly aggressive this Strategy actually is.

Throughout the Integrated Road Transport Strategy debate, Deputy Burford laboured the point that the Strategy was an Integrated Strategy and should not be picked apart. Well, width taxes for commercial vehicles were removed from the Strategy during the original debate and now we have the Department planning to sursis their own Integrated Strategy.

1005 For me, this is an absolute joke. The only way this Strategy can fund the Department’s proposals is to raise funds from width emission taxes and paid parking. Those are the only sources of revenue raising that they have got available to them. So any move to reduce the impact of the width and emission taxes could only result in other revenue raising measures coming forward, probably later.

1010 Amending the width and emission Ordinance in January will have an impact of this complete Strategy. Surely we need to understand just how the changes will impact on the entire Strategy, not just that particular element.

So, Members, I believe we should throw out the sursis, throw out the Ordinance and support Deputy Brouard's and Trott's amendment. At least that way we will have a report before us from the Environment Department which tells us how the Integrated Road Transport Strategy will be correctly funded and what the impacts are of any changes to the width and emission taxes, because if you have a reduction in income there, you have to raise it somewhere else.

So I think we need the full picture and the best way of achieving that is to support Deputy Brouard's amendment.

Thank you.

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

I do not blame the opponents of the Strategy for trying to get this sursis defeated, because they obviously know that the chances of having the legislation kicked out altogether are high if the sursis is lost.

But to oppose the sursis on the grounds of good governance or good Government is illogical because what the opponents of the sursis are asking for here is that the States, having in May agreed to a Transport Strategy, would kick out the legislation which seeks to give effect to the Transport Strategy; but the Resolutions which the States made in May will still be in existence.

Now, I would agree with those Members who are saying that what is required is a fresh policy letter, if the Environment Department was intending to change their policy but, as far as I understand it, they are not trying to change their policy. The policy is that action should be taken to try to discourage the purchase and the use of especially wide and heavier polluting vehicles. That was the Environment Department's... or it was the policy set out in the Minority Report which the States voted for. As I understand it, it remains the policy of the Environment Department and it remains the policy of the States, because that was the Strategy for which the States voted.

Now, we are at the stage where the Environment Department is trying to find the most sensible way of implementing the policies and the strategies which the States agreed to in May. And they are effectively asking for an extra month to set out amendments to the legislation to try to give effect to the policies for which the States voted in May. Now, to deny them that opportunity seems, to me, illogical.

In response to a point which was made by Deputy Stewart – he said that it would be impossible for the Commerce & Employment Department to carry out the kind of analysis – well, it would be impossible for him to carry out in respect of the amendment – if there is one in January – the kind of analysis which they have been able to carry out for the legislation as it is proposed today, but that makes no sense at all because the Department has been able to carry out that analysis when the legislation was published in the middle of November – well, five or six weeks before the debate – and we still have about seven weeks until the end of January debate.

So as long as the Environment Department publish their amendment in the next two or three weeks, the Commerce & Employment Department would have exactly the same period of time then, as they have had now, to put up their paper against the legislation in December. So I really do not think that we should be voting against the sursis on the basis that we somehow have more information and better analysis available to us today than we would have in January. Actually, if we want to have a rational objective debate about how we give effect to what the States voted for last May, it is plainly better to do it in January than it is to do it today.

Thank you, sir.

Deputy Stewart: Sir, point of correction.

The Bailiff: Deputy Stewart.

Deputy Stewart: I do not think we will have time, sir, because, with the intervening Christmas holidays, then getting round to see all the stakeholders, then putting a document together, then getting it through the C&E Board, after we have also checked the document with the various stakeholders that we have an accurate document, and this piece of work here has taken more than 10 weeks... and I actually showed Deputy Burford an email that I have sent to my office working on this that it was so important that the –

The Bailiff: This is becoming a speech rather than a point of correction.

Deputy Stewart: Well, no. It is important that the States has accurate information.

It will be rushed and we will not be able to get it to States' Members in time for them to ask questions of my Department. So I reject the fact that Deputy Fallaize says we will have time to do a proper impact assessment. We will not, sir.

1075 **The Bailiff:** Deputy Gollop.

1080 **Deputy Gollop:** Sir, Deputy Paint started us off thinking of fishing metaphors and I can hear herring (*Laughter*) but I perhaps might say that, rather than his example of a mackerel, the Strategy legislation is more of a cod or maybe even a brill, that has been exaggerated to the size of a whale, (*Laughter*) because so many points that have been made about it, in reality will not apply – or maybe a dolphin or porpoise, because it has some purpose! (*Laughter*) Actually I do not always want to be gullible because, I am very reluctantly supporting the sursis today.

1085 My instincts are not dissimilar to Deputy Bebb. I think that we, for reasons of unity and common sense, have to support the sursis and it *does* give people like Deputy Stewart the time and it does, as Deputy Fallaize points out, give everybody – including consumers, members of the public, people in industry, as Deputy Queripel pointed out... it gives us the time.

1090 But I have concerns about the funding of the Strategy and holistic integration. We, as a collective Assembly, supported a Strategy, including these policies, and the way in which Members have been tempted to U-turn in recent weeks has been somewhat sad and put the Environment Department in a very difficult position.

1095 Ironically, if the legislation had been put a couple of months earlier we might not be in this situation today. But we are where we are. We are in the middle of a complicated tendering process. We are in the middle of many working groups looking at implementing the Strategy, and the relevance of this to the sursis is, should the sursis not be successful and we have to go and look at other policies – amendment put by Deputies Trott and Brouard, we will be significantly worse off and placed in a most ridiculous position.

 We have to honour our commitments to the Island and to the people, and the most pragmatic way forward, the art of the possible, is to support the sursis. Any other approach risks holding the States up to ridicule as both a U-turning Assembly with no purpose, or porpoise, in mind. (*Laughter*)

1100 And the other side of it – I have been listening to the public – I am aware there are many concerns about this legislation and policy, but I think we should also remember the minorities we represent.

 Deputy Ogier is right – it is very hard to say which side is larger, but there are two sides. But our duty is to disabled people, people who are reliant on the buses, people who are pedestrians; and the Strategy is going to cope with their needs and improve their life and choices.

1105 We should have a balanced view and the best way forward and the atmosphere of today is to give the policies slightly longer consideration – a month or so – and support the sursis.

The Bailiff: Deputy Langlois, then Deputy Brehaut and Deputy Rob Jones.

1110 **Deputy Langlois:** Thank you, sir.

1110 I do not believe that I am gullible. I do not think that I am confused, but I am not so sure about that. (*Interjection*) I am certainly not laden with the volume of notes that Deputy Brouard and Deputy Lester Queripel were, so there is some silver lining there. It is going to be fairly brief.

1115 Sir, I think this debate now revolves around the understanding of two words. One is 'amendment' which is being used in so many different contexts and, forgive me, sir, but I believe incorrectly – not intentionally by Members, but incorrectly – because amendments are made to policy letters and so on. So be careful with that one and I think also the word 'policy'. That is much more obscure because what is one person's policy is another person's implementation strategy and detail. And that is, I think, what we are talking about here today.

1120 What we are actually seeing is the dawning of the reality of what the Strategy actually meant. We had a lively debate, as I remember it. It was passed by a small majority – the Minority Report – and there was a lot of impassioned debate about it. But it may be stopped one layer short – one layer of asphalt short – of where we should have dug to the foundations of detail to know what this would mean in practice.

1125 Now, I have had to make the judgement over the last week or so as to the definition of policy and so on, and whether what I am being told will be changed in the legislation, actually involves enough to constitute a change in policy. And we will disagree on that, because that is an individual judgement call.

1130 I have made the judgement that the mooted changes – and we do not know what they are yet... That is the very important point made earlier. That is what makes this so difficult. But the mooted changes do actually attack the principle of the Strategy and, consequently, I voted against the Minority Report in the past. I have shown that I can quite happily go with small majority decisions by this Assembly because this Assembly is in charge, but I will oppose the sursis on this occasion, because I think we need to then go to the amendment and request a further explanation of precisely what are the principles behind the policies.

The Bailiff: Deputy Brehaut.

Deputy Brehaut: Thank you, sir.

1135 Obviously, I stand to support the sursis.

Let's be clear that there is clearly a mood by some Members of this Assembly to reject the sursis, move on to an amendment and then to dispose of the Strategy.

Now, I sat in this Assembly when Deputy Pat Mellor... No, sorry, I was not sat in this Assembly, I was sat in the Public Gallery when Deputy Pat Mellor was here in 2006 and before. The States approved a
1140 Strategy and then dismembered it, disembowelled it to ensure it could never work. The States agreed a Strategy, agreed paid parking, and then could not agree on an hourly rate. I think it went down to 15p which made it absolutely impractical.

So this sursis is a genuine attempt... because politics does not happen in a vacuum, there is a context for politics. There is the context of this Assembly and there is the politics of the wider community. The
1145 community is saying that they have concerns, whether it is waste water charges, whether it is GST, whether it is width and emissions, the community clearly has a concern. We are obliged to listen to that concern.

Now, I might be a bit perplexed when I hear that people believe – sincerely believe – that the average person will be paying £2,000 on each vehicle purchased. That is not true. That is categorically... if so, we would have £8 million or whatever for our Strategy and wouldn't that be fantastic; but what is clear is we
1150 have not taken the community with us and we need to do that, with a very, very few refinements.

I will give one reason why I would ask you to support this sursis. We hear a lot about the motor trade – and they are a vested interest, they are a lobby group; we do not hear these other voices. There are children – and I have made this point before – in two schools on this Island who will never be independent – never be independent in the real sense. What this Strategy does is ensure that those people can get from their
1155 home to, for example, the place where public transport departs, or we can get a type of vehicle to their house to give them that independence.

If you strip out this sursis, if you disregard the sursis you will be left with an unfunded Transport Strategy again and then what will T&R have to do with us, to implement the Strategy.

Please, Members, respectfully, give us this time because we are listening to the community and I think I
1160 have a sense of the direction we are going with this, so that the policy is intact and that we can take the community with us.

So if you could give me one moment please, sir – because it is relevant –

The Bailiff: I have not given others a moment to stray.

1165

Deputy Brehaut: It is exceptional, please, sir, if you could bear with me? (*Interjections*) Mr Beausire from the motor traders, sir, I understand, lodged a complaint this morning. Having emailed Mr Beausire and spoken to him via email and apologising, he has made it clear that that complaint is withdrawn, sir.

So I thank Members for their time. Thank you.

1170

The Bailiff: Deputy Rob Jones and then Deputy Kuttelwascher.

Deputy Robert Jones: Thank you, sir.

I will be supporting the sursis and I am pleased to see that Deputy Dave Jones is making a strong
1175 challenge for the title of the most sensible Deputy Jones (*Laughter*) in the States at the moment.

I would also agree with a couple of things Deputy Bebb mentioned. We are the law makers and we are doing exactly what we are supposed to do, and we are doing it exactly within the process that we have before us.

I was also a little bit concerned about the Minister for C&E who previously was complaining that the States do not act with fleet of foot. Well, here we are – there is an opportunity for his Department to prove that they can act with fleet of foot and, hopefully, they have enough time to deal with the sursis and its
1180 consequences.

Thank you, sir.

1185 **The Bailiff:** Deputy Kuttelwascher.

Deputy Kuttelwascher: Thank you, sir.

Just a few words on budgets. Members may recall recently we passed a Budget report for 2015 which was described as balanced. However, it is finely balanced and we all know that.

This particular sursis will have an unbalancing effect because one month's revenue will be lost, at least. It will have a further unbalancing effect because I can only presume that some of the charges will be reduced, therefore the original estimates of income will be reduced.
1190

Now that may not be of any great quanta – we do not know – and if Environment could not manage that within their existing budget, one would have to look at the possibility of actually reducing their authorised budget, because it did amount to several million pounds that Treasury & Resources included in their Budget to cover the income from all these various sources.

I referred to the Minority Transport Strategy several times as a Minority Budget Report, but there was a method to madness because they were raising charges, or whatever you want to call them, to a large extent – in fact, almost equal to what we raise from the public throughout the whole of the Budget. Again, it was something like just under £4 million and this was another £4 million. So I am not surprised some members of the public thought enough was enough.

So I am not going to support the sursis. I am happy to support the Brouard/Trott amendment because I think a report will have to come back, (**A Member:** Hear, hear.) because if the funding is not there, as it was before, there will have to be some addressing of that. Do we cut back on the Strategy and the rate at which it is developed, or whatever?

So I think a sursis of itself is unwelcome and I would urge Members to vote against it.
Thank you, sir.

The Bailiff: Does anyone else wish to speak on the sursis? No.
In that case, Deputy Burford will reply to the debate.

Deputy Burford: Thank you, sir.

Okay, I will start with the comments from Deputy Brouard. He suggested that we would only have a fortnight or so for people to consider this. Fortunately, because this December meeting is taking place early in the month and the January meeting is not until the end of January, Environment will undertake to ensure that our amendment is circulated in December, so there will be the entire month of January – at least four weeks – for everyone to consider it and in the whole of January where there is no Christmas or anything.

We have listened to people. I think Deputy Brouard is rather suggesting in his speech that perhaps we should not have been listening to people, but I am afraid I support listening to people. He also said the vote was close. Well, many votes in this Assembly are close and we go with the majority.

The proposals are not draconian. I mean there are places in the world that have pretty draconian things where cars are concerned. In Bermuda large cars are banned and there is one car per household. In Scandinavia you can spend £15,000 or £20,000 on taxes on a car. Those are not the kinds of things we are proposing. We are proposing things that people can avoid if they so wish, by making different choices.

Moving on to Deputy Stewart, I tend to agree with Deputy Fallaize – there is plenty of time, in so far as Commerce & Employment clearly already have a head start. They have got a large document here, which is on Deputy Stewart's desk, which they have chosen not to share with Environment up until now. But clearly if we are just going to be changing the figures in our bandings then they can change the figures in the work that they have already done to reflect that.

Deputy Trott, I can give an undertaking to ensure that any advice or comments that we have from T&R or the Policy Council will be shared and made available in good time, before consideration of any proposed amendments. And of course Deputy Trott would be right that we would have to bring a new policy letter if we were considering changing our policy, but we are absolutely not changing the policy. It remains absolutely the same in terms of this particular legislation, which is to discourage especially large and heavier polluting vehicles.

Deputy Trott: Sir, on a point of something or other. (*Laughter*)

The Bailiff: Are you asking the Minister to give way?

Deputy Trott: That would be most helpful, sir.

The Bailiff: I do not know whether she will. Oh, she is doing so.

Deputy Trott: That is a useful undertaking, sir, and I am sure she would agree with me that what she is proposing is, as I have suggested, looking more and more like a States' report. However, are you intending to also advise States' Members of what the other interested parties' views in this process are, in particular the GMTA?

Deputy Burford: Well, I do not accept that there is a need for another States' report and I am quite sure that the GMTA are also perfectly capable of circulating their views, as they have done widely and frequently ahead of this meeting. But if there is a report coming from Commerce & Employment I am sure that will be in the public domain as well.

I do not really have much to reply to Deputy Queripel. He seems to be advocating a wrecking approach to the Transport Strategy, which I find somewhat disappointing. Previous Transport Strategies – and there have been quite a few – have not really had any significant effect at all. And maybe that is the difference with this Transport Strategy and that is why there is the response to it – because it does actually risk changing things.

Deputy Paint quoted from my email to Deputy Brouard. I stand by the comments in that. He says we are taking away people's freedoms. I think that is somewhat of an overstatement, to say the least. People will still be able to buy any vehicles that they so wish. There will be, however, a charge on bigger and heavier polluting vehicles.

The other important point, in response to Deputy Paint, is he said, 'Well, you know they will take the charges down and then they will just put them back up again.' As it works, we will not be able to change the charges without reverting to this Assembly, so it will not be Environment able to do stealth taxes or anything to that extent.

Deputy Domaille suggested that the amendment that we would propose to bring will just be the tables that were in the Main Report. That is not the case and, furthermore, one of the significant differences to both of the Main and Minority Reports is that we will actually be addressing the valid issue of second-hand imported cars.

Deputy Bebb said there will be four weeks and, in fact, it is six weeks available obviously before – six to seven weeks – the next States' meeting.

Deputy Spruce, it is still an Integrated Transport Strategy. I mean I think we have to accept that all policy evolves very differently... is ever brought to this States that is not either slightly amended beforehand as a form of evolution or actually, once it is actually taken forward, it is assessed and it is seen how maybe little tweaks could achieve the objectives better – small minor points which are overlooked. That happens in every single area of Government policy and if we have some evolution ahead of the implementation of the policy, so much the better.

Deputy Langlois said the Minority Report Transport Strategy passed narrowly. Actually the vote was 30-17 for the actual Minority Report – including a vote from Deputy Stewart. Thank you! (*Laughter*)

Deputy Stewart: I did vote against the amendment, so I would have voted against the width vehicle tax had I not been –

Deputy Burford: Thank you, sir, are you asking me to give way, Deputy Stewart?

But, to repeat the point, this does not represent a change in policy. I did outline the areas that we are thinking about in my opening speech and really doing things like changing the width banding from maybe starting at 1750 mm, up by 50 mm or so, by actually listening to the Caravan & Camping Club or the motor sport people who say, 'Well, look, we do not circulate our vehicles but, yes, we have got large vehicles or heavily polluting vehicles. We do not circulate them on Guernsey roads. Why are we being caught in this policy?' We have listened to that and we have said, 'What you are saying is reasonable. We will amend that.' It is not going to affect the revenue in any significant way at all, from that point of view, because there are very few of those vehicles.

Deputy Kuttelwascher says that one month's revenue, at least, will be lost. Well, there will be a whole lot more lost if the actual legislation is thrown out and Environment have to come back. But the important point on the revenue, that Deputy Kuttelwascher makes, is when we bring the amendment in January, if this sursis is passed, we will need to address Rule 15(2) on how it effects funding. So we will, as part of the amendment in the explanatory note, be making a full assessment of how it affects the funding of the Transport Strategy.

I would like to just finally finish by saying thank you to those people who spoke in support and urge people to support the sursis, and also I would like to request a recorded vote, please, sir.

Thank you.

The Bailiff: Greffier, it is a recorded vote on the sursis proposed by Deputy Burford and seconded by Deputy Brehaut.

There was a recorded vote.

Carried – Pour 26, Contre 18, Ne vote pas 0, Absent 3

POUR	CONTRE	NE VOTE PAS None	ABSENT
Alderney Rep. Jean Alderney Rep. Harvey Deputy Harwood	Deputy Kuttelwascher Deputy Domaille Deputy Langlois		Deputy Storey Deputy St Pier Deputy Sillars

Deputy Brehaut	Deputy Lester Queripel
Deputy Robert Jones	Deputy Stewart
Deputy Le Clerc	Deputy Le Pelley
Deputy Gollop	Deputy Trott
Deputy Sherbourne	Deputy Laurie Queripel
Deputy Conder	Deputy Lowe
Deputy Bebb	Deputy Spruce
Deputy Gillson	Deputy Collins
Deputy Ogier	Deputy Paint
Deputy Fallaize	Deputy Brouard
Deputy David Jones	Deputy Wilkie
Deputy Le Lièvre	Deputy De Lisle
Deputy Duquemin	Deputy Inglis
Deputy Green	Deputy O'Hara
Deputy Dorey	Deputy Quin
Deputy Le Tocq	
Deputy James	
Deputy Adam	
Deputy Perrot	
Deputy Burford	
Deputy Soulsby	
Deputy Luxon	
Deputy Hadley	

1315 **The Bailiff:** Well, Members of the States, the result of the vote on the sursis proposed by Deputy Burford, seconded by Deputy Brehaut, was 26 votes in favour and 18 against. I declare the sursis carried – the effect of which, for the benefit of anyone listening at home, is that debate on the Motor Taxation (First Registration Duty) (Guernsey) Ordinance, 2014 is deferred and delayed until the January 2014 meeting – the next meeting of the States, the first one of next year.

II. The Insurance Business (Bailiwick of Guernsey) (Amendment) Ordinance, 2014 – Approved

Article II.

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled ‘The Insurance Business (Bailiwick of Guernsey) (Amendment) Ordinance, 2014’, and to direct that the same shall have effect as an Ordinance of the States.

The Bailiff: We therefore move on Greffier to the next piece of legislation.

1320 **The Greffier:** Article II, The Insurance Business (Bailiwick of Guernsey) (Amendment) Ordinance, 2014.

The Bailiff: This Ordinance is to be found at pages 10 to 17 of the brochure. Is there any request for any clarification or any debate on the Ordinance? No. Those in favour; those against.

1325 *Members voted Pour.*

The Bailiff: I declare it carried.

III. The Housing (Control of Occupation)(Amendment of Housing Register) (No. 2) Ordinance, 2014 – Approved

Article III.

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled ‘The Housing (Control of Occupation) (Amendment of Housing Register) (No.2) Ordinance, 2014’, and to direct that the same shall have effect as an Ordinance of the States.

The Greffier: Article III, The Housing (Control of Occupation) (Amendment of Housing Register) (No. 2) Ordinance, 2014.

The Bailiff: Pages 18 and 19 of the brochure. Is there any request for any clarification or any debate on this Ordinance? No. We go to the vote. Oh, yes, sorry, Deputy Dorey.

Deputy Dorey: Thank you, sir.

I will vote against as I spoke originally against the report when it came in 2013.

In the UK, under the section 106 of the Town and Country Planning Act, when developers go ahead with substantial developments they have to make what is called a developer contribution or a community infrastructure levy.

In Guernsey, instead of that, we give developers a premium by allowing them to have open market properties and ensuring that the least valuable, the least attractive open market properties are then put on to the local market instead of supplying good quality housing to the local market.

We should be demanding that they contribute social housing to the local market as part of a developer contribution to the Island. We are so densely populated, that is what we should be demanding and I urge people not to support this legislation.

Thank you.

The Bailiff: Anyone else wish to speak? No.
Minister, do you wish to reply?

Deputy David Jones: Thank you, sir.

Yes, I mean any financial penalties against developers would be a matter for Treasury to bring forward, if they wish.

The fact of the matter is that when these properties are inscribed, three other properties on the open market are deleted. We care not what ones they are, but they go back into the local pool for housing. So you could argue there is a contribution back to local market housing.

I cannot really add much more to that really. It is a policy that has been through this Assembly on several occasions, it has been supported several times by various States and it is a way of helping to get developments such as the Carteret to wash its face financially. So, yes.

The Procureur: Just to say there is a note in the brochure that says that the Minister is going to explain some technical detail as well.

Deputy David Jones: There is just one change that I ought to bring to the attention of the Assembly. The 2013 Resolution required that inscription of these three new dwellings should take place within six months of the commencement of the Ordinance that is being presented today. However, since then the developer has indicated that he wants to delay the fit out of these apartments until they have been purchased, so that the new owners can have some influence over the cosmetic design. Given this, it is possible that all apartments will be completed to the extent that they fall within the Housing Control Law's definition of a dwelling within the six-month period. If that is the case then the only way to inscribe the dwelling would be to come back to the Assembly with a new Ordinance to give effect to a States' Resolution.

Thank you, sir.

The Bailiff: Well, we vote then on the Housing (Control of Occupation) (Amendment of Housing Register) (No. 2) Ordinance, 2014. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

**IV. The Health Service (Specialist Medical Benefit)
(Amendment) Ordinance, 2014 – Approved**

Article IV.

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled 'The Health Service (Specialist Medical Benefit) (Amendment) Ordinance, 2014', and to direct that the same shall have effect as an Ordinance of the States.

The Greffier: Article IV, the Health Service (Specialist Medical Benefit) (Amendment) Ordinance, 2014.

The Bailiff: It is to be found at page 20 of the Ordinance. Any requests for debate or clarification? No. We go to the vote. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

The Waste Disposal Charges Regulations, 2014 – Approved

The Greffier: Statutory Instruments Laid before the States – The Waste Disposal Charges Regulations, 2014.

The Bailiff: Now, there has been no request for any debate on this.

ELECTION

**V. Elizabeth College Board of Directors –
Election of new member –
Mr D Sussman elected**

Article V.

The States are asked:

To elect a member of the Elizabeth College Board of Directors to fill the vacancy which will arise on 5th January, 2015, by reason of the expiration of the term of office of Advocate Russell Clark, who is not eligible for re-election.

The Greffier: Article V, Elizabeth College Board of Directors – Election of new member.

The Bailiff: The report that is before you nominates a member for the Elizabeth College Board of Directors. It is open to other Members of the States to nominate people, although under the Rules they should have circulated the C.V. of anybody they wish to nominate before coming in, before the start of this meeting. I have not seen anything circulated, so I assume that there will only be the one nomination.

Deputy Langlois.

Deputy Langlois: Yes, sir, I am pleased to nominate as a member of the Board – I am also a member of the Board – David Sussman.

The Bailiff: Thank you.

We need a seconder. Do we have a seconder?

Deputy Gillson.

Deputy Gillson: Sir, I am pleased to second that.

The Bailiff: Thank you, Deputy Gillson.

In that case, Members, you are asked to vote on the proposal to appoint David Sussman to the Board of Elizabeth College. Those in favour; those against.

1415

Members voted Pour.

The Bailiff: I declare him elected.

POLICY COUNCIL

VII. Guernsey Financial Services Commission – Appointment of ordinary members and Chairman – Dr Schrauwers and Mr Hobbs appointed

Article VII.

The States are asked to decide:

Whether, after consideration of the Report dated 13th October, 2014, of the Policy Council, they are of the opinion:-

- 1. To reappoint Drs Cornelis Antonius Carolus Maria Schrauwers as an ordinary member of the Guernsey Financial Services Commission for a three year term with effect from 2nd February, 2015.*
- 2. To reappoint Drs Cornelis Antonius Carolus Maria Schrauwers as Chairman of the Commission for a one year term with effect from 2nd February, 2015.*
- 3. To reappoint Mr Richard Henry Hobbs as an ordinary member of the Guernsey Financial Services Commission for a three year term with effect from 1st January, 2015.*

1420 **The Greffier:** Article VII, Policy Council – Appointment of ordinary members and Chairman of the Guernsey Financial Services Commission.

The Bailiff: In relation to this appointment, it is only the Policy Council who may nominate anyone, so no one else can be nominated and, Members, all you can do is either vote in favour or against the Chief Minister.

1425 Do you wish to introduce the matter?

The Chief Minister (Deputy Le Tocq): Sir, I would just encourage Members to vote for Dr Schrauwers and Mr Hobbs to be voted into place, to continue that. We are in the process of some further change in Commissioners that will come to this Assembly next year and this is an important part of it.

1430

The Bailiff: Right. Is there any debate? No.

There are three Propositions on page 2827 of the Billet. I put all three to you together. Those in favour; those against.

1435 *Members voted Pour.*

The Bailiff: I declare them duly elected, as set out on page 2827.

COMMERCE AND EMPLOYMENT DEPARTMENT

XIII. Re-appointment of an Industrial Disputes Officer and appointment of a Deputy – Mr Fooks and Mr Carrington appointed

Article XIII.

The States are asked to decide:

Whether, after consideration of the Report dated 16th September, 2014, of the Commerce and Employment Department, they are of the opinion:-

- 1. To reappoint Mr Michael Allen Fooks as Industrial Disputes Officer for a period of two years with effect from 1st January, 2015, and ending 31st December, 2016.*

2. To approve the reappointment of Mr Neil Carrington as Deputy Industrial Disputes Officer for a period of two years with effect from 1st January, 2015, and ending 31st December, 2016.

The Greffier: Article XIII, Commerce & Employment Department – Re-appointment of an Industrial Disputes Officer and appointment of a Deputy.

The Bailiff: This is brought by the Department. As I read the legislation, there is nothing to prevent a Member of the States proposing anybody else, but the Minister of the Commerce & Employment Department will open the debate.

Deputy Stewart.

Deputy Stewart: Mr Bailiff, I do not really have anything to add to the Report which is quite straight forward, sir.

The Bailiff: Fine. Thank you.

In that case, there are two nominees. Their names and the Propositions are on page 2905. I put both to you together. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare Mr Fooks and Mr Carrington duly elected as Industrial Disputes Officer and Deputy Industrial Disputes Officer, respectively.

Billet d'État XXX

ELECTION

Home Department – Election of New Member – Proceedings commenced

The States are asked:

To elect a sitting Member of the States as a member of the Home Department to complete the unexpired portion of the term of office of Deputy M. K. Le Clerc, who has resigned as a member of that Department, namely to serve until May 2016 in accordance with Rule 7 of the Constitution and Operation of States Departments and Committees.

The Greffier: Billet D'État XXX, Home Department – Election of New Member.

The Bailiff: It is for the Minister of the Home Department to propose someone if he wishes to do so.
Deputy Gillson.

Deputy Gillson: Sir, just before making a nomination, may I take this opportunity to thank Deputy Le Clerc for her valued contribution to the Department. (**Several Members:** Hear, hear.) She will be missed. On behalf of the Board, I would like to nominate Deputy Lyndon Trott.

The Bailiff: Deputy Trott. Is there a seconder? Deputy O'Hara.
Are there any other nominations?
Deputy Green.

Deputy Green: Sir, yes. Can I nominate Deputy Matt Fallaize?

The Bailiff: Deputy Fallaize, yes. Is there a seconder for Deputy Fallaize?

Deputy Harwood: Yes, I will second that.

The Bailiff: Deputy Harwood. All right.

Are there any other nominations? No.

In that case, we have two nominations. We have Deputy Trott, proposed by Deputy Gillson and seconded by Deputy O'Hara, and we have Deputy Fallaize, proposed by Deputy Green and seconded by

The provisions under the Rules are that there is now an opportunity for the proposers of the two candidates to speak for not more than five minutes in respect of each candidate proposed by him, but neither the candidates nor any other Member shall be entitled to speak.

So, Deputy Gillson, you wish to speak first?

Deputy Gillson: Thank you, sir.

It is a great pleasure that I, on behalf of the Board, nominate Deputy Lyndon Trott. It is important that when any new Member of a Board joins, that Member's skills complement the existing Members of the Board, and key to a person's skills are his experience. So a good place to start is to summarise Deputy Trott's political experience.

Deputy Trott was elected first in the year 2000. At that time, he was elected on to the Board of Administration, which had political responsibility for Customs. He was the Board's liaison Member for Customs and worked very closely with them for four years, up to 2004.

Deputy Trott also chaired the Royal Court Re-development Project, again bringing him in contact with areas of the Home mandate, namely the services provided by Police and Prison.

In 2004 he topped the poll in St Sampson's. He was elected to the position of Minister of T&R, when understanding of the financial demands of Home Department was essential.

In 2008 Deputy Trott became Chief Minister and with that role came chairmanship of the Emergency Powers Authority, which involved regular briefings, emergency training and further close working with all the uniformed services, including Police and fire brigade.

Sir, outside politics he was finance director for a firm of architects and is a graduate of the Institute of Directors Company Direction Programme, with a specialism in corporate governance.

So that, sir, is a summary of Deputy Trott's experience, but what of the future? The Home Department, like all Departments, faces a number of challenges including the financial challenge of a very tight budget. This is where Deputy Trott's experience as a finance director and former Minister of T&R will be invaluable.

We have expectations that he will be well-positioned to not only know the questions to ask in relation to a Department's finances, but also identify questions to ask arising from the answers provided. Often the real skill is not asking the first question, but knowing the secondary questions to ask, to pick the answer you have been given apart.

In a number of areas, the Department is being restructured, leading to changes in the way the Board will monitor and oversee the Department. This is an area where Deputy Trott's experience as a chartered director will assist the governance aspects of the Department as these governance aspects develop.

Sir, in short, the Board believes that Deputy Trott has the appropriate experience the Board needs, the appropriate skills the Board needs and the appropriate expertise the Board needs to complement the existing Members of the Home Department, and I and the Board ask the Assembly to support his nomination.

Thank you.

The Bailiff: Then Deputy Green will speak in favour of Deputy Fallaize.

Deputy Green: Mr Bailiff, thank you.

Following the election two weeks ago of Deputy Trott as a Member of the Commerce & Employment Department, there are now only two Deputies in the Assembly who have not sat on a States' Department during this term. Deputy Fallaize is one of them and I am delighted to propose him today for this seat on the Home Department, and he is seconded by Deputy Harwood.

Deputy Fallaize is not standing simply because there happens to be a departmental vacancy available. Since the 2012 elections, Deputy Fallaize has made it known to several close colleagues that Home is the Department on which he would wish to serve most and that he would stand for election when a seat became available.

Over the course of the next 15 months or so, there will have to be a great deal of joint working between the Home Department and the States' Assembly & Constitution Committee, which Deputy Fallaize chairs. Because they share responsibilities for the organisation of general elections, Deputy Fallaize's dual membership would be an advantage in this regard.

But that aside, Deputy Fallaize has a proven interest in, and a passion for, much of the work of the Home Department, which relates to community and social policy, such as criminal justice, probation, the re-integration into the community of former prisoners, including their housing arrangements, safeguarding drug and alcohol policy, and domestic abuse.

1540 In relation to the last of these, domestic abuse, five years ago when the then Policy Council was recommending not implementing a domestic abuse strategy through lack of funding, it was Deputy Fallaize who prepared an amendment to take £200,000 from a somewhat unproductive tribunal of enquiry into the then Airport firefighters' dispute and re-allocate it to fund a domestic abuse strategy urgently. Indeed, this year, sir, he was one of only four States' Members to attend the Annual General Meeting of the domestic abuse charity Safer.

1545 Promoting a new domestic abuse strategy is a key task facing the Home Department in 2015 and Deputy Fallaize, unsurprisingly, given his proven interest in this area policy, is keen to contribute to that work.

1550 Deputy Fallaize has been heavily involved in parishioners' cases relating to the Home Department. For example, he has acted as a so-called Mackenzie Friend in the family courts, which brought him into first-hand contact with the Safeguarder Service. And, indeed, he has provided much support to the founder of the Voice for Victims campaign, including in her informing guidance packs which are now routinely made available to victims and witnesses in court cases.

Deputy Fallaize understands how to pursue this work in a way which nonetheless respects the proper boundaries between elected representatives and professional staff.

1555 The Home Department works with several agencies involved in youth justice and the welfare of young people, and of course many of those who unfortunately come into contact with the Criminal Justice System are relatively young. It is not insignificant therefore that Deputy Fallaize is the youngest Member of the States and his bringing that perspective to the Department would or could be beneficial.

1560 The Department is also responsible, sir, for broadcasting in the Bailiwick. Deputy Fallaize has a good understanding of the media, having worked as a journalist. He also has a long standing interest in the structure of law enforcement. In the last States' term he led the concerns expressed about the creation of an arms-length law enforcement agency in the form then proposed, and since then – as successive Ministers of the Department will know – he has continued to challenge. In the end, in 2013 and 2014 the Department announced that it was no longer wholly committed to the original model and was indeed exploring alternatives.

1565 If elected, sir, Deputy Fallaize looks forward to contributing to the important ongoing debate about the structure of law enforcement in this Bailiwick.

1570 Sir, in conclusion, I am convinced the States could elect to Home no Member who would be more engaged in and committed to all of the work of the Home Department than Deputy Fallaize. He would make a valuable, constructive and balanced contribution to Home, and I encourage colleagues to vote for him.

The Bailiff: Well, Members, voting slips will be handed around. You have two candidates: Deputy Trott, proposed by Deputy Gillson, seconded by Deputy O'Hara; and Deputy Fallaize, proposed by Deputy Green and seconded by Deputy Harwood. Deputies Trott and Fallaize.

1575 Members, has everyone received a voting slip? If you have not received one can you stand in your place. No. I think everyone has had a voting slip. It is just a question of collecting them all up now.

Are there any more voting slips to be collected? No. In that case they have all been collected. They will now be counted.

1580 Does anyone wish to await the result of this vote before we move on to the next matter which is the election of one Member for the Public Services Department? Does anyone wish to await the outcome of this? No.

Billet d'État XXXI

ELECTION

Public Services Department – Election of New Member – Deputy Dorey elected

The States are asked:

To elect a sitting Member of the States as a member of the Public Services Department to complete the unexpired portion of the term of office of Deputy S.J. Ogier, who has been elected to the office of Minister of the Public Services Department, namely to serve until May 2016 in accordance with Rule 7 of the Constitution and Operation of States Departments and Committees.

The Bailiff: In that case, in a moment when the Greffier is ready, we will move on then to the election of a Member for the Public Services Department. Greffier.

The Greffier: Billet d'État XXXI, Public Services Department – Election of New Member.

1585 **The Bailiff:** It is for the Minister, Deputy Ogier, to propose someone first.
Deputy Ogier.

Deputy Ogier: Thank you, sir.
I would like to propose Deputy Mark Dorey.

1590 **The Bailiff:** Deputy Dorey. Do we have a seconder for Deputy Dorey?

Deputy Duquemin: I will second.

1595 **The Bailiff:** Deputy Duquemin, thank you.
Do we have any other nominations? No. Well, in that case, we go straight to the vote. Those in favour of electing Deputy Dorey as a Member of the Public Services Department. Those in favour; those against.

Members vote Pour.

1600 **The Bailiff:** I declare him elected.

Billet d'État XXVI

POLICY COUNCIL

VI. The Airport and Economic Development in Alderney – Debate commenced

Article VI.

The States are asked to decide:

Whether, after consideration of the Report dated 14th October, 2014, of the Policy Council, they are of the opinion:

- 1. To approve that States Report.*
- 2. To direct the Policy Council to report back to the States of Deliberation with the results of its current appraisal of the financial relationship between Guernsey and Alderney (as detailed in Appendix G in that Report), including appropriate recommendations, no later than March 2016.*
- 3. To direct the Policy Council to publish an action plan defining the extent of the above appraisal no later than March 2015.*
- 4. To direct the Public Services Department to prepare its Alderney Airport States Corporate Investment Portfolio submission based on the following:-*
 - a) to include proposals for full refurbishment of the existing asphalt runway at its existing length (877m), to hard surface to the existing width of 23m 2821 and to include an overlay of the whole runway and ancillary taxiway and aprons;*
 - b) to postpone capital works on the grass runways for a minimum of 12 months, and until a seasonal evaluation can be undertaken on the success of heavy maintenance improvements on the grass runways which will be completed by the end of Spring 2015;*
 - c) at the present time, not to include any proposals to extend the existing asphalt runway to 1100m or to widen or strengthen the existing taxiways to accommodate an 40-seater aircraft, on the basis of indicative cost and an absence of direct evidence to link a significant investment in the runway to economic growth, provided that no works are carried out that would effectively prevent such an extension at a future date (if demand grows to a point where a sound evidence-based business case can be developed to justify such an extension);*
 - d) to retain the potential lengthening of the asphalt runway as an issue to be reviewed in the future dependent on economic development and subject to a persuasive case in future; and*

e) to retain in its proposals the costs and operational benefits of hard surfacing and extending the existing short grass runway (03/21) to 600m and to provide Airport ground lighting to that runway to improve cross wind capability particularly for the Dornier 228 aircraft.

5. To direct the Commerce and Employment Department, in co-operation with the States of Alderney Policy and Finance Committee, to consider the best mechanism(s) by which the existing Guernsey-Alderney and Alderney-Southampton air routes might be safeguarded in terms of fares, frequencies and capacities on the basis of the best available evidence about the likely economic impacts, using the most appropriate legislative/administrative vehicle(s) to achieve these objectives.

6. To direct the Commerce and Employment Department, in liaison with the Alderney Policy and Finance Committee, to regularly review the terms of the above arrangements used in order to reflect changes in Alderney's economic conditions.

7. To direct the Policy Council, through the Alderney Liaison Group, to liaise with the States of Alderney Policy and Finance Committee to develop a jointly agreed position on future strategic policy developments setting out roles and responsibilities including the preparation of an action plan detailing measures to safeguard and develop the economy of Alderney, an initial draft of which to be considered by the Alderney Liaison Group by 31st March 2015.

8. To direct the Commerce and Employment Department to provide assistance, as appropriate and where resources allow, to the States of Alderney Policy and Finance Committee to develop their existing economic strategy to include clear policy actions, timetables for delivery and an approach to evaluating the impact of the actions taken.

9. To direct the Commerce and Employment Department to work with the States of Alderney Policy and Finance Committee, as appropriate and where resources allow, to identify and evaluate opportunities for improved internet connectivity.

10. To direct the Commerce and Employment Department to work with the Alderney Policy and Finance Committee, as appropriate and where resources allow, to develop a co-ordinated marketing plan for Alderney drawing together and expanding existing initiatives, and where sensible to maximise opportunities and joint use of resources for co-marketing and promotion in areas such as Tourism and Finance.

11. To direct the Policy Council and Commerce and Employment Department to work with the States of Alderney Policy and Finance Committee, as appropriate and where resources allow, to improve the collection and analysis of more robust economic data pertaining to Alderney. This data to include use of, and demand (met and unmet) for, all scheduled air routes to Alderney, so that an extension to the runway can be re-visited in future if a sound evidence-based economic case can be developed.

12. To direct the Policy Council to liaise with appropriate States Departments over the detailed recommendations in the Frontier Economics Report which are not specifically covered in the broader recommendations above, and which fall within Departmental mandates.

13. To direct the Policy Council to liaise as necessary with other States Departments and the States of Alderney Policy and Finance Committee to monitor the effectiveness of these measures in helping to stimulate sustainable economic growth in Alderney, and in arresting de-population, and to report back to the States on these matters by the end of 2016.

The Greffier: Article VI, Billet XXVI, Policy Council – The Airport and Economic Development in Alderney.

1605 **The Bailiff:** I understand this debate will be opened by the Deputy Chief Minister, Deputy Langlois, on behalf of the Policy Council.
Deputy Langlois.

Deputy Langlois: Thank you very much, sir.

1610 Sir, in January of this year we debated a Requête led by Alderney Representative, the late Paul Arditti, on Alderney Airport and Economic Development. It was deeply tragic that Paul having initiated and drafted the Requête was not able to be present in the Assembly even to debate it. I should like us to remember and acknowledge that the Report before us today results from Paul's passion and commitment to his Island home in Alderney. (**Members:** Hear, hear.)

1615 Now, I should explain that the Chief Minister has asked me to lead on this Report, as I have been very closely involved with this work, as Chairman of the Alderney Liaison Group. To some Members, it can be seen as a slightly obscure little body, consisting of a number of Ministers – an indeterminate number of Ministers, on various occasions – and an indeterminate number of Alderney States' Members. Sometimes indeterminate because of weather and the ability to land at the Airport. So it is perhaps appropriate.

1620 The Policy Council's Report is a little unusual in that it represents the work, not just of the Council, but also of: the Public Services Department, in relation to ongoing issues at Alderney Airport; the Treasury &

Resources Department, in relation to the current financial relationship between the Islands and as shareholder of the States-owned airline, Aurigny; and the Commerce & Employment Department, in relation to economic development work.

1625 It is also the result of a close collaboration with the States of Alderney through the Alderney Liaison Group, and we in Policy Council wish to thank them, particularly this year, for a considerable amount of hard work which has brought all of this Report together.

Many of the issues covered in this Report are complex and difficult, with a number of different interests to take into account. It therefore speaks volumes that the final Report has been agreed substantially by all parties as a very sensible and pragmatic way forward, in the interlinked and vexed issues of economic development, depopulation and transport links.

Now, I am not going to detail the background to these issues in any depth in this speech, as we ran through all those during the debate on the Requête in January, and they are also, I believe, well set out in this comprehensive Report.

1635 In essence, we have a few key facts.

(1) Alderney's economy is currently in long-term decline. (2) This in turn is causing or contributing to both depopulation and an ageing demographic balance, with an increasing dependency ratio. (3) The scale of the Island is tiny – fewer than 2,000 residents, of which about half are economically active, so small changes can have a disproportionately large effect to the disproportionately significant impacts on the viability of all services in the Island.

To use my favourite concept of proportionality, there is just one Alderney resident for every 30 to 35 Bailiwick residents. But, sir, quoting this fact is in no way intended to belittle the importance of this debate. For each of those nearly 2,000 Bailiwick residents, this is about their whole future; this is not just a matter of simple democratic arithmetic.

1645 A further fact is that Alderney's more exposed geographical location in the English Channel results in it being more isolated than its relatively small distance from the other Islands and from France would suggest. This is both weather-related and tide-related. These are two matters which even this supreme Assembly has little control over – although some would like to include that in our mandate.

1650 Like Guernsey, the Airport is an essential part of the Island's infrastructure, enabling lifeline air services to operate and keep the Islands connected.

Alderney's history has been complex over a long period, but since the end of the Second World War, when the Island indeed suffered immense hardships, its fortunes have been inextricably linked with those of Guernsey, both formally and informally.

1655 Despite having separate parliaments, Guernsey and Alderney, in effect, have fiscal union, so one pound note spent in Alderney by our Treasury is worth as much to the Guernsey exchequer as one pound spent in Guernsey. The effect of this fiscal union with its common tax purse is that economic decline in Alderney impacts directly on the finances of the Bailiwick.

1660 So it is therefore, sir, in the mutual interest of both Islands to work together to halt the economic decline in Alderney and to stimulate sustainable growth. This should in turn arrest depopulation and then hopefully turn it round, to enable the population and its demographics to become more sustainable. This is exactly what this Report seeks to achieve, or at least to start off.

1665 Although I do think that it is very important to be realistic about the difficulties that lie ahead. There is every reason to believe that the package of measures recommended in the Report will make a difference and really help Alderney's economy to pick up and the population to re-stabilise. However, simply approving these recommendations today in themselves achieves *nothing* unless they are implemented. And that will require commitments and resources in both Islands, often from areas which are already severely challenged by other priority work streams.

It will also require a deep level of trust and a close working relationship between the politicians and civil servants of both Islands.

1670 Now, following the January debate, the Policy Council asked the Public Services Department to commission further consultancy advice in regard to a number of options for capital works at Alderney Airport, including specifically looking at the possibility of extending the main paved runway to such a length as to allow 42-seater aircraft to use the Airport.

1675 The resulting consultancy report from TPS Consult I appended to this Report. I have asked the Minister of PSD to address this matter and I am sure he will have all the answers and support that I need on the technical aspects. I am also hoping that Deputy Ogier will help me to answer any technical questions later on.

1680 This research was very helpful in enabling the Public Services Department, the Alderney Liaison Group and the Policy Council to identify and to agree the most appropriate way forward with the Airport Capital works at this time.

It is fair here to report that, while the Alderney politicians were disappointed that the research did not support an extension of the main runway at this time, all parties, I believe, have now accepted that there is currently no reasonable business case to support such a costly development option.

1685 The Report makes recommendations in regard to Alderney Airport which, if implemented, will upgrade the airfield to meet CAA standards and to decrease the number of occasions when prolonged rainfall or strong cross winds prevent flying operations.

The Report also establishes that none of the recommended work would prejudice an extension of the main runway at some future date, should conditions change that such an option would and should be revisited.

1690 While consideration of the Airport options is complex, it is fair to say that the economic development research behind this Report is even more difficult. The Policy Council asked Commerce & Employment to lead on this work and to commission independent advice. The terms of reference for the work were agreed by the Alderney Liaison Group and C&E commissioned Frontier Economics to produce a report through a wide series of on-Island consultations in Alderney and Guernsey, including workshops and work with stakeholder groups.

1695 Frontier's full report, once again, is appended to the States' Report and, whilst some Members may be disappointed that there does not appear to be any silver bullet or instant answer in the Report, the Policy Council believes that this reflects a position in Alderney which in economic terms has, I am afraid to say, few innate advantages but has some very significant disadvantages, in relation to the Island's geographical isolation, relatively costly transport links, currently poor internet connectivity and small labour pool.

1700 Again, the Alderney Liaison Group and Policy Council believe that the package of measures recommended in the Report should, if implemented, have a positive impact in stimulating modest, sustainable growth in the Alderney economy. However, we do have to recognise that such a small economy is always going to be relatively fragile and sensitive to external changes, over which the Island, and indeed Guernsey, may or may not have any real control or policy influence.

1705 This all sounds terribly negative, but what I want to be here is realistic and it should not gloss over the scale of difficulties that lie ahead.

1710 Sir, on the positive side, of course, the economy is so small that just a modest return to growth would have a significantly beneficial impact on financial performance and this in turn would help to anchor services and infrastructure.

I am not going to run through all the recommendations in turn. They very largely speak for themselves. It is, however, worth highlighting the work recommended, directing C&E to work with the States of Alderney to consider the best mechanisms for safeguarding the Guernsey-Alderney and Alderney-Southampton routes, in terms of fares, frequencies and capacity. Not only would this provide a more stable platform in future, but it opens up much more transparency on what levels of subsidy may be required on these routes to make them effective – at least in a transition period. This is a point picked up by the T&R Minister in his Department's letter of comment.

1715 The other recommendation on which I would like to comment briefly, is that directing the Policy Council to report back to the States with the results of its current appraisal of the financial relationship between Guernsey and Alderney. Given modern standards on corporate governance and transparency, it does seem very odd that currently, by States' Resolution – and I think this will come as news to a number of Members – States' accounts are prepared and maintained in such a way as to consolidate the Guernsey and Alderney books relating to each Department; such that it is not possible to provide accurate figures on the financial flows between the Islands. That was a Resolution, I believe, passed in the mid-1990's with good political cause, I trust – as it always is if it is a States' Resolution.

1720 This was a deliberate decision by the States actually in 1995, and it was agreed largely on the grounds that it would be invidious to establish whether, and if so by how much, Alderney was an overall cost to the Bailiwick or, as it would be translated by the media and some of the population, Alderney was an overall cost to Guernsey; and I think that would be an unfair translation if it were applied.

1730 However, while this may have been pragmatic in 1995, when the Islands enjoyed considerably stronger finances, it no longer appears to be a sensible approach to take with public money. The States of Alderney and Policy Council agree that the time has come for greater financial transparency. The desire to establish the true financial position and to make the financial relationship much more open and transparent is not something which has been decided upon unilaterally by either party. The respective authorities in Alderney and Guernsey both see the merits in undertaking an appraisal of the current financial relationship and it is intended that the results of such a review would be reported back to the States no later than March 2016.

1735 So, sir, in conclusion, Alderney currently faces a number of interlinked challenges. This Report reflects the collaborative work, over many months, of the Policy Council, Public Services Department, Treasury & Resources Department, Commerce & Employment Department and, most importantly, of Members of the Alderney Policy Committee.

1740

It establishes an agreed way forward, not only to future proof Alderney Airport for the next 25 years, but also to pursue a number of specific work streams to help stimulate Alderney's economy and reverse economic decline and depopulation.

1745 Make no mistake, sir, this will not be easy and the work, like all of economic development, carries no guarantee of success; but it does represent a sensible pragmatic way forward, which is very clearly in the interests of both Islands and all taxpayers.

The Policy Council is pleased that Treasury & Resources supports this Report and has identified ways to enable the recommendations requiring funding to be resourced. This will be most helpful as the various work streams progress.

1750 Sir, the Policy Council recommends the States to approve this Report and all its recommendations.

Billet d'État XXX

ELECTION

Home Department – Election of New Member – Voting results – Deputy Fallaize elected

The Bailiff: Before we move on, I can announce the result of the vote for the election of a Member to the Home Department. Deputy Fallaize received 24 votes and Deputy Trott received 21 votes, so I declare Deputy Fallaize elected. *(Applause)*

Billet d'État XXVI

POLICY COUNCIL

VI. The Airport and Economic Development in Alderney – Debate continued

1755 **The Bailiff:** Next, we have an amendment in the present debate which has not yet been circulated, so I think if that could be circulated so that Members can see it, and then I will invite Alderney Representative Harvey to lay the amendment which is seconded by Deputy Trott.

Does everyone now have a copy of the amendment? In that case, I will invite Alderney Representative Harvey to lay it.

Amendment:

1. *To insert at the end of the words in proposition 1 ', but subject to paragraphs b) and e) of Proposition 4'.*

2. *To replace paragraph b) of Proposition 4 as follows:*

'b) To postpone capital works on grass runway 14/32 for a minimum of 12 months, and until a seasonal evaluation can be undertaken on the success of heavy maintenance improvement on this runway which will be completed by the end of Spring 2015.'.

3. *To replace paragraph e) of Proposition 4 as follows:*

'e) Through the States Capital Investment Portfolio (SCIP), to develop a robust business case identifying the costs and benefits of hard surfacing and extending the short grass runway (03/21) to 600 m and to provide Airport ground lighting to that runway to improve cross wind capability for Dornier 228 aircraft; such business case to be developed in co-operation with the States of Alderney.'.

1760 **Alderney Representative Harvey:** Thank you, Mr Bailiff, ladies and gentlemen.

May I firstly apologise for the late delivery of this amendment – entirely due to my error. One would have thought that after 11 months here I would have learned something, but clearly your procedures were beyond me.

1765 Thank you, first of all, to Deputy Chief Minister Langlois for his comments and for his hard work on this matter – even to the extent of spending a couple of days voluntarily on Alderney. Many people come to Alderney and spend rather longer than two days there.

1770 As Deputy Langlois has said, it is 11 months since the debate was taking place here on the Requête in a very highly-charged atmosphere – the Gallery packed with Alderney folk following the untimely death of our colleague, Paul Arditti. The support of this Assembly on that day was huge consolation to many in Alderney and we thank you for it. I would also like to thank those who signed the original Requête, for highlighting the plight of Alderney in this Assembly and really, in a sense, initiating the work that is currently before you.

1775 Since that time, Alderney has been through more ups and downs with an improved tourist trade in the early summer, followed by a poor autumn as the well-publicised problems with our antique Trislanders started to bite. Moreover, the year started badly with the grass runways closed due to water logging, and severe restrictions imposed on our one remaining runway, as the effective width and length were reduced, also because of water logging. We have seen the impact of this, with another large restaurant/bar closing in the past three months and the loss of more shops and families. The problems are very clear to us and today we need to discuss the solutions or how we might approach those.

1780 If I might just, first of all, dispose of one issue. There is a very small aged elephant in the room, it being Alderney, which is a view that has been voiced in the past by one or two that maybe we should, as an alternative strategy, look at managed decline – a cheaper alternative to reviving the Island's economy.

1785 So let's just examine that strategy for a moment. It is rather akin to jumping out of an aircraft at 10,000 feet without a parachute. The first 9,999 feet are fine, the last bit is going to be rather painful. If decline continues the Bailiwick will be faced with the following scenario.

The Bailiff: Alderney Representative Harvey, I am reluctant to interrupt you and I know everybody is listening intently but is this actually on the amendment or are you actually speaking in general debate?

1790 **Alderney Representative Harvey:** It is setting the scene, if I may, sir.

The Bailiff: It is setting the scene. Thank you very much. In that case, I will not interrupt anymore.

1795 **Alderney Representative Harvey:** But I will keep my remarks in the debate very short.

1800 Tax revenues will fall at an increasingly steep rate. Social service costs will rise, albeit on a reducing population; and the infrastructure costs of school, health, electricity, water, Airport will not, of themselves, fall significantly. Difficult decisions would then have to be made. Do we close the Hospital, the school, the old people's home or the Airport, or simply tell the remaining population to pack a suitcase and wait for a boat? Because they can do that; they have been there before. It is not unthinkable. It has happened to other small communities. But let's not dwell on negatives. We are here to debate how we might help Alderney.

I will leave out the section on economic development and move swiftly, (*Interjection*) under instruction from the Bailiff, to the issue of the Airport.

1805 Obviously, the Airport cannot be considered in isolation from Aurigny and I think that the debate will show the importance of service level agreements. At the risk of becoming repetitive, we have no ferry links no Flybe, no Blue Islands, no daily cargo ships. Our dependence on Aurigny and the airfield is total. It is fair to say the relationship between Alderney and Aurigny has been somewhat strained this year. There is, however, a deep affection for Aurigny – born itself in Alderney – and despite every trial and tribulation, frontline Aurigny staff in Alderney are always held in high regard by the entire population, though they have to deal, almost daily, with delays and cancellations. Reliability depends both on Aurigny and, of course, on PSD as operators of the airfield, which is where our amendment lies.

1810 I am sure everybody will be aware of the collection of shed-like structures which make up our terminal in Alderney – quaint and lovely, but functional. We seek no major expenditure on them, nice though it would be. Nor do we, at this stage, want to pursue the major extension to our main runway proposed in the original Requête. We understand that the cost of £24 million to £30 million without a strong business case and proven demand is not a viable proposition – and anyway I think the advent of the Dorniers has obviously alleviated our situation somewhat – or will do.

1815 However, the runway, at its existing length, leaves us rather vulnerable, with very few aircraft types and even less airlines able to operate on our modest 880 yards. I do not believe it futureproofs us for 25 years; 10 years is a reasonable time horizon to look at.

1820 We are very grateful to this Assembly, of course, for agreeing to the finance for the Dorniers and we very much look forward to their arrival. We also welcome Policy Council's recommendation to tarmac the entire width of the runway, so we will properly be the quoted 23 metres which everyone thought it was until last winter.

The long grass runway is extremely useful when properly drained, particularly for general aviation, which we calculate conservatively adds £500,000 per annum to our economy and can be grown. It is one of the six strands of our marketing strategy on tourism. As the only grass strip in the Channel Islands, it also has value for flight training organisations who regularly use it.

Where we seek more clarity with the recommendations is regarding the short grass runway 03/21, which is the runway closest to our prevailing winds. At page 2772, TPS in their assumptions and caveats state quite unequivocally that there is no questionable benefit that, by investing in paving and lighting runway 03/21 to achieve a length of 600 metres, this will reduce the number of delayed, cancelled and diverted Dornier 228 flights. Their report does go on to say that such an extension is quite feasible.

Aurigny have made it quite clear that in strong winds such a runway will be the only option available to them, so we would like something a bit more specific and action orientated than just to retain the proposals in the recommendations before you. I am sure that we will be told that only a handful of days are lost each year through cross winds, which of course is only half the story. Individual causes, fog, cross winds and aircraft going tech are not what is killing Alderney, it is the cumulative effect of those cancellations. Some, such as poor visibility, we cannot control; others we can, and it is those we should be addressing in a sensible but positive manner. It is the marginal cost of each successive day's delays or cancellations, from whatever cause, which does so much damage to our economy.

Incidentally, all climate experts seem to agree on one thing: our climate will become wetter and windier, so the impact on Alderney in the long term is likely to become worse.

PSD wish to wait 12 months to see if the continuing work on the grass runways is effective and I do appreciate that that work is ongoing, but it has so far had limited impact. Last week we had closures of our grass runways again and cancellations, as a result.

Anyway, Aurigny have said they cannot land the Dorniers on wet grass unless PSD have a cunning plan to stop it raining whenever the wind blows. What is the cost to Alderney of such cancellations and delays? And delays are not just 15 or 30 minutes but frequently three to eight hours.

In the last two months just one of our estate agents has lost two firm sales to UK buyers as their flights from Southampton were cancelled and they decided, not unreasonably, they did not wish to live somewhere, however attractive, with such an unreliable service.

The Island's largest insurance broker has now closed his book to any new travel insurance policies because the claim levels are so high.

Costs fall into two main areas: tourism and residence. For the former, there is the direct impact of cancelled holidays to Alderney, immediately or in the future. As regards the latter, the single biggest reason for people leaving Alderney – and 600 or so of them have left over the last 10 years – is the isolation from families and friends in the UK caused by unreliable air services. These losses we have attempted to quantify and, very conservatively, they come out at about £400,000 per annum.

But the historic losses are, of course, only part of the story. We are trying to sell Alderney to well-off retirees and small business owners – absolutely essential if we are to revive our economy. How will we do this if getting to Alderney in the first place is such a lottery and they see little investment in our infrastructure? The opportunity cost of inadequate investment in our airfield probably doubles that £400,000. Against such losses, the quoted figures for weather proofing just one of our runways around £6 million or so starts to look like real value for money.

Please remember, as has been mentioned before by the Deputy Chief Minister, every penny of income tax generated in Alderney comes straight in to Guernsey Treasury. We are very happy – well, we are happy – to pay first class taxes, but we certainly do not expect to receive second class services.

Sir, soft pedalling on a plan for an essential cross wind runway – and one recommended operationally by the consultants – is likely to negate many of the efforts to improve our economy, not to mention waste money expended on those plans. Therefore, in our amendment we ask that PSD work with the States of Alderney to develop a business plan, which may well be on a cost-shared basis between our two States, and bring it back to this Assembly for proper consideration.

The amendment is perhaps more, in a sense, clarification. We have had long discussions with PSD and with Policy Council and ALG, I hope they will understand and accept that it is in the spirit of clarifying what exactly is meant by that particular recommendation.

So I would ask you to support this simple, realistic and forward-looking amendment.
Thank you.

The Bailiff: Thank you.

Deputy Trott, do you formally second the amendment?

Deputy Trott: Yes, sir.

I rise to second the amendment and reserve my right to speak on the grounds that I believe that the amendment is not to be contested.

1885 **The Bailiff:** Yes, Deputy Langlois wishes to address the Assembly precisely on that issue.

Deputy Langlois: Yes, very briefly, sir.

1890 The reason for the amendment is one of timing. The Report obviously had to go into the Billet some weeks ago, and we have continued to talk with the Alderney Liaison Group. Literally, we had a meeting this Monday morning and, between that meeting and the Policy Council meeting on Monday afternoon, the amendment was prepared on an agreed basis. Policy Council fully supports this amendment and therefore I would ask the Assembly to accept it, as it is, and then we can move on to main debate.

1895 **The Bailiff:** Yes, Members, having had that assurance, is it possible to deal swiftly with the amendment perhaps even before lunch and then start general debate after lunch?

 Does anybody wish to debate the amendment? No.

 In that case, we will go to the vote on the amendment proposed by Alderney Representative Harvey, seconded by Deputy Trott. Those in favour; those against.

1900 *Members voted Pour.*

The Bailiff: I declare it carried and we probably have time for maybe one, maybe two, speeches in general debate.

 Deputy Ogier.

1905 **Deputy Ogier:** Thank you, sir.

 As we know, the Public Services Department is responsible for the Alderney Airport, in accordance with the requirements of the 1948 Agreement, and the Department does *not* take its obligations and responsibilities lightly, as it comprehends only too well how critical that lifeline link is to the Alderney community.

1910 In addition to the Policy Council's Alderney Liaison Group, the Public Services Board holds quarterly discussions with Alderney States' Representatives and these are critical in keeping these issues aired and openly discussed and this has been a very useful recent conduit.

1915 Equally, Public Services recognises that the operating losses at Alderney Airport are significant, and paragraph 2.7 of the Report recognises that these losses have been borne since the 1940's when Alderney Airport was adopted by Guernsey as part of its Transferred Service Agreement.

1920 Funding for capital projects across the States is also under pressure and, continuing to bear the current significant operating deficit and the funding of capital investment, Public Services Department has a balancing act to perform between the economics of the Airport and the vital lifeline it represents to the Alderney community.

1925 Since 2008 the Civil Aviation Authority has been reporting on improvements required at Alderney Airport and the nature of these improvements are outlined in the States' Report. Whilst much work has been undertaken, it is inevitable that capital funding and a more substantial programme will be required. And funding for Alderney has been identified and given the highest priority by the Assembly as part of the Capital Prioritisation debate, and the options and packages for those works are being advanced through the SCIP process.

1930 The Requête approved by the Assembly in January required the States to consider the implications on the Alderney economy of the Alderney Airport operation, and consideration was given in this study on a number of different aspects of the existing and future Alderney operations. This included the implications of extending the existing asphalt runway at Alderney Airport from its existing length of 877 metres to a length of around 1,100 metres, as a means of then attracting larger aircraft to operate into the Airport. Neither of the studies commissioned by the States of Guernsey in addressing this Requête have concluded that there is a link between existing runway and the unlocking of economic potential.

1935 The States of Alderney-commissioned report did recognise, however, that not extending was preventing more active promotion of larger aircraft and, as such, this may readily boost tourism by upwards of 20% and I have to say that is, in the view of the Department, a bold assumption.

 Works are ongoing on the grass runways and, to date, these have been successful in terms of dealing with undulations and some water logging issues. The ride quality of both grass runways over this summer has dramatically improved and much work has been done to improve drainage.

1940 However, we have always been clear that more work is required and, until another round of maintenance is carried out in the spring and summer of 2015, risks around closures of both grass runways have continued. A good sign, however, is that the short grass runway has reopened this year, unlike some other years where it has remained closed throughout the winter.

1945 Airport management remain confident that elements of the original capital scheme that would have seen significant enhanced drainage of the grass runways can, at worst, be postponed and, at best, avoided, as

long as we continue the heavy maintenance works which commenced this spring. And, if successful, scarce capital funds can be better employed where they are likely to be most successful.

1950 A business case for the capital works on the asphalt runway and for potential works on the grass runways have been submitted as part of the SCIP process, and a project board was formed in 2013 to manage this project on behalf of the Department, and met to approve the business case. The first gateway review of the project identified the need to consider other options and this advice was provided around the time of the States' debate in January 2014 on the Requête.

1955 For this reason, a single scope of works capturing the output from these two decisions was provided to TPS Consult, whose report and findings are attached for the States' consideration. In essence, the findings of that report were that it is technically feasible to extend the short grass runway and to hard surface it to provide an optimum cross wind runway. This option was recommended to be included in the SCIP evaluation process, but it was not found possible to reconstruct the orientation of that runway in any other location.

1960 Alderney Representative Harvey outlined issues which Alderney has with regard to the unavailability, on occasion, of the short grass runway, and these considerations will no doubt form part of the business case which will be presented as part of the SCIP process.

The Report found that the long grass runway was not meaningfully useful as a cross wind runway, given its orientation. However, it remained useful and serviceable for both Trislander and Dornier operations in more favourable weather.

1965 Whilst it was feasible to extend the main runway to 1,100 metres, it would need to be widened to 30 metres, as would the adjacent taxi way, given the increased dimensions of the typical aircraft size capable of operating on that length of runway.

1970 Any extension to the main asphalt runway would be best accommodated to the east end of the existing runway, given operational and maintenance constraints to the western end. But the Report also found that lengthening the existing paved runway does not yet appear to be supported by any business case, and Alderney Representative Harvey acknowledged that in his speech.

1975 The aspiration was along the lines that, by extending the runway to accommodate a 40-seat aircraft, this would be the trigger needed for an aircraft of this size to commence operations and bring with it the passenger numbers that would generate much needed economic growth. But, having consulted with the only commercial carrier currently operating into Alderney, it is evident that their studies have concluded that there is no future demand foreseen at this time that would make a 40-seat aircraft service economically viable.

1980 It is PSD's view that ultimate determination of which option is advanced needs to rest within the existing SCIP process. However, to assist in advancing the preferred option within this process, the recommendations arising from this debate will give the team a significant steer of the likely considerations this States of Deliberation will take into account when the overall package is referred back to us for approval.

Thank you.

1985 **The Bailiff:** Well, Members, it is now very nearly 12.30 p.m. I propose we rise and resume at 2.30 p.m.

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

VI. The Airport and Economic Development in Alderney – Propositions carried

The Greffier: Article IX, the Airport and Economic Development in Alderney. Continuation of general debate.

1990 **The Bailiff:** Does anyone else wish to speak in general debate?
Yes, Alderney Representative Jean.

1995 **Alderney Representative Jean:** Members of the States, the Requête on the airfield in Alderney achieved its aims... signed by five Members of the Guernsey States and seconded by myself. The lead signature, my late partner in this Assembly, Alderney Representative, Paul Arditti... the wording of the Requête done by him. Quite a document, I must say! I agreed with it and contributed to it wholeheartedly.

The debate was emotional and the support for the review drew a unanimous response from this Assembly. All Members voted in favour of the amended Requête. So that we are all reminded of the main

points of the Requête... mentioning the spiral of decline in Alderney and the 50% of the children who have left the Island... I think it was amended at the request of the Alderney States – although at that time the request was not specific.

The Public Services Department amended the Requête to include financial and other recommendations, in order to assist with measures which could help stimulate Alderney's failing economy. There is now a clear understanding that our finances are inextricably linked, with every pound spent in Alderney having the same effect on the Guernsey Exchequer as every pound spent in Guernsey. I believe no-one could disagree with that statement. In so many ways Alderney has contributed its share to Guernsey, not just in tax or income, social security, document duty and TRP in compulsory old age care, to name a few.

Without gambling control we have made significant contributions to some of our own capital projects mentioned in this Report – a subject I will return to later. I think also very important to point out is that Alderney pays exactly the same tax footprint as Guernsey.

Not quite recognised yet is the fact that the income streams are very different, with Guernsey still far more able to generate profit. The Report itself recognises this in the fact that it quotes an average Guernsey wage at £30,000 and an average Alderney wage at £17,000 – even through its own customer base, a population of over 60,000, Guernsey shows this.

At the end of 2012-13, several Alderney politicians were expressing concern over the economic decline and depopulation. At that time, after the results of the 2013 census – which when I returned to politics, we pushed hard to get, as it was not going to happen – this showed us the true drop in population; around 400 at that time. This, sadly, has continued – although it will be some time again before we are able to take a measurement.

Just how much further these figures have dropped the Report does cover, stating:

'Alderney's population is forecast to continue to decline over time (a further 5% decline by 2020 and 12% by 2030). The percentage employed was 46% (i.e. the same ratio as 2001 meaning there are less persons employed).'

The demography is weighted towards the elderly, Alderney is becoming difficult to sustain as a community. Not only is the economy in decline but it is showing signs of structural and cyclical decline.

The loss of one of our major hotels and a guesthouse, one school, together with regular requests to surrender self-catering permits and the loss of The Moorings restaurant in Alderney; the decline has continued apace.

Alderney Representative Arditti and myself were aware of this and I know so many of the Deputies here in this Assembly realise the true situation in Alderney. The so-near-and-yet-so-far vote on the freeze on raising TRP in Alderney split this Assembly in two, with a 22-22 vote, and shows this Assembly is closer now than it has ever been to understanding the true situation.

As I move into the Report, I would like to make a few remarks on the section on the breakwater. I cannot really quite understand why the breakwater is included in this Report. It seems to me a wide remit to include the breakwater at this stage as part of a package of financial measures to help the Alderney economy reflate with measures to help stimulate growth in the economy and to reverse depopulation. What is this doing here? This is a contract taken on by Guernsey itself in lieu of a contribution in 1987 for about £1.5 million, if I remember correctly. I stand to be corrected on that.

'Over the last 28 years, the Bailiwick has spent... £25 million (at today's prices)...' What does this figure mean – 'at today's prices'? What is the real expenditure figure? Also, what would the real figure be at today's prices if Guernsey had continued, instead of maintaining the breakwater, making a contribution to defence and international representation? £2.5 million? £3 million? I do not know.

The breakwater is over 150 years old. It is a masterpiece of Victorian engineering, built by Jackson and Bean with only the aid of a Samson plane to lower the huge stone sets into place onto the rubble mound, which is a massive mound. I know a lot about the intensive maintenance programme carried out during the 1960's and 1970's, and I was a Member in this Assembly during the 1990's when the breakwater featured in debate here.

The engineering predictions referred to about the breakwater – let me tell you if Jackson and Bean had approached the task thinking like that, it never would have been built; nevertheless, it is still there over 150 years later.

Guernsey, I believe, has probably had a better deal than it realises, keeping up the steady maintenance that is required to keep this extraordinary and important structure that defies the elements in place and means Alderney's harbour continues to function.

Without this structure or if, for any reason, Guernsey were to renege on their deal with the UK Government and neglect the maintenance programme – which was undertaken on a voluntary basis, rather than pay the £1.5 million – Alderney would be a part of the Bailiwick which might fail, without the breakwater. I am sure we can all talk but Guernsey would see the first part of a failing Bailiwick. I hope

there is no danger and I would like an assurance you will continue to maintain this vital structure. It certainly is vital to Alderney.

2060 There are those who say that not a great deal of necessary work has been undertaken on the breakwater this year. If this is so, and if that structure is neglected, the consequences would be dire, even catastrophic. If there is any truth that a policy to neglect the structure is about to be adopted I would now answer to address this jointly and perhaps it may be necessary to talk to the Home Office.

2065 The Report speaks of the chicken and egg situation, and the imponderable question of which comes first; major investment in our Airport infrastructure – the chicken – or more direct efforts to stimulate and grow the economy to increase demand – the egg? Now, how do you get the chicken to lay the egg, which in turn may produce a business case for further development at Alderney airfield? How to prove that case? The way things are at the moment, it is not possible.

2070 We know because of the skeletal flight pattern and the higher cost than Guernsey causing resistance to travel from all destinations to Alderney, coupled with unreliable service at the moment – which I know will improve and I hope will improve – constant cancellations through gone tech, cross wind difficulties last year and this year – though not so much. Both grass runways have been waterlogged. One of them is now again open. There have been problems with those runways for some time and I accept that much work has been done.

2075 On page 2716 – 4.1 – the Report recognises, ‘The role of the Airport is pivotal to the debate on stimulating economic growth.’ The significant role the Airport plays. Through the Report, mention is made of futureproofing of the Airport ‘for the next 25 years’ on more than one occasion. These are significant statements. Or are they just a play on words?

2080 The availability of an airport in Alderney is also viewed as essential by the Public Services Committee. So too is the requirement for a functioning cross wind runway – the short grass runway being the preferred option. The view of the Requête takes a stronger stance. In my speech in January I pointed out, at the request of the Guernsey Board of Administration, that land should be purchased at the Airport with a view to extending the runways. That was during the 1990’s.

2085 Should it be required for future expansion of the Alderney Airport? The Alderney States worked to fulfil this obligation and the land is there. If the runways were futureproofed I believe that it would not be for the 25 years, it would be for the next 50 years.

With a 21st century airfield, Alderney would no longer be constricted by limitation of size of aircraft; 42-seater aircraft would be able to use these runways and Alderney would be up and open for business and properly able to advertise to the outside world.

2090 I would wish to keep these options open and I am grateful that the Report does mention that; that the option is still there, provided a business case is proven for a future date. The Report does provide for this... faced with two reports in support, one with the proviso of the proven business case. The only way to do this, in my opinion, is to put our airfares on a par with Guernsey and a press statement this morning from Deputy St Pier does show the benefit that this has had for Guernsey. This is something that I hope will take place during the review.

2095 Now that the airfield is run by Guernsey, and Aurigny belongs to Guernsey, there is a case for equal treatment of all members of the Bailiwick... management of a situation which, since the purchase of Aurigny, has become more and more unequal in terms of service level to Alderney. The service is restrictive; it is losing us many customers who cannot book in or out when they need to.

2100 The cost is also inhibitive. Many enquiries are made to come and visit Alderney. They decide not to because the cost is high. Families of four or five cannot get all on one flight together – two adults, three children. They cancel or do not go. These stories are constant. Grandma or grandpa travel out to their children and family because the families cannot afford to come. Others only come once a year; they usually come two or three times a year.

2105 Our Island would then trade on the same price structure as Guernsey. People would be able to move freely in and out of Alderney. Over a four or five-year period Alderney would then – and this is the only way that this can be done – be able to build up a business case for a 21st century airfield – or not. I believe it would take five years for those benefits to accrue and I will tell you the reasons. People are not used to being able to get to us, let alone the Islanders are not used to being able to go out freely. Once they are accustomed to this, it may be possible to build a business case or the need for it may disappear; it may not be necessary with the advent of the new Dorniers and the revamp of the runways.

2110 This may then lead to more flights being placed into the skeletal flight pattern. In other words, custom increases demand and I would imagine profit, bringing back a better flight pattern, due to demand. The most important point to all of this would be a reflection of the economy in Alderney. It is right, the way the losses at the Alderney airport are highlighted at £900,000, yet we know Guernsey Airport has made a loss for years, but these losses have been buried in the Cinque Ports holding accounts, which include all harbour and marina etc. I understand, because of recent proposals for the development of the harbours, the Airport

may in time become a standalone account, showing its true loss for the first time – that is, the Airport here in Guernsey.

For 20 years and more, the Alderney community has had to endure criticism about the deficit, which has grown over the years and is now quoted at being at £900,000. For our Airport, these figures were arrived at by a means of what I call creative accountancy and can be stripped down to show a more true figure, which I have done in the past. It is the same with Aurigny's loss of £900,000 on the Alderney routes. We are given in Alderney a version which suits, but not a version which includes 'gone tech', cancellation, refunds, staff overtime on Aurigny.

£260,000 is, I believe, the loss on the Guernsey side of the deficit, after our £900,000 is quoted, over the 20 years that this has been batted back at Alderney. It is true to say that Alderney is struggling; its confidence eroded away. We need a major sea change to build that special part of our Bailiwick up again, an agreement to change the way our Island is talked about. Your tax is our tax. The same, your money is ours, of equal importance to both our Islands.

We do not run our Airport. We do all we can to help when asked, but neither the people nor the Government of Alderney are responsible for the loss, and the same applies to Aurigny. Alderney needs some degree of security, of equal price – the same as Guernsey. Any offers here to apply in Alderney when, and if, a proper Jersey connection is re-established. Cut out two of the four passenger landing taxes off these flights – which stand at around £188 if we want to go to Jersey. No-one will pay that.

In Guernsey people can use a provided bus service. You could and should look, perhaps, at Aurigny planes as our bus service. In the winter particularly they are all we have. They should be a lot cheaper and perhaps in time if they are cheaper the custom will come and they can be more regular, which will follow, cheaper. Alderney's main arterial routes are restricted and constricted.

The Report refers to the work carried out on the airfield – unsuccessful at first; recommended in 2008, grass runways, further compounding the problems from waterlogging. The Report acknowledges, regardless of the 1948 agreement, the availability of an airport for Alderney as essential and the requirement for the crosswind runway, the shorter one, is the preferred option and the PSD stage 3 study report to provide practical advice.

On page 2723, the repaving of the existing runway has already been agreed by PSD. On page 2726, the Frontier Economics report recognises the degree of decline in Alderney, but we are not persuaded as regards the extension of the runway to provide the 21st century airfield.

You will be grateful to know I am going to finish soon.

It is to say, for me, I still believe in the proposal of the 21st century airfield but I do not disregard the Report that mentions that we must build a business case for it, and I think equality of airfares would help to do that; it would give us the chance to prove that case and it also might prove that it is not necessary, with the advent of the Dornier.

So what I am basically saying is that the changes that are about to come and starting to happen at Alderney airfield may do a lot of good, but the shot in arm that would do the best thing for business in Alderney and give business a chance, would be arterial flow, people going in and out of the Islands. That is really clogged at the moment, and if we can unclog that...

I am disappointed that the Report does not go further, but then I sense as well that, listening to other people speak, they feel the same as I do. We have got to earn it, let's go ahead and try and do it and find a way. And I thank those Members who signed the Requête, because I know I felt very similarly to myself, and it is disappointing to see all of that unanimous support end up in a report that really does not do a great deal more than what was going to be done in the first place. I cannot help but say that I am disappointed, but I am also hopeful in the future that we can talk again and get this subject a little bit further on, but particularly with regard to airfares.

Thank you, sir.

The Bailiff: Deputy Ogier.

Deputy Ogier: I would just like to clarify the point that was made during debate there, the Public Services Department have no plans whatsoever to discontinue the maintenance of the Alderney breakwater, if that puts the Alderney Representative's mind at rest.

What we will be doing in the next 18 months is having conversation with Alderney over the issues and options surrounding the Alderney breakwater before bringing a report back, but we have no plans to discontinue maintenance.

Thank you, and if Alderney's flights are seen to be as buses, then I would hate to think of the levels of width and emission charges required to bring them into a free bus service. *(Laughter)*

The Bailiff: Alderney Representative Harvey.

Alderney Representative Harvey: Thank you, sir.

2180 Alderney Representatives Jean and Harvey come as a package! I will be the succinct part of the package as I have already presumed upon your patience this afternoon.

Just a few brief thoughts on the economic development section of the Report which has, as Deputy Langlois has said, been the subject within the Alderney Liaison Group and, yes, I think many of us feel it is a bit light on specific detail and actions, but I am sure that will follow.

2185 There are some questions in our mind. The calls upon Commerce & Employment's time to assist, as appropriate or where resources allow or where sensible, have more get-outs than a bank mortgage protection policy. In fact, I feel rather like a young man trying to press suit on a beautiful princess only to find there are 10 people in the queue in front of me – not that I am suggesting for a minute that the Minister for Commerce & Employment is a beautiful princess, unless of course you are motor trader! (*Laughter*)

2190 I am sure we will liaise with Commerce & Employment. We will value their input. We have already touched, the other day, on some possibilities for mutual advancement, so I look forward to those further inputs.

Three things redeem this section of the Report in my mind.

2195 Firstly, the directions to establish the service level of agreement with Aurigny for the Alderney routes – something we have been seeking for over a year. I am slightly bemused that whether it really is Commerce & Employment or T&R which we should be dealing with, as T&R dealt with the Memorandum of Understanding on the Guernsey-Gatwick route; but I am sure we can sort it out and I am sure that both have a valuable input to the process.

2200 A review of the financial relationship between our Islands. The Deputy Chief Minister has referred to this and the decision taken in a different era with different expectations of transparency; and I think it is entirely right and proper this should be reviewed and, if nothing else, it brings home the cost of transferred services as we are now starting to look at. There, again, may be opportunities for mutual working to both improve the service and reduce the cost, so I welcome that review.

2205 And, finally, the interim action plan, to be produced by the end of March next year, which I think will have some of the beef that is perhaps missing from this particular sandwich at the moment. So we look forward to having some substantive measures there to follow on from what has gone before.

2210 I do believe the advent of the Dorniers, when we have enough of them, will represent a huge step forward for Alderney. Alderney will always be quirky, but that does not have to extend to the means of getting there. Our long overdue service level agreement needs to be tightly drawn to include frequencies, numbers of seats, response to sell-outs, reliability and, of course, pricing. The devil will be in the detail and robust monitoring arrangements.

If, Mr Bailiff, I may presume for two seconds longer in your patience, I would like to just say a personal word, as this may well be my last appearance before this Assembly.

2215 I took the decision some months ago that rather than try to do two jobs – one in Alderney and one in Guernsey – imperfectly, maybe I should concentrate on trying to get to grips with the Alderney one. So that is my intention next year, but I very much look forward to meeting with Ministers and other Members of this Assembly, through the Liaison Group and other contacts. It has been an honour and a privilege to be with you, ladies and gentlemen, for almost the last year. I have heard some fascinating speeches with a really high level of debate. I have heard one or two which would cure insomnia! (*Laughter*) There have been moments of high drama and welcome moments of relief through comedy, but it has always been fascinating and I shall miss it all. So may I take this opportunity of wishing everybody in this Assembly every health and happiness in 2015 and, for those who need it, re-election in 2016!

Thank you. (*Laughter and applause*)

2225 **The Bailiff:** Deputy Gollop.

Deputy Gollop: Thank you, sir.

I will be one of those, I am sure, who will miss Mr Harvey's wit and wisdom, and his beard as well, which has become quite a trend in the Assembly in the last few weeks.

2230 Of course, though, I also should congratulate Mr Louis Jean on another poll-topping performance in Alderney, where he very much is part of the community and has a feel for the mood of the Island; but, in a way, the fact that Mr Harvey – and I know Mr Harvey's successor will be an extremely able Member as well, who is new to Island politics... but in a way that is part of the issue I think the States have grappled with for the last decade. There has been a lot of change, both in Guernsey politics and in Alderney politics and the people who politicians meet in Alderney seem to change. You will know the State of Alderney is already on its third Chief Executive after eight or nine years, so it is a changing ball game up there.

2235 I would like to say I agreed with a lot of what Mr Jean said and Deputy Langlois and so on, but Deputy Langlois was perhaps putting a particularly gloomy perspective of life in Alderney. I would not go as far as to say the community is in terminal economic decline; I think that is the wrong way of putting it.

Ten or 15 years ago, the Island was going through, by Alderney standards, a boom. It was on the up and up. There were tycoons moving to the Island, hotels being re-invigorated, there was the e-gaming industry and people were settling there from as far afield as China, Turkey and Thailand.

The problems have come more recently and I suspect – and Deputy Fallaize might agree with me here – they are not unlinked to Zero-10 and its ramifications, because the cost of living in Alderney has always been marginally higher than Guernsey and the changes in the fiscal environment perhaps adversely affected that community.

I think too that there is every possibility, but not a probability, the Island's economy could improve. Apart from the idea we discussed only last month, of the University of Guernsey – if it happens – perhaps being based in Alderney with a marine biological facility, there is the more serious work that is being done on renewable energy; and Alderney, if anything, has stolen a march on Guernsey and there is talk of a project there that will be a game changer and maybe one of the largest of its kind in the Western world.

Now, that of course would completely transform the amount of money into the economy, so I think we have to be cautious and I personally would disregard the evidence of the airlines and actually commit to longer runways, because I think if you go back to the past – take the 1930's in Guernsey, for example – what did the States of Guernsey do when times were hard in that period? Amongst other things, they built the new road – the Val des Terres.

Now, what an inspiration – to build a new road! Guernsey, in the 1930's, certainly did not have the traffic problems of today. There were already two roads linking Fort Road with St Peter Port and yet they built a third road. I suspect they built a third road to generate the economy.

I believe an airfield in Alderney would have precisely the same impact. It would attract immigration; it would add to the impact on the economy.

On the Resolutions – I am not a huge fan of them, I must admit. I do not think that they are clear as to exactly where we are going. To cite some examples, Item 5 on page 2822:

'To direct the Commerce and Employment Department, in co-operation with the States of Alderney... to consider the best mechanism(s) by the which the existing Guernsey-Alderney and Alderney-Southampton air routes might be safeguarded in terms of fares, frequencies and capacities on the... best available evidence about the likely economic impacts...'

Now, firstly, it is Treasury & Resources that have a stakeholder issue with the only provider currently of commercial air services to Alderney. Secondly, I am aware that the Scrutiny Committee are doing a review at the moment on strategic air links and, thirdly, I thought the Commerce & Employment Department, to some degree, was conflicted with taking an active line in protecting air routes because of their role as a transport licensing authority. Would they seriously be in a position of trying to bring in another airline apart from Aurigny, when they themselves have to have a statutory role considering them? I really do not think that is particularly viable.

Then we look at Item 7:

'To direct the Policy Council, through the Alderney Liaison Group, to liaise with [Policy and Finance] to develop a jointly agreed position on future strategic policy developments.'

There is nothing specific there. I have seen an article by former Minister, Mr Peter Roffey. We have heard from one of the Island's campaigning residents as well, who suggested, at the Institute of Directors' conference, that a way forward for Alderney might be a lower taxation base in some areas. We want specifics, not just something that is vague.

The economic strategy of Alderney is very much dependent upon population. Guernsey could control that by maybe 'back-officing' some functions of the States of Guernsey to Alderney. Why do we not have a specific strategy of encouraging employment in Alderney – which might actually resolve two problems – that is to say, a shortage of people in Guernsey to do certain jobs and a shortage of careers in Alderney?

We really do need to crack down on getting more effective data, but there is no point in getting data if you do not act upon it and there was little evidence of any action being prescribed here. It seems almost a report about two reports to commission another report.

What we want is a specific injection of people and cash into Alderney. Bearing in mind the States, at the last Budget, has facilitated – what is it? – £7 million to the Commerce & Employment Fund and up to – was it? – £25 million to the Re-organisation of Government Fund, surely Alderney, as its fair share, should have at least £1 million of that money to directly invest in the Island and in economic generation of activity.

The Bailiff: Deputy Conder.

Deputy Conder: Thank you, sir.

I was a signatory to the Requête on the airfield. I am not going to dwell on that because I think it has been dealt with very well by both our colleagues from Alderney. My few brief words are very much following what Deputy Gollop has just said.

In the main Report, at paragraph 5.8, there are the conclusions from the Frontier Economics report, which in some ways are quite visionary and perhaps give cause for hope but, as Deputy Gollop did, I have some concerns with the Resolutions not being particularly specific.

I think I understand the reasons why. If I could just return in the way that Deputy Gollop did to Resolution 7 and ask the Deputy Chief Minister, when he sums up, if perhaps he could give consideration and perhaps some direction to whether or not Members could have, themselves, an update on what those action plans would be, which are mentioned in Resolution 7, because I think in comparing Resolution 7 with Resolution 13 there is a determination to get an initial draft to the Alderney Liaison Group by 31st March 2015, but only report back to the States in Resolution 13 by the end of 2016. I just feel there is greater urgency. Everything that we know and we hear about our sister Island is that it is urgent, that its economy is suffering.

I have occasionally been accused of ‘doom-mongering’. I might return that complement to the Deputy Chief Minister because he did perhaps sound, as Deputy Gollop said, as if he might be ‘doom-mongering’.

There clearly are very significant issues with the economy, but I think, one would assume and expect, they are addressable, so I would really appreciate it if Deputy Langlois could perhaps indicate that he would be prepared, through his chairmanship of the Alderney Liaison Group, to give an early report back, either to the States or outside of the States, on what the action plans are and how they might be actually incorporated.

In all unions of states or federations of states there is always going to be one part which is struggling at a particular time. We are in economic union with Alderney. Guernsey has its own issues, but indisputably it is in a stronger position than Alderney. We owe it to our sister Island to support it and them, and we owe it a future because it is part of us.

If one draws comparisons with say the United Kingdom, the very wealthy and populous South East has for generations supported, through tax arrangements and investment, the weaker parts of the United Kingdom economy.

It is not unreasonable – in fact it is a requirement – that we should be doing the same for Alderney and I hope that when we get a report from the Alderney Liaison Group and when, finally, this Assembly has a report, that there will be strong and tangible ways of supporting our sister Island’s economy which is a part of us, as I said, and is important to us.

I am not a cultured man but latterly, largely through the support of my good friends, Deputies Lester and Laurie Queripel, I have developed an interest in poetry, (*Laughter and interjections*) and I found five lines which I think exactly summarise the relationship – ourselves and Alderney. They are from Longfellow and the more cultured of you will know them, and I will leave you with this:

‘... sail on, O Ship of State!
Sail on, O Union, strong and great!
Humanity with all its fears,
With all the hopes of future years,
Is hanging breathless on thy fate!’

And I think that sums up our responsibilities and our relationship. We are in union and the union is strong and great but there are parts of our union that are hanging upon our decision.

Thank you, sir.

The Bailiff: Deputy Fallaize and Deputy Duquemin.

Deputy Fallaize: Thank you, sir.

You have to feel a bit sorry for Deputy Bebb, where he sits these days in between the two poets! (*Laughter*) Although I think Deputy Conder’s teacher is certainly imprinting a thing or two upon him because that was very useful.

Sir, I am very doubtful. I was a signatory to the Requête too and I am very doubtful that the ‘measures’ – if that is the right word for them; ‘intentions’ is perhaps a better word – that are set out in this Report will actually yield very many positive results for Alderney.

Under other circumstances, I might have been inclined to lay one or two amendments to this Report, but Members were saved from that fate because of the relatively benign and positive view taken by the Alderney Representatives; and I think, in view of that, in particular, it was worthwhile us, as it were, uniting around the proposals in this Report and at least, in the interim, for the time being, being prepared to give this more time and give the Policy Council and the Alderney Liaison Group and others time to develop these ideas.

But, in particular, in Proposition 13, there is a proposal for the Policy Council to report back to the States on these matters – in other words, the matters covered by all of the previous Resolutions – by the end of 2016.

Now, clearly, there needs to be some time given for the effect of any of these measures to be taken into account before a valuable report can be laid before the States. However, that is too years away and, given that I – and clearly some other Members – have concerns and doubts about how much commitment there really is to initiating measures which will seriously address Alderney’s economic problems and problems of de-population, I wonder whether, when he sums up, the Deputy Chief Minister might give an undertaking to the States that – not necessarily by way of the States’ Report, but perhaps by way of a statement at the end of 2015 – he, on behalf of the Policy Council, might set out to the States ways in which he, or they – the Policy Council – believe that the measures undertaken between now and then are benefiting Alderney’s economy and, in particular, the problem of de-population. I think that that would certainly put my mind at rest.

I think that there needs to be an update provided to the States in advance of the end of 2016 and I wonder if he would be prepared to give that assurance in his summing up, please.

Thank you, sir.

The Bailiff: Deputy Duquemin.

Deputy Duquemin: Thank you, Mr Bailiff.

I am supportive of the Propositions, as amended, but wanted to take this opportunity to provide some commentary context and also highlight some small concerns that I do have, and also make a suggestion to add to the melting pot of ideas that has just been in part stolen by Deputy John Gollop.

I will start by saying that I have learnt a lot at PSD since I joined the Department, including the importance of 03/21.

Before I was on PSD I thought ‘3-2-1’ was all connected with Dusty Bin and Ted Rogers, but many master classes from Captain Burford – in her previous life as an Aurigny pilot – has taught all of the PSD Board the importance of the short runway in Alderney. Length does not always matter because the short grass runway is much more useful than the longer grass runway as the prevailing wind runway. The wording of the amendment, Proposition 4(e) does specifically refer to 03/21.

Looking at the wording of the Proposition that is now before us as amended, the last sentence concludes the fact that such a business case is to be developed in co-operation with the States of Alderney, and I would agree wholeheartedly with that premise but, more importantly perhaps – and I know they were consulted for the Report that is in the Billet – I hope that there is full co-operation with Aurigny too.

Mr Bailiff, ahead of this debate, I referred back to the emergency Billet that was prepared for this States to approve the purchase of Aurigny back in May 2003. Sir, do you know how many times the word ‘Alderney’ was mentioned in that Billet – that historic Billet that led to the States of Guernsey purchasing the airline that shared its name with Alderney? The answer is not once. Not once was Alderney mentioned in that Billet and, yet, as Alderney Rep Harvey has said, Alderney’s economy and the role that Aurigny can play is closely linked.

Page 2762 of the Billet reports that nine days are lost. As Alderney Rep Harvey has also mentioned, these maybe are not whole days, they may be part days measured in hours. The Airport may be shut in the morning, but open in the afternoon, but they are nine days.

To give this context, this is less than 2.5% of the year, and we are assured that this will reduce yet further with the Dornier. If it was seven days that would perhaps be 2%. And yet, I agree with Alderney Representative Harvey that, I suppose, sod’s law always persists and that it is the one day that the Airport is closed when perhaps a new resident or a potential new resident, or someone of economic importance is visiting the Island.

Pure numbers of aircraft movements can also be a little bit misleading because, whilst GA traffic is important, passenger numbers into and out of Alderney are what counts and this is where the Trislander capacity of 14 and the Dornier capacity of 19 should be factored in.

Runway usage is also a little misleading. Often pilots will now land on a certain runway because they can, not because they have to because another runway is shut. A Trislander pilot may land on a runway for familiarisation purposes, bolstering the perceived benefit, even if they could have used the asphalt. Or, in the GA community, a pilot may land on a grass runway for novelty reasons.

Sir, I attended, as the PSD Board representative, the Airport Operators’ Association conference in London a few weeks ago. Obviously there is a question of relevance when we are Guernsey and Alderney and those making presentations and taking Q and A on stage are the Heathrows and the Dubais of this world, but the conference reaffirmed in my mind some key principles that are relevant to the Alderney situation. One of those on the stage at the conference was Paul Griffiths, the CEO of Dubai Airport, and during his presentation he said the following:

‘Dubai Airport is government-owned but commercially run. I am measured on my P and L and my contribution to Dubai’s GDP.’

‘Hear, hear!’ I say. Alderney Airport is an economic enabler and whilst it must be run commercially, with an ethos for customer service that might be more prevalent in the private sector, and one eye should always be kept on the financials, it is imperative that a mindset exists beyond the P and L and looks to the contribution to GDP.

I cannot stress this enough. But, for me, this is not the end of a comparison between Alderney and Dubai. I know – he is not in the Assembly at the moment – Deputy St Pier was frustrated at a previous speech when I compared Guernsey to Dubai so I will try with a comparison between Alderney and Dubai.

My hand was up but I was not able to ask a question that day so I emailed the Dubai Airport chief executive. The question in my email was this:

‘Is Dubai’s growth as an airport accelerated by the shared ownership and, presumably, the shared vision of Dubai Airport and Emirates Airline? How closely should the two work together?’

I also added that, having thought about it further, I’d reckon on it being a shared vision by Dubai, full stop.

The reply from the CEO was this:

‘A shared vision is absolutely essential and that applies to all shapes and sizes. So I would conclude that you need a shared vision for your airline, your airport, your economy and your social development and I would suggest that a great way to start would be to get all parties in a room and thrash out something to determine what the objectives genuinely are and how everyone can play a part in ensuring that they are delivered. All parties having a share in the risks and rewards might be a good foundation for discussion. Often I find that one party may do something perfectly innocently that damages the objectives of the other, so getting these ironed out could be an early goal.’

‘Hear, hear!’ I say again. This is exactly the response that I both hoped for and expected and it reaffirms in my mind what needs to happen.

Like Dubai, Alderney needs to leverage the unique benefit opportunity that it enjoys because *de facto* the Island owns both an Airport and an airline, and the two must work in conjunction with the Governments to strive towards a shared vision. But first we must establish exactly what that shared vision is and a debate in the Assembly of the States of Guernsey is not, on its own, in my opinion, going to achieve this.

We must never work in the proverbial silence and hide behind individually produced reports and papers. We must quite literally lock ourselves away in a room – the States of Alderney, the States of Guernsey, PSD, the airports and the airline – and establish what that shared vision is and then go away and make it happen.

As Alderney Representative Jean said, it is not about reports, it is about banging heads together in a meeting until a shared vision, that everyone owns, emerges. This is what I hope comes out of this Report, the Requête, this debate. We need to work together.

Alderney Rep Jean has mentioned 40-seat aircraft and the runway extension to achieve this, but I would state here that ATR-42s are not the answer, because you need frequency, not just capacity. Even the Guernsey to Jersey route, and consider the relative populations of both is suffering from the service being provided by a Blue Islands ATR-42 instead of the higher frequency from Trislanders/Jetstreams, as previously it was.

So when the costs and benefits are measured the question will be the circa £7 million detailed on page 2749, amongst others, for the asphaltting the short runway at Alderney Airport; amongst others, for the Capex costs, the benefit would be for, let’s say, seven days a year. Is that £7 million good value for 2% downtime? And remember that might be not the seven whole days, it might be closed in the morning, open in the afternoon.

I do understand how Alderney Representatives said that can always be seemingly on the wrong days but, returning to the wording of the amendment, my concern is that it will be prejudged; the matter is being pre-determined because the wording of the amendment refers to ‘develop a robust business case’ and my concern is that it may be possible that a robust business case does not emerge. The figures might not stack up. And that £7 million, perhaps, could be spent in an alternative way.

I will offer one suggestion, perhaps even a silver bullet, as Deputy Langlois has mentioned, which I have already shared with Alderney Reps Jean and Harvey.

The Deputy Chief Minister, Deputy Langlois, said in his opening speech a little injection can make a big difference in Alderney because of the size of the population. As I said, great minds think alike and, as Deputy Gollop has also mooted, I would like to suggest that some of the back office functions of the States of Guernsey are located, effectively outsourced, to Alderney. It was disappointing that this did not feature in the Frontier Report. The States of Guernsey has recently appointed a new COI and there is a drive in the States of Guernsey towards eGov. The new COI has said it is his aim to digitalise the top ten transactions with the States of Guernsey. For the end customer it will not matter if the people making this happen are based at Sir Charles Frossard House or the motor tax office at Bulwer Avenue, or at a new eGov business

park beside Alderney Airport. Let's think outside the box and, as Deputy Gollop also says, solve two problems at the same time.

As few as 20, 50 or even 100 new public sector jobs in Alderney, with a low footprint, but perhaps higher than average salaries will, I am sure Members will agree, make a real tangible difference and help arrest a decline. If there is a will and we are aware of the benefits of this, we can make it happen.

So could, same £7 million, be better spent in Alderney on an alternative Capex project to create a better effect, a better stimulus, more guaranteed benefit for the long-term fortunes of the Island and the Bailiwick?

I support the Propositions as amended but would like some of my words of caution to be noted and the idea for an eGov business park to be put into the melting pot.

Thank you, sir.

The Bailiff: Is there anyone else who wishes to speak in this debate? No.
Deputy Langlois will reply to the debate then.

Deputy Langlois: Thank you, sir.

You caught me on the hop there, sorry. I thought there were more inputs.

Right, sir. Well, first of all, thank you for those who have given an input to this. Thank you, in particular, to the Alderney Representatives for a very clear and balanced view of the situation here. I totally accept a number of the criticisms for vagueness. You know that very often I am the first to leap to my feet and say, 'What does this Proposition mean? Where is it taking us?' and so on.

I think there is a reason behind this which, before I pick on a particular... Sorry, pick on... I am not going to pick on you. Before I go through specific comments, one of the aims of the Policy Council and my leadership of the ALG in the three quarters of this year when that has been happening is that the ALG should become a more active, more open and more co-operative body. I hope we have made some progress on that, I have been assured by the Alderney Representatives that we have and I believe the Ministers from the Policy Council believe that there has been some progress in that direction and that has got to continue.

That actually answers one or two of the points here about the fact that this is a continuous process and this Chamber is not the right place, with a committee of 47, to work out the specific actions. I, first of all, in specific terms, am more than happy. I think next time that we talk about Alderney at all or in a statement, hopefully, I will be giving you a quick rendition of Happy Days Are Here Again.

I was very conscious of the sort of downbeat nature of my speech this morning. It is out of character but I think the evidence is there that it had to be said.

I thank Alderney Representative Harvey for his very skilful description of the realities of Alderney during his scene-setting and, equally, I thank Alderney Representative Jean for his much more, shall we say, personal and sentient expression of what it is like to be in Alderney and what it actually means on a day-to-day basis. I think those were extremely valuable inputs.

Deputy Ogier helped to emphasise – and I think this is very important for the ALG to remember in the coming phase – that the pressures relating to Alderney and the States of both Islands are both on capital and revenue expenditure. There could be, in the financial review, a tendency to focus on one or the other of those. It is actually the play-off of the two of those which is probably as much the problem as anything else and the experience he outlines, relating particularly to the Airport. It confirms the need for caution when there is an apparently simple answer.

Deputy Jean, I believe the mention of the breakwater is in there because it just happens to be in Alderney. We did have one suggestion during your speech that perhaps we could move the Airport down there because it is quite a long breakwater and so on, but I think that was in jest. But it is part of Alderney, it did get inter-locked with the UK contribution on defence and so on and so forth, but I think it has got to remain in there, although you are quite right to say that there is an argument for saying, 'Well, if that is intrinsically related, inter-linked with our relationship with the UK it is a Bailiwick issue. It just happens to be where it is. But it has got to be maintained.'

Sorry, I suddenly started hearing... I know that conspiracy theories tend to get cooked up on cold winter nights in isolated islands, but the thought that there might be a secret policy. You did not use the word 'secret' – before you object – you said, 'I am a bit worried there might be a policy to neglect this structure about to be adopted.'

No, no, no, no. Would it be that we had such an involved and full, far-reaching policy worked out! We are in a process. We are in the middle of a process here. No, there is no conspiracy to adopt that sort of policy and the PSD Minister is absolutely aware that there is part of his mandate which relates to the state of that rather remarkable structure.

As a complete aside, if any of you get the chance to visit Alderney and you get through to the right person there to show you around, it is the most remarkable piece of engineering you could imagine. How a group of people, roughly my size, managed to get those stones up there in 1840, with one horse and a few pulleys, I do not know, but it really is amazing.

2520 I think, Deputy Jean, the only point that I would, in that sense, pick you up on – and it is very remarkable that it will show through in *Hansard* – you then moved into a phase that demonstrated the difficulty of where we are going with this, because your words contained so many ‘shoulds’ and ‘might’s’ and ‘coulds’ and ‘may’ and so on, so many words were, as you went into a speculative mode... that it really is extremely difficult to say what specific action now will have a very high probability of success in moving us to this outcome later and that is the real difficulty we are faced with in Alderney.

2525 The issue of equality of air fares, I totally understand, sir. That is of great concern on a daily basis and it was very well-illustrated in some detail. In my opinion, it is covered in all the stuff to do with the service level agreement and the evolution of that and I am quite sure that Deputy St Pier and his Committee and the governance relationship with Aurigny are working on that in quite a complex relationship situation.

2530 Deputy Gollop, just for the sake of correctness – relating again to *Hansard* – unless I slipped up during the speech, I certainly do not think I used the term ‘terminal economic decline’. I know I was going a bit negative at times, but that was a bit over the top. If that is the way it came across then I apologise.

2535 However, having been in this Assembly for something over six years and having heard a few Alderney debates before, having heard most of these arguments before, with different Alderney Representatives and so on, one of the reasons I was prepared to take on the ALG chairmanship and try and move this forward, very much related to my observation that the Island seemed to be at a bit of a tipping point.

Various indicators relating to education, to the Health Service and so on, really are making you vulnerable to becoming just non-viable, whereas it could be tolerated with an adjusted service at a slightly higher volume. So, whilst I am not saying it is terminal, it is more urgent than before.

2540 One of the issues that has been around for a long time... and, again, going back in my credentials relating to Alderney, I was a member of the Alderney School Committee, from the time I joined the Education Council in 2000. I was very struck by visits to Alderney. There was always a big idea going on.

2545 There was a Fort Tourgis idea and there was a big sports hall idea and there was a big marina idea, and so on. Those big ideas – one of the things they shared, one of the things they had in common is very much pertinent to my present Department in that, if you consider making major inroads, bringing a new business into Alderney, where are you going to find the people to work in it? Your unemployment is still very low and partly, it has been explained to me in rather crude terms with my Social Security hat that, actually, if somebody loses their job the chances are they will leave – they leave the Island.

2550 Now, that makes it, for entrepreneurs coming in – including the sort of ideas we have had later on in the debate – quite difficult because, if you are going to have an organisation, you need people to run it. Therefore you have got to bring them with you which, of course, you are able to.

2555 Not specific enough, Deputy Conder. Resolution 7 update on members on action plans. Absolutely right. However, there is a ‘however’ about it. The action plans and the output of ALG will be published, will be published to States’ Members, will be published on websites and so on. It should be transparent in that way.

Does it mean we should have another couple of States’ reports? Please, no. If we keep on coming back here it will be just more of the same and that also answers Deputy Fallaize’s request that, in relation to Proposition 13, no, we will not wait until the next States’ report to keep people in touch.

2560 Whether the best way is by statements or whatever, I am not sure at this stage, but I would happily give the undertaking that when the ALG meets – and I am sure once I have given this undertaking that Alderney will remind me, if nobody else does – that we should after each meeting – we meet about every two months or so – say, ‘And how are we going to tell people what is going on?’ because that would be absolutely wise.

Deputy Duquemin made points, very well made, about the marginal benefit of any work on the short runway. It is small, it is 2%. Of course if it is at 2% when you want to travel it is 100%, it is the old story.

2565 Crikey, as we come towards the end of a calendar year, if there is a little annual awards ceremony, I know he is right up the front for dubious parallels. The parallel between Alderney Airport and Dubai Airport, I suspect, is probably way ahead. None of us could match that. I think I got the point you were trying to make.

2570 And, should there be all-parties discussion? That is the point of the process that we are trying to work with the Alderney Liaison Group. It should be much more constant, it should be much more consistent, it should pull people into that Group and out of the Group as necessary and all the stakeholders should be involved, because the worst thing that could happen here is that Deputy Ogier and his Department work in a silo on their bit and worry about a runway.

2575 I am still amazed at the fact I came across the concept of a grass engineer during part of the work. That is an interesting job title. They have got grass engineers looking at the problems of which way the grass leans or something. Treasury & Resources obviously, with their numerous interests, need to get involved and so on. If we all go into silos and do those bits and do not talk to each other, we are not going to get anywhere.

2580 I think the whole business of the outsourcing of States’ work to Alderney, it has been mentioned before, has been looked at before –

not in the present climate. I think ALG should definitely put that on the agenda and involve the Chief Executive and the CIO – the new CIO – in looking at it.

I will just issue the caveat that I know exists and that is that the connectivity has got to be sorted first. The connectivity has got to be sorted for Education. It has got to be sorted for Commerce & Employment. It has got to be sorted, full stop.

So, sir, that is where we are. I would ask you all to support this. Can I add my own thanks and congratulations to Alderney Representative Harvey for his year's work? He had to slot in here very quickly. He has done a huge amount of work on this and on other projects and we thank him for that and wish him well with his day job back in Alderney, where he is going to still be involved very actively on this.

But thank you all and please will you all support the Proposition.

The Bailiff: Members, there are 13 Propositions. I remind you they have been amended, as a result of the successful Alderney Representative Harvey/Deputy Trott amendment. Propositions start on page 2821 of the Billet. I have heard no one requesting any separate votes so I put all 13 Propositions to you together. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare them carried.

POLICY COUNCIL

VIII. Repeal of Section 6(2) of the Dog Licences (Guernsey) Law, 1969, as amended – Proposition carried

Article VIII.

The Stares are asked to decide:

Whether, after consideration of the Report dated 28th July, 2014, of the Policy Council, they are of the opinion, to agree to the repeal of Subsection 6(2) of The Dog Licences (Guernsey) Law, 1969, as amended, removing the requirement for the Constables of each Parish to publish a statement in La Gazette Officielle in March each year detailing dog licence income for the preceding year and the purposes for which it has been spent.

The Greffier: Article VII, the Policy Council – Repeal of Section 6(2) of the Dog Licenses (Guernsey) Law, as amended.

The Bailiff: Chief Minister to open the debate.

The Chief Minister (Deputy Le Tocq): Sir, I had a fascinating speech to introduce this, but I think it is fairly self-explanatory. It tidies things up and removes the need for Douzaines to publish in *La Gazette Officielle*, particularly this anomaly, so I encourage Members to vote for it, please.

The Bailiff: Deputy Bebb.

Deputy Bebb: Thank you, Ecuyer.

I actually raised this during the St Peter Port Douzaine meeting and I think that the words of the Constables were that the Dog Licence Law is neither fish nor fowl, to which the response came, 'No, it is not, it is a dog!'

The problem with the Law as it stands is that it is absolutely of its time and that time has passed. When I inquired with the Douzaine whether or not it served any purpose, apparently it does not. The register is not reviewed by any of the police officers, it does not tie in to any of the micro-chipping, it does not ensure that anybody actually puts a tag on their dog. It does nothing, except create bureaucracy and therefore the only comment that I have is that it seems to be a great shame that the Policy Council did not go further and simply repeal the Law.

I would like to know, given that this... For instance, St Peter Port raises more money than any other parish – over £8,000 per annum – which is very little in comparison with the rest of the money that they raise. The cost to the parish has recently been increased because they have had to purchase new software in order to hold the register of all dog licence holders, on top of other costs incurred in administering this ridiculous antiquated tax that really has served its purpose and it is time to repeal it.

Therefore, the only question I have for the Chief Minister is why repeal this part and not repeal the whole Law, since it is useless? I think is a polite means of describing it.

2630 Thank you.

The Bailiff: Any further debate?
Chief Minister, then, to reply.

2635 **Deputy Le Tocq:** I cannot really answer that question except to say, Deputy Bebb, I have great sympathy. I understand there are different views, depending on which Douzaine you are speaking to, and this particular request did come to us and has the support of the Island Douzaine Council and so, as a result of that, it is a step in the right direction, I expect, at the very least.

But I will take his points back to the Policy Council and we will see in due course what happens.

2640

The Bailiff: Members, there is a single Proposition. It is on page 2833. Those in favour; those against.

Members voted Pour.

2645 **The Bailiff:** I declare it carried.

TREASURY & RESOURCES DEPARTMENT

IX. A Land Registry for Guernsey – Business Case Review – Propositions carried

Article IX.

The States are asked to decide:

Whether, after consideration of the Report dated 19th September, 2014, of the Treasury and Resources Department, they are of the opinion:-

- 1. To note the contents and findings of that Report on a Business Case for the establishment of a Land Registry in Guernsey.*
- 2. To agree that a decision as to whether or not to proceed with the establishment of a Land Registry in Guernsey should only be considered as part of any future consideration of a Government Service Plan.*

The Greffier: Article IX, Treasury & Resources Department – A Land Registry for Guernsey – Business Case Review.

The Bailiff: Deputy Perrot will open the debate on behalf of the Department, I understand.

2650

Deputy Perrot: Ah, yes, I am on the naughty step!

Black. (*Laughter.*) (**A Member:** White.) Ah, all is well! (*Laughter.*)

I know what they are thinking, my colleagues. I do not mean all the Ministers behind the altar rail, I mean those sitting in the ordinary pews. What they are thinking is, 'Oh, no, here is the dead hand of a nearly dead member of the Bar trying to protect his own and kicking a good idea straight into the long grass! (**A Member:** Yes.) (*Laughter*)

2660 But I am here representing Treasury & Resources but I have to come to this, but when the idea of a Land Registry was first mooted I was not entirely in favour of this, because it had its genesis in an idea at that time that this was a way of, really, keeping advocates in check about conveyancing fees. So that there was some ill-informed Deputies who thought that this was the way to do it.

So, originally, I was not for it but then I was lucky enough to be elected to the Treasury and I realised what a brilliant idea we had in respect of the Digimap arrangement, the partnership we have and the benefit it is to absolutely everybody. As a result of that, as I am chairman of the Digimap Mapping Board, I then realised how good, actually, a Land Registry could be.

2665 So I am a bit ambivalent about what we are talking about today. On behalf of the Treasury Board I am saying that we ought not to go ahead at the moment, but I do think that it has a terrific quality. The idea has got a terrific quality and it is something which I think must inevitably come in to the Island.

So, like all recent converts, I have not simply changed my mind, I am actually a sympathetic and enthusiastic supporter of the idea of a Land Registry.

2670 Now, a huge amount of work has been done in respect of this. I do not know whether anybody has taken the trouble to read the Business Case which was left in the Members' Room at Sir Charles Frossard House. Certainly, when I checked for it yesterday I could not find it. So if somebody has lifted it could it please go back into the Members' Room?

2675 Any Member reading that Business Case will realise what a vast amount of work has been done. A lot of work, of course, was done by the working group and I took over from the working group just over a year ago.

2680 The reason why we are suggesting that we do not go forward with the proposal now is set out and I would like to read a couple of paragraphs. As I have said before, I do not believe in long speeches in introducing policy letters, but I do think it is relevant today just to read a few paragraphs. The first one is paragraph 1.5 on page 2835. It reads:

'Although the Business Case shows that a Land Registry for Guernsey could be introduced, and would achieve a range of benefits in doing so, the view of the Treasury & Resources Department is that it represents a considerable piece of work, and not one that is risk free to implement or operate. Indeed, in the absence of an agreed Government Service Plan, it would be very difficult to judge the relative importance and overall need for the delivery of a Land Registry versus the many other issues, projects and priorities facing the States. Furthermore, the need to ensure the project adhered to the States-agreed capital prioritisation programme process would require further work in addition to the production of the Business Case.'

One does not then need to read anything until paragraph 5.6 on page 2846. There is a degree of repetition and I will just read two paragraphs 5.6 and 5.7:

2685 '5.6 Despite the benefits that are envisaged to arise from the implementation of a Land Registry, the Department is also very clear that the project represents a major piece of work which could not truly be described as "essential" to deliver. Although dedicated resources would be assigned to the delivery of a Land Registry in the form of a full-time project manager, it would undoubtedly be the case that change of this scale would occupy considerable staff time within and beyond the Department if the project were to succeed. There is also some uncertainty as to which part of the States a Land Registry would best "fit", and because the project has developed without the benefit of a Government Service Plan, it is hard to assess the relative strategic importance of the project for the States as a whole.

5.7 The States have previously approved the development of a Government Service Plan as the corporate mechanism for allocating resources available to the States in accordance with its strategic aims, objectives and agreed priorities. Having considered the balance between the risks and benefits of the Land Registry project and, being particularly conscious of the significant staff and financial resources that would be required to deliver a Land Registry, the Department has concluded that it would not be appropriate to proceed with its implementation at present. Whilst the Business Case developed by the Department demonstrates considerable merit in introducing a Land Registry, it believes that any decision to do so should only be taken within the context of a Government Service Plan.'

So that really is the nub of the argument.

2690 Could I just take this opportunity to thank the staff, a number of them are in the Public Gallery, for the immense amount of work which has gone into this? I am sorry that we are recommending that it does not go forward at the moment but I have no doubt at all, given the intrinsic merits of the idea, that it will in due course.

The Bailiff: Deputy Dave Jones.

2695 **Deputy Dave Jones:** Thank you, Mr Bailiff.

2700 I remember that public spat very well, going back a few years, between myself and Deputy Perrot over advocates, conveyancing, land registry. We had a robust exchange of letters in the *Press*, the last one of which Deputy Perrot did not reply to in writing, but I bumped into him at the Governor's Queen's birthday and I said, 'You didn't reply to my last letter, Mr Perrot.' 'No, no,' he said. 'I leave it to people like you to destroy the English language. Good morning!' (*Laughter*)

2705 So I was patronised and dismissed in one sentence and we have not spoken of it since. But I am saddened, in a way, that T&R are not going to go ahead with this, because I think that it could be really good for Guernsey. If you put it together with a Digimap we could even perhaps have a proper notaire system in the end and conveyancing would become that much easier for everybody and, certainly, significantly cheaper.

But this, again, is the problem, isn't it, when we have got the FTP and we are cutting back on staff in the States and we clearly cannot carry on with sections of work that maybe are really beneficial to the community and beneficial to the state as a whole?

2710 So, you know, cutting staff and cutting resources all the time is okay to keep the figures correct on the bottom of a balance sheet but it does nothing whatsoever to help progress the Island in ways such as this with a Land Registry that could, as I say, be beneficial to the community.

Thank you, sir. That is all I wanted to say.

The Bailiff: Deputy Gollop and then Deputy Green.

2715 **Deputy Gollop:** Thank you, sir.

Quite a number of years ago now, the late Deputy and respected Deputy Bill Bell was chairman of the IDC and Environment Department and different things, I remember he became the first political chairman of a working group with Digimap. Since then it has gone from strength to strength and I recall that Deputy Perrot recently opened a well-attended conference at Les Cotils and I attended part of that later in the day.
2720 We had many interesting lectures, including viewpoints from the Policy Council relating to key performance indicators and the use of the Digimap in bringing better economic data.

When I realised from both this Report and the conference that this project was being put on hold, I must admit, like Deputy Dave Jones, I was disappointed. It had been something the previous Treasury & Resources Board had supported and it offered the carrot of easier and maybe cheaper land conveyances. I
2725 do not think that in itself is the main reason for doing it, because the professional sector are well capable of giving the consumer a service that they pay for.

I think I found, as a Deputy and as a person, there has been quite a number of people around the Island – whether it be in the heart of St Peter Port and the Clifton area or on the west coast, close to the popular beaches – whereby there are conflicts over land ownership and uncertainties as to who has what right of
2730 way or other powers over that land.

I think we do need, once and for all, an electronic register to settle these problems and, in a way, that would not only ease conveyancing and business and life for the consumer, it would probably save the Royal Court time and money when these cases sometimes drag on.

So, I would very much hope that the Policy Council reconsiders this as part of what is the Government Service Plan. I think it is a useful project and I think it is easy to say that we are in not particularly easy
2735 economic times and, obviously, health and social security and policing are more important than this and yet if we have that attitude forever we would never ever work properly on the technical, on the engineering, on the custodial and operational side of the States.

We do need a balance. I get concerned when I hear the States being referred to as one single service. I
2740 think what we are is a multi-disciplinary team of different professional functions and we do not support one or two at our peril.

I think that this is penny careful and pound foolish and I do hope at the earliest possible opportunity that the project is supported when the fiscal situation appears to be more comfortable, because I think it is a must-do for Guernsey, with 20/20 vision, over the next decade.

2745 **The Bailiff:** Deputy Green.

Deputy Green: Thank you, sir.

Yes, I certainly agree with what the previous speaker just said there and I also agree with what Deputy
2750 Dave Jones said. This is something that is essential and will have to happen. I understand why Deputy Perrot says it will not go ahead right now.

I am entirely supportive of the idea of a Land Registry. The provision of a state guarantee of title plus the greater clarity of title will, I think, no doubt, have a downwards pressure on the costs of conveyancing services as well as providing perhaps, as Deputy Gollop says, removing some of those uncertainties in
2755 terms of title and therefore reducing the amount of disputes on the back of that.

But I, too, am slightly disappointed that we are not in a position to grasp the nettle on this. I do take the point that the policy letter and Deputy Perrot make about the lack of a Government Service Plan and the issue of priorities and those are good points, they are well made points.

But, honestly, really I do think we tie ourselves in knots sometimes on these things. We know that a
2760 great deal of work has already been done on this, as Deputy Perrot says. It is just immensely frustrating to have to deal with these situations, where you obviously have a project that has a lot of merit in it. I would not have thought anybody in this Assembly will be against this in principle, but for perhaps slightly technical reasons – procedural reasons almost, because of that lack of a Government Service Plan – we are not in a position to actually grasp the nettle. I find that very disappointing, very frustrating.

It is, of course, a very big undertaking. We should not underestimate that. But, equally, there are big
2765 benefits, very clear potential benefits, I have to say – especially for the legal consumer – of conveyancing services.

So although we are not in a position to crack on with this today, I still hope that this will be a project that will rank relatively highly in the list of priorities, when this Government Service Plan finally emerges.

2770 But, as I say, it is very disappointing that we cannot simply lance the boil today.

The Bailiff: Deputy Inglis.

Deputy Inglis: Thank you, sir.

2775 Moving to this side of the Assembly has taught me a word that we are using a lot in Culture & Leisure at the moment and that is ‘flabbergasted’.

My colleague from the west, here... I am very impressed. I was not expecting that sort of reaction to what the Land Registry brings into play, as far as his old profession is concerned, so I am delighted that he has a conflict in a view as to how we should treat the Land Registry.

2780 I have read the business plan. I got one of the people involved in creating the business plan to send me it electronically. I could not be arsed to go down to Frossard House and sit down there for a few hours, so I had it sent electronically to me.

2785 It is an excellent read. I was really surprised at the content. That is the word – ‘flabbergasted’ comes into play there. I really see it as a no-brainer. I am frustrated in much the same way that other colleagues are that we are not looking to pursue this.

2790 Land registry in the UK was established in 1861 and we are most definitely lagging behind. It creates a situation that allows us to clearly know what our land area is. If I was to take my own particular property – on it I have A plus B equals nine feet, I have greenhouses that do not exist, I have walls that do not exist – the Land Registry obviously will just have four, maybe five, GPS plots and that is it. It will be something that then adds value to the property because people know that they are not going to have issues associated with land disputes.

2795 The Business Case outlines key opportunities to modernise the way property is conveyed in Guernsey. Many of the core components are already in place, so it seeks to enhance the Land And Property Information System, which is commonly known as LAPIS. So all it is is a layer on top of an existing framework and, clearly, would benefit a lot of users.

The Business Case for the user would achieve greater simplicity in transacting property, reduce cost, provide clear title and a one-off payment charge, which is certainly where I felt that maybe the conveyancing side of the job involved in buying and purchasing was possibly restrictive – the cost of it.

2800 For the States, it is greater clarity in matters affecting title boundaries and the interest in land. It will develop data and mapping technology and provide aid to home owners and businesses. When reading through the business plan, there were 16 points in favour of introducing this and only three against. So, again, one has to think why aren’t we going to consider it? Now, we use the Government Service Plan as a reason. I have grave doubts as to how that is going to develop properly and, of course, it will take time.

2805 In the business plan, we talked about how this could be outsourced; it does not necessarily have to go through Digimap. So there is, for me, a conflict of understanding as to why we cannot look at this straight away and get it moving.

This is something that people out there would welcome. This is a payback for people – people like we saw protesting today. They just do not want to pay more taxes, more charges and here is an opportunity to do something.

2810 I have heard the question where does the Land Registry sit? I think the key is in the word ‘Registry’. We have already set up a very sophisticated registry system. It would enhance the work that they are already doing, so why can’t it sit with Commerce & Employment, a Land Registry?

2815 Within the business plan it does talk about a completion date, if they were to start from today, and it is 29 years. I would not like to see us dwell and hang on to this for furthermore years before we even consider starting it.

I would urge Treasury & Resources, please rethink this. This is a win-win for everybody. There is a revenue source for the States which is much-needed in everything that we are doing at the moment. So I would advise and ask that people do give this a vote of not accepting being noted and being put on the shelf.

2820 There is a comment within the Report that says ‘It ain’t broke, don’t fix it’. This is not insignificantly wrong, with what we have got at the moment, but let’s take us forward and make something that really reflects what is a sophisticated Island that we live in.

Thank you very much, sir.

2825 **The Bailiff:** Deputy Dorey.

The Procureur: I think the Member might have used unparliamentary language in referring to Frossard House?

2830 **The Bailiff:** Ah, thank you. I thought I might have misheard him, but I am sure he wouldn’t. Did you use an unparliamentary expression, Deputy Inglis?

Deputy Inglis: I must apologise, sir. If it comes out in *Hansard* a different way, then maybe I have.

2835 **The Bailiff:** Thank you.

Deputy Dorey.

Deputy Dorey: Thank you.

2840 I will echo the points made by the previous speakers. In the 2015 Budget Report, on page 18, when it is referring to the Government Service Plan, it says:

‘However, in the absence of such a plan, the Treasury & Resources Department is recommending cash limits for 2015 for some Departments that include additional funding for existing services or for the introduction of service developments, having considered relative priorities.’

2845 So T&R have been making decisions in the absence of a Government Service Plan, so I am struggling why they cannot make a decision in relation to this. If we look at page 2840, we are told that it needs a Treasury loan and the payback is based on five years; a Treasury loan is £686k. On page 2842 it says that in the event the conclusion of the Business Case is that the Land Registry can cover its costs and provide options regarding future fees and return to the States and in the graph on that page it shows that there is over a 10-year period, after repaying the loan; there is potential of in excess of £3.5 million generated.

2850 I really struggle to understand why, when there is what I think everybody said is of merit for the people of Guernsey – it also will produce a return – why they are not progressing it. They told us in the Budget they had made priorities, they had prioritised new services, so I really struggle to understand why they are not doing that.

2855 If they find that they need the money from a source other than the general revenue – normal budgets – we have set up the Transformation and Transition Fund, so why not use that? But it seems totally wrong not to progress this. All the work had been done to date. The worst is that you leave it on a shelf and you do not progress it. Then you have the additional costs of restarting the project at some point in the future.

So I would urge Members to vote against Proposition 2:

‘To agree the decision as to whether proceed or not with the establishment of Land Registry should be considered as part of a future consideration of the Government Service Plan,’

2860 – with a clear message to T&R that we want you to progress this and that they should progress it and if they feel that they need the Transformation Transition Fund, use that.

Surely, we speak about improving States’ finances, this is an opportunity for a win-win situation? It will improve the services for the people of Guernsey and you will also produce the financial return to general revenue?

2865 Surely, that is what we should be doing?

I just really struggle to understand why they are not progressing this. So I would urge Members to vote against Proposition 2, on the idea that we are giving T&R a clear message to progress this.

Thank you.

2870 **The Bailiff:** Deputy Adam, then Deputy St Pier.

Deputy Adam: Thank you, sir.

2875 I would like to start by agreeing completely with Deputy Perrot and Deputy Inglis, concerning the quality of this Business Case. It is a beautiful, easy document to read and understand... and the amount of hard work that went into this Report.

2880 But, actually, I am very surprised that if one thinks that T&R should go against the aspect of not abiding by the rules that we put on other people willing to bring in services and new services – and Deputy Dorey suggests you should vote against 2 – sir, I would suggest to Deputy Dorey maybe he should have five minutes’ break and bring an amendment to instruct T&R to progress this Land Registry, because you all seem to agree with it, but if we had said that – if T&R Board had said that – someone would stand up and say, ‘Wait a minute, you don’t allow other people to bring in new services without prioritisation.’

Sir, truly, I apologise to my Minister, Deputy St Pier. You might say you do not allow our Department to bring in new services without this Government Service Plan in place and the priorities in place, why should you do it? But you are all saying we should do it.

2885 So, sir, I simply suggest that, instead of voting against this, bring an amendment along in the next two or three minutes and say, ‘Go ahead with it, get on with it.’ Because I have read it and, as Deputy Dorey pointed out, on page 2840 it would suggest that, long term-wise – I am talking about five years-plus – it will wash its face, it will be beneficial to many people in Guernsey. It will take some time to get a significant number of people on the Registry, of course, and alter a lot of working organisation, but the people who have done the business plan and this Report, I suggest, have it in shape and willingness to go ahead but, as it states quite clearly, it is difficult for T&R to go against the fact that there are no prioritisations of new services and we need to have the Government Service Plan.

2890

Thank you, Sir.

2895 **The Bailiff:** Deputy St Pier.

Deputy St Pier: Sir, a number of people have spoken as if this Report is arguing that we should not proceed with a Land Registry at all – starting with Deputy Dave Jones and Deputy Gollop. Also, it suggested that the reason for not progressing it was ‘the fiscal situation’, to use his words.

2900 Deputy Green referred to the technical and procedural reasons. Sir, I think that is misunderstanding the rationale for Treasury in coming to the Assembly today and recommending that we do not proceed at this time.

2905 This is not simply about the financial resources, which is, in essence, Deputy Dorey’s point. The financial resources could clearly be made available through various sources, particularly as the Business Case is there and can be made.

2910 Sir, Treasury’s concerns very much are about the non-financial resources which will be required in order to progress this piece of work. In response to Deputy Inglis, sir, we should, notwithstanding the quality of Business Case, notwithstanding the amount of work that has already been done... This would be a massive piece of work to implement and it is the non-financial resources – in other words, the people; our lack of spare capacity in terms of people, to actually progress this Business Case to the next stage. We do not believe that that is the best use of their resources at this time

2915 In particular, some of the key people who have been involved in this, their key role is in relation to the SAP and the shared transaction services. We actually believe that their time is better spent there, leveraging the investment that the States has already made, to get full benefits from that system, rather than them being distracted onto implementing this.

In relation to Deputy Dorey’s comments about prioritisation and the comments in the Budget Report, in essence, Treasury having to make those prioritisation decisions and recommendations, sir, that is precisely what we are doing in this Report. We are recommending to you that this be not prioritised – it is not prioritised at this time – for those very reasons.

2920 I would urge the Assembly not to progress with this now. It is something that the Report clearly makes a case that could be done at some point in the future, but there are, if you like, better uses of our limited resources at the time. I would emphasis it is primarily the non-financial resources I am talking about.

2925 The other comment I would make in relation to Deputy Inglis’ comments is in relation to the charges and the current fiscal... the current environment. On page 2841 there is a table of what the charges would be. Those, of course, would be additional transaction charges for properties and whilst the benefits would eventually build as more people came onto the register, these would apply immediately and would be an additional charge.

2930 Again, I am not sure that that would necessarily be welcome in the current environment, sir, and the current condition of the property market. I would urge caution on that front as well. Primarily, I rise to make the point that it is the non-financial resources which are of significant concern to the Department.

The Bailiff: Deputy Dorey.

2935 **Deputy Dorey:** Can I ask for an adjournment for five minutes, just to consider whether an amendment is possible?

The Bailiff: I will put that to Members. I put to you the proposal that we adjourn for five minutes. Those in favour?

2940 *Some Members voted Pour, some Members voted Contre.*

The Bailiff: No. I think this Assembly are not with you. I think they wish to proceed.

So, who else wishes to speak? No-one.

Deputy Perrot, then, may reply.

2945 **Deputy Perrot:** Thank you.

To Deputy David Jones, it is disgraceful to say that I bumped into him at Government House! *(Laughter)* I never bump into people at Government House; although I did meet him there and I did criticise his use of the English language.

2950 I would very readily support his suggestion that we go to a Notaire system because, of course, they do manage to charge absolutely humongous fees in France. During some of the longeurs of this debate, I have been looking at fees and for older property the total fees and taxes payable for the purchase of an existing property are between 7% and 10% of the purchase price and, of course, that is plus VAT at 20%. Some

people can afford to have houses in France. Not all of us can and certainly I could not (*Laughter*) pay those fees.

Interestingly, the lowest rung of a Notaire's fee is 0.9867% of the value of the real estate. When Deputy Jones and others were bleating about the cost of advocates' fees in Guernsey they were at 0.75% – in other words, 0.2% below that level. I thought that that compared, in those days, quite favourably with estate agents' fees of 2% and the States of Guernsey fees of 3.5%. That is 2% congé and 1.5% Document Duty. All pretty eye watering stuff. So, yes, do let us go to a Notaire system! (*Laughter*)

Now, Deputy Gollop – I had not realised that he had attended a conference which I opened. I did notice that there were lots of biscuits there, (*Laughter*) but I did not see him there.

He is under a misapprehension though, about whether this system would bring to an end conflicts over boundaries. Eventually that would happen. It certainly would not happen in the short term. The essence of a Land Registry system is the guarantee of title and the States would be guaranteeing title. So there is quite a liability, actually, on the part of the States, but that is the essential difference between the existing system and the new system. Boundaries would still potentially be disputed and it would take a long time to work its way through.

Deputy Inglis was not correct, by the way, when he said that the Land Registry system had started in the 19th century. Actually the Land Law, as we know it in the UK these days, started with the Law of Property Act of 1925 and the Land Registry system, as we know it these days, started at the same time in 1925. It takes a time to work its way through, because you cannot put all properties... you cannot register them all immediately, otherwise the whole of the system would seize up; and we are still getting in the UK new properties coming on to the Land Register, and there are still, I am afraid, some boundary problems with those properties which are actually on the Register.

Anyway, he was 'flabbergasted' by what I said. I am so sorry that I have upset him, but I was just telling it as it was. He said that people will know that they do not have issues, but there will still be difficulties and those will actually relate, essentially, I suspect, to boundaries; but boundaries will, in due time, become resolved, they will become defined, but it will take time for that to happen.

The system would not take 29 years to come in, as Deputy Inglis said. It would actually take two years from now for us to bring the system in, but to get it up to a state of maturity would take a good 30 years or so.

He also said that people do not wish to pay more. If we brought it in now people would, I think – I am not sure about this, but I *think* – would be paying more, because there would be the flat rate fee of £350 we have suggested, plus the 0.01% fee, and that would be on top of legal fees, and legal fees would certainly be incurred in relation to first registration and, indeed, in relation to subsequent transfers, so this will be an additional cost at the moment, not a lowered cost.

Although, because we are not having an amendment, I do not really have to deal at length with what Deputy Dorey had to say. If we were bringing the system in now... and, as the Minister said, it is not just financial resources which need to be deployed, it is other resources and we would need another 15 civil servants. I think the figure in the body of the Report is 23 and I think we would need an extra 15. I think that is the figure, but do correct me if I am wrong.

I think I have answered all the essential points.

I ask that the Propositions be adopted.

The Bailiff: Right. There are two Propositions on page 2848. Deputy Dorey, as I understand it, wishes to vote differently on Proposition 2 than Proposition 1, so I will put the two to you separately.

The first Proposition is to note the contents and findings of that Report on the Business Case for the establishment of a Land Registry in Guernsey. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

Proposition 2. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried also.

PUBLIC SERVICES DEPARTMENT

**X. Waste Strategy –
Household Waste Charging Mechanisms –
Propositions carried**

Article X.

The States are asked to decide:

Whether, after consideration of the Report dated 22nd September, 2014, of the Public Services Department, they are of the opinion:

1. To rescind States Resolution 11(a)(iii) of 12th February, 2014, (Billet d'État No. II dated 20th December, 2013) and to agree that the Douzaines will have discretion to allow businesses to opt into a household collection scheme, rather than a duty to accept such businesses that choose to opt into such a scheme, provided that the amount and type of waste that any business could place out for collection could not exceed the average amount of the type of waste generated by a household.

2. To direct the preparation of legislation that is necessary to give effect to the proposals on:

a) the Parochial waste rate and Waste Disposal Authority waste rates as set out in section 3 of that report; and

b) the amendment of the Competition (Guernsey) Ordinance, 2012, as set out in section 4 of that Report.

3. To agree that appeals against civil fixed penalties issued by or on behalf of the Douzaines will be heard by the Parochial Appeals Tribunal.

The Greffier: Article X, Public Services Department – Waste Strategy – Household Waste Charging Mechanisms.

The Bailiff: The Minister, Deputy Ogier, will open the debate.

Deputy Ogier: Thank you, sir.

This States' Report is a continuance of what this Assembly agreed; or what the previous Assembly agreed in 2012 in February, what this Assembly agreed again in February 2014 and reaffirmed in July of this year with the Waste Disposal Plan.

This Report is not an opportunity to revisit the Waste Strategy, but is here to provide further detail on one element – the method of charging and the legislation that is required to underpin that. I would politely ask Members to speak to the matters before this Assembly in this States' Report and not to widen it to matters not before us today.

The Resolutions relate only to the way that we charge for waste services, as has been previously discussed and agreed in principle. The figures inside the Report are illustrative figures of the sort of figures that we can expect, based on the expressions of interest we have received, and the range of potential costs for the Waste Strategy's capital infrastructure procurement and export destinations.

The Report speaks for itself but I wanted to highlight a few key points.

In our consultation with Islanders, the user pays approach was consistently considered a fairer method of charging for waste services. (**A Member:** Hear, hear.) People very strongly felt that those who produced more waste should pay more; conversely, those who recycle more should pay least. With these proposed charges, people can keep their costs down by recycling more of their waste, and people who throw more into their black bags will pay more.

The charges are aligned with the strategic objectives of the Waste Strategy, whereas now charging causes no choices to be made. The current charges change no behaviour and achieve nothing but raising money for a service. User pays is therefore a key element of this Waste Strategy, irrespective of other aspects of the Waste Strategy. So, whatever we had decided to do with the residual fraction and whatever recycling rate we had set as a target, user pays would still have been a principle we would have adopted, based on the important feedback that we have received from Islanders.

There are three proposed charging elements but we plan to, and hope to, use only two. We have the parish charge which will move away TRP to a flat rate charge, which the Douzaines very strongly wanted when we consulted with them. We will have the bag charges and we will have the potential to levy a waste disposal charge.

The parish charge will cover collection only, but rather than just refuse collection, as at present, this will, in future, also include kerbside collections of dry recyclables and separate food waste. However, the parish will no longer charge for the disposal of waste as it does now, as the processing and disposal of waste will be covered in the bag charges, so the average charged by the parish will reduce. The average household waste element of the parish rates will reduce from around £108 average, currently, to around £68

average, but the final figure for the parish charge will depend on negotiations between the parishes and their contractors for refuse recycling and, potentially, food waste collections.

We are working with the parishes to explore efficiencies which can be made with the planned changes to waste collections across the Island. We think there are savings to be made by doing some of the collections differently and we are working with the Douzaines to see if we can achieve some of these savings.

The purpose of the bag charge is to cover the cost of processing the materials collected both on and off-Island. They will also cover other costs associated with the Waste Strategy such as the provision of a household waste and recycling centre, the processing of green waste, education, promotion, a new repair and re-use centre, and the end of life management of Mont Cuet which, incidentally, had not been included as a cost in previous waste strategies.

Finally, the third potential charge is the Waste Disposal Authority's fixed charge. Provision needs to be made for this in legislation but currently the WDA believes that enough money can be raised using reasonable bag charges to cover the costs of dealing with household waste.

We have known for a long time that costs will increase. The cost increases are not to do with our choice of waste strategy, nor any specific element in it. Costs would have increased if we had an on-Island incinerator. Costs are increasing because we no longer have available the cheapest option, which is untreated landfill. The only scenario that would see our overall costs reduce in the long run was to prioritise efforts to minimise waste and recycle more – which is the chosen strategy. Indeed, when we look at the costings, we see the costings of the Waste Strategy in certain areas decrease over the long run.

PSD sees the flexibility of these costings as a fair way of raising the funding necessary for the Waste Strategy. The more people recycle, the lower their increases will be. We believe the black bag charge is not so high that it will lead to wide spread fly tipping or such anti-social behaviour as the systematic burning of household waste. There is legislation already in place which deals with these issues and these kinds of actions. We should bear in mind that we will be going through a period of change, and change can sometimes result in teething issues and short-term adjustments; and there will be issues to resolve and there will be headlines, but when the dust settles and we move on, we believe we will have a much fairer system.

The cost of the bags have to provide a meaningful incentive for Islanders to consider reducing their waste and recycling more. However, we have been mindful of the potential for unintended consequences if charges were set too high. We believe the balance is about right. We believe it is important that a charge is levied for recycling, as well as for black bags, but this will be significantly below the price of a black bag. So there will still be a strong incentive to reduce waste and recycle more in these costings. Islanders are unlikely to be tempted to put recyclable items into their bin simply to avoid recycling bag charges as the cost of doing so would be three or four times higher.

We have checked with Social Security and a raise in charges to householders of the equivalent of a couple of litres of milk per week will not lead to a significant increase in additional beneficiaries. Public Services Department is continuing and is constantly looking for best value through the procurement of the infrastructure required, and we are determined to control costs and the export contract and all the capital requirements will be subject to approval of an appropriate business case by the Treasury & Resources Department and will go through all the necessary reviews.

I ask the Assembly to support the Report.

The Bailiff: There is an amendment to be proposed by Deputy De Lisle, seconded by Deputy Collins, but if that is to be laid it will require suspension of Rule 13(2) of the Rules of Procedure.

Deputy De Lisle, is it your wish that I put to the States the Proposition that the Rules of Procedure be suspended to allow you to lay your amendment?

Deputy De Lisle: Yes, sir, if you will, please. I think that it is important that it is done, on the advice of the Procureur.

The Bailiff: Yes, and I have been advised that the effect of the amendment relates to charges having a bearing on the revenues of the States and hence Rule 13(2)(d) is engaged and the appropriate notice has not been given under that Rule.

So what I am putting to you, Members, is a Proposition that Rule 13(2) of the Rules of Procedure be suspended to the extent necessary to permit the amendment, which I believe has been circulated, to be moved, debated and voted upon, notwithstanding it not having been furnished as required and with the time required by that provision of Rule 13(2).

I put that procedural motion to you. I hope everyone understands what they are voting for. Those in favour; those against.

Some Members voted Pour, others voted Contre.

3110 **The Bailiff:** I think, Deputy De Lisle, that the Contre outweighed the Pour. If you wish to have a recorded vote, I would request a recorded vote.

Deputy De Lisle: We have very few people in the House at the moment, sir. I think perhaps we should have a recorded vote.

3115 **The Bailiff:** You wish to have a recorded vote?

Deputy De Lisle: Yes, please

3120 **The Bailiff:** There will be a recorded vote then. Then maybe some of those that are listening outside will take the opportunity to come back in... Sudden rush of people back into the Assembly! (*Laughter*)

Just so you know that we are voting on a Proposition to suspend Rule 13(2) of the Rules of Procedure to enable an amendment to be laid by Deputy De Lisle and there is a recorded vote on that Proposition to suspend the Rules of Procedure.

3125 *There was a recorded vote.*

Lost – Pour 19, Contre 23, Ne vote pas 0, Absent 5

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Domaille	Alderney Rep. Harvey	None	Alderney Rep. Jean
Deputy Gollop	Deputy Harwood		Deputy Kuttelwascher
Deputy Sherbourne	Deputy Langlois		Deputy Brehaut
Deputy Lester Queripel	Deputy Robert Jones		Deputy Perrot
Deputy Fallaize	Deputy Le Clerc		Deputy Storey
Deputy Laurie Queripel	Deputy Conder		
Deputy Lowe	Deputy Bebb		
Deputy Le Lièvre	Deputy St Pier		
Deputy Spruce	Deputy Stewart		
Deputy Collins	Deputy Gillson		
Deputy Green	Deputy Le Pelley		
Deputy Paint	Deputy Ogier		
Deputy James	Deputy Trott		
Deputy Adam	Deputy David Jones		
Deputy Brouard	Deputy Duquemin		
Deputy Wilkie	Deputy Dorey		
Deputy De Lisle	Deputy Le Tocq		
Deputy Inglis	Deputy Burford		
Deputy O'Hara	Deputy Soulsby		
	Deputy Sillars		
	Deputy Luxon		
	Deputy Quin		
	Deputy Hadley		

3130 **The Bailiff:** I believe that was lost but we will just wait for the formal count.

Well, Members, the result of the vote on the Proposition, to suspend the Rules of Procedure to enable the amendment proposed by Deputy De Lisle to be laid, was 19 votes in favour, 23 against. I declare that Proposition lost and therefore the amendment cannot be laid.

3135 We will proceed with general debate of the Public Services Department Waste Strategy on Household Waste Charging Mechanisms.

I remind Members, as the Minister said, the debate is to be limited to household waste charging mechanisms, not the principles of the Waste Strategy itself.

Deputy Lester Queripel.

3140 **Deputy Lester Queripel:** Thank you, sir.

I rise to ask a question and to express a concern. The question is this: is there any possibility of a reduction in charges for bags for pensioners? (**A Member:** Hear, hear.)

3145 I realise that I could have laid an amendment that sought those reductions in charges for pensioners, but I have to be realistic and to accept my record of successful amendments stood at one – for 24 glorious hours until it was rejected the day after it was supported! (*Laughter*) Ironically, the PSD Minister was seconder for that amendment and I am sure he will recall... perhaps he would rather forget that, sir, but one thing I

am sure that he will not forget is what he is reported to have said in *The Guernsey Press* recently. The Minister is reported to have said the following:

‘In the short term there may be some teething issues but I cannot see people deciding to risk a fine and a criminal record to fly tip when to put it out is the cost of a couple of litres of milk’

3150 That comment prompted a letter to *The Guernsey Press* on 5th December headed, ‘Two litres of milk is no trivial cost for pensioners’. And I appreciate that not every pensioner is struggling to survive financially, but I am concerned about those who are.

3155 I am wondering if PSD would be willing to consider a means testing scheme for pensioners who struggle financially, in an attempt to reduce their expenditure in relation to charges for bags. Rather that, sir, than pensioners going to the Social Security Department for a Supplementary Benefit top up – which brings me on to my concern regarding Supplementary Benefit. The concern I have can be found on page 2859 in paragraph 3.57. We are told that:

‘The Department acknowledges that the proposed charges have the potential to increase the level of hardship in some quarters.’

3160 We are told in paragraph 3.58 on the same page, by T&R, that:

‘The Department considers that the Social Security Department is best placed to address this issue by taking charges into account when recommending supplementary benefit.’

In the last paragraph:

‘Any increase in charges for collection and disposal of waste could result in increased expenditure on the Supplementary Benefit Scheme, which will... reduce the level of budget available for all other Departments.’

3165 That really does concern me, sir. What concerns me even more is that it does not seem to concern the Policy Council, because we are told in their notes on the same page that:

‘The Policy Council, by a majority, supports the recommendations contained in this Report’

3170 Yet, it will be the budgets of their Departments that will be affected if these proposals are passed today. So I hope we are going to hear the views of Ministers on that point – especially the views of Deputy Langlois, our Social Security Minister.

Thank you, sir.

3175 **The Bailiff:** Does anyone else wish to speak?
Deputy De Lisle.

3180 **Deputy De Lisle:** Sir, I want to say that to propose imposing charges on kerbside bags and closing bring banks, in my view, is a retrograde step because people are going to definitely want to use now the bring banks and continue using them, and there are many people that have switched to recycling at kerbside that will want to reduce the cost to themselves by them moving their recyclables to the bring banks.

So I would appeal to the Department to stop any initiative to close the bring banks and I would also ask them to really consider again charging for recycling bags.

3185 We have to avoid the mistake of charging. In fact, this morning we had people outside the Assembly appealing for the States to stop this charging nonsense on everything and affecting their cost of living and inflation on this Island.

We also have to realise that the more people that recycle – and this was a point that Deputy Ogier made – the less the cost to the public. What we are doing by putting a tax, if you like, or a cost to the recycling bags is actually discouraging people from continuing kerbside recycling.

3190 Unfortunately, it is something that people have grown accustomed to, they have welcomed, and it has increased the recycling waste. In fact, for most of the materials we are now collecting through kerbside, only around 20% to 30% of the total we collect now comes through the bring banks. What we are going to do is to move that back to the bring bank system and away from kerbside.

3195 Also I think we have to remember another point that Deputy Ogier made: those that throw more, pay more – the polluter pays principle. That is a good principle. It is a good principle for the black bag because we want people to reduce in terms of the waste that they produce through the black bag system, but the polluter pays principle does not apply to recycling, because we are trying to do the opposite; we are trying to encourage people to actually move more through the recycling bags and the bring banks.

3200 The other point is that Islanders have said enough is enough and here is an opportunity actually to provide some comfort to the population of this Island, that the States of Guernsey were listening; and

evidenced today in this actual Assembly is that the States are still not listening to opportunities to reduce the cost to the public.

So my appeal is that, given the situation as we have it now, with charging that there is no further rationalisation of the bring banks, and also that the Department reflects again on its policy of charging for the recycling bags at 50p – which when rolled up in 20s is a £10 note and how many people are going to have £10 to pay for 20 recycling bags when they can go up the road to the recycling bring bank free?

Thank you, sir.

The Bailiff: Yes. Deputy Laurie Queripel, then Deputy Green.

Deputy Laurie Queripel: Thank you, sir.

Sir, there was something that particularly caught my eye in this Report from PSD and I know it caught the eye of my colleague, Deputy Spruce, as well, and it is in paragraph 3.41, page 2856. The first part of that paragraph. It says: [The text is actually at paragraph 3.44 on page 2857]

‘This information is only an estimate, as the precise costs of delivering the Waste Strategy will not be known until such time as the infrastructure elements have been negotiated, built and are in operation...’

This also relates to a letter that was sent out to Douzaines and account holders in October of this year by PSD, and I will just read a part of that letter – the last paragraph:

‘Public services is keen to avoid a sudden, significant increase in waste fees to customers when these new facilities become available in around two years’ time.’

What they were relating to were... What they were talking about was the fact that the letter was to explain that the price per tonne will go up from £156.16 – that is in 2014 – to £171.78 per tonne in 2015, in regard to the current waste disposal methods, sir. So it goes on to say:

‘The 2015 charges will therefore help to provide a more gradual transition to these higher rates and also help fund the construction of the new facility.’

I am seeking some clarification here, sir, from the PSD Minister, in that can this be justified. As I understand it, the States has already approved a capital allocation for infrastructure and facilities. So are the comments in these two paragraphs – the one in the Report and the one in the letter – mistaken or inaccurate, or is it PSD’s intention not to use all the capital allocation, or a way of acquiring extra revenue towards the facilities?

Sir, was the capital allocation not enough or are the facilities going to cost more than was projected by PSD? So I am seeking some clarification there. I thought that the capital allocation that this States approved would cover all the infrastructure and all the facility costs, sir, and yet we are told that the rise in the gate fees for the current waste disposal method... and by that letter, sir, we are told that that is to cover the cost of facilities or infrastructure to some measure. So I wonder if the PSD Minister could address that issue, sir, and clarify that.

Sir, there are other issues that I could touch on, but I think you would rule me out of order because I still have a number of concerns about this Strategy that will make it very difficult for me to vote for this strategy; because it is a strategy that is meant to be progressive, but for me there are still doubts and concerns in regard to its effectiveness and its affordability.

I appreciate the intention is for it to be progressive, sir, but I really do doubt its effectiveness and its affordability. I just wonder if the Minister can address that issue in regard to those revenue-relating measures that seem to indicate that it is for infrastructure and facilities, and I thought that had already been covered by the capital allocation.

Thank you.

The Bailiff: Deputy Green.

Deputy Green: Sir, thank you.

At the Castel Douzaine on Saturday morning there was some anxiety about the broad indicative costs set out in this policy letter. One of the views expressed was whether what is actually going to happen is that you are going to have a big rise in the costs associated with waste collection, but only a fairly marginal improvement in recycling levels; and, given that, is it not therefore appropriate for the Department to reflect further on their plans to rationalise the number of bring banks into a number of super sites? Because they continue to be very popular and convenient for people who recycle, and is that not something that the Department should actually reflect further on, if the core objective is to maximise recycling levels?

Now, sir, the second point I want to make is about some of the concerns that have been flying around about what might happen if or when these charges come in, because a lot of concerns have been expressed about the possibility that there will be an increase in fly tipping and burning of rubbish, or even burial of waste if these charges are brought in.

I just wanted to make the point actually that people cannot, and will not, be able to claim any kind of justification for irresponsible practices like fly tipping, simply because this policy may be brought in today. It is a matter of personal responsibility as a good citizen. Those kinds of issues cannot be thrown out of the window or disregarded purely because a more realistic pricing structure is being implemented if this policy letter is passed.

There are some very legitimate and reasonable concerns expressed about the spiralling of costs on ordinary working people, including these waste costs, but I really do think it is a complete red herring and it is totally unreasonable for some people to try to legitimise fly tipping and similar practices. It is a matter of personal responsibility and that has to kick in if the Rule of Law is to actually mean anything. So some of the wilder comments that have been made really do need to be firmly hit on the head.

The Bailiff: Deputy Le Clerc.

Deputy Le Clerc: Thank you, sir.

When I first was elected, Deputy Ogier said, 'Deputy Le Clerc, I need to speak to you because you are very wishy washy on waste.' (*Laughter*) I think 'wishy washy' is probably an appropriate word for this time of the year and, yes, I am wishy washy on waste! (*Interjection and laughter*) However, I just want to pick up on something that Deputy Lester Queripel has said.

I am a single householder and I have a very small amount of waste that goes in my black bags and we get a twice a week collection in St Peter Port, so I find sometimes it is sort of once a fortnight that I am putting out only half a black bag. I think there are a lot of householders like myself and pensioners – single pensioners – would come into that category.

I think when this was first debated there was some talk about having some smaller sacks for smaller households and perhaps a reduced rate, and I just feel that would be something worth considering, because it does become difficult, particularly in the summer if you have got smelly food. I know we will be having some changes to that, but I am Guernsey girl and I like my chancre eh, so it does get a bit smelly after a couple of weeks in the black sack, (*Laughter*) so perhaps that is something worth considering.

Thank you.

The Bailiff: Does anybody else wish to speak?

Deputy Langlois.

Deputy Langlois: Too much information there, sir! (*Laughter*)

Just in response to a question that was asked by Deputy Lester Queripel, yes, of course, there is an expression of concern in here about the effects of these charges – particularly, alongside others. I would simply say that if we make that link every time a charge was changed or a pattern was changed... we have got the Personal Tax and Benefits Review coming up and if this were a rugby ball and I was sufficiently highly placed in the Assembly, sitting opposite me and somewhat lower down there, physically, in the Assembly, I could of course... is Deputy Le Lièvre whose SWBIC Committee is currently looking at all aspects of personal charges and so on within the SWBIC review.

You are absolutely right, Deputy Queripel, we must constantly review the effects of this, particularly on the less well off.

The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, perhaps in relation to the concerns which Deputy Inglis has and, indeed, the comments of Deputy Langlois, the Minister, in his summing up, could confirm that his Department will review the charging structure and if the concerns which have been expressed do emerge that the Department would return with alternative proposals once the practice has been experienced.

The Bailiff: Does anyone else wish to speak?

Deputy Spruce.

Deputy Spruce: Thank you, sir.

Members, well, here we are again. Yet another Report from PSD in the implementation of their chosen Waste Strategy. It is no surprise to anyone that I am a long-term critic of not only this Waste Strategy but

also of the way PSD have inched us slowly step-by-step along the path that leaves us with no other option but to accept what is before us today.

What we have before us is probably the most complicated waste charging mechanism you could ever have created. There are no less than three separate charges. We have a parish waste collection rate; we have a Waste Disposal Authority charge, which even now fails to confirm how much the fixed charge will be and how much the variable charge will be; and we have a black bag charge for general household waste; and would you believe it we also have a charge for recycling bags, and that certainly is something we never expected.

If you turn to page 2857 of this Report, you will see that PSD's estimate of charges per household was somewhere between £213 and £326 per year. Now, that is what I call a wide margin of error. So here we are with proposals that are vastly more expensive than any that have ever been presented before this Assembly before, and even this Report has four health warnings about possible costs per household.

At this point, I think I should take you on a trip down memory lane. Back in February 2012, the revised Waste Strategy was agreed by the last Assembly. It is worth remembering that there were three main factors that persuaded Members to agree to this very Strategy before us.

The first was that household charges for waste services would be £180 per household. The second was that the recycling rate would be 50% by the end of 2013, 60% by the end of 2018 and 70% by the end of 2025. Now here we are two years on and recycling rates have only increased marginally and are still below 50%, and that is after spending in excess of a million pounds on the totally free kerbside collection trial.

Finally, the third point was that the capital cost of building all the waste processing facilities would be £3.2 million. That is what was said in 2012. Move forward 14 months to April 2013 and PSD tell us that their 2012 capital costs estimate was incorrect and the figure was now £29 million.

Immediately following that bombshell, I asked a number of questions of PSD. I was concerned about the spiralling cost estimates and completely dissatisfied by the answers that were being given. I circulated a paper to all Members, laying out my concerns and immediately following that, PSD gave a presentation to all States' Members. We were told that my concerns were unjustified and totally incorrect. PSD advised us at that presentation that the cost per household would still be no more than £180.

Move forward to earlier this year – which, bear in mind, is only eight months after that presentation – the States are presented with PSD's implementation of the revised Waste Strategy Report. In that Report, PSD tell us that the cost per household will now be between £195 and £298. That is up from £180 eight months before, so note the massive increase and range in cost per household.

Now, here we are a further 10 months later with this latest Report which tells us the cost per household will be somewhere between £213 and £326 per household. Another massive hike in costs! And to cap that, we also have four health warnings stating that the range in costs are purely illustrative. I ask you, don't those words indicate that PSD have no real idea how this will all pan out, even though it is two years since the revised Waste Strategy was agreed? We have no idea what food waste collection and processing might cost, and no confirmation that Environmental Health are even willing to allow its distribution to our farmland. We have not yet seen the tendered price or extent of facilities that PSD will require to implement this Strategy, and we have not been provided with any details of the export contract or its cost.

I personally think that PSD have failed abysmally to quantify the cost of this Strategy. If we could step back two years, the strategic direction of this Waste Strategy might well have been very different. This is not rocket science, in my view, I still fail to understand why PSD cannot give us, and the general public, an accurate cost per household. PSD say they know what the Capex costs will be; after all, they put a £29 million figure forward for capital. They say they know what the export costs will be. We keep being told they have got the range of costs. They know what the operation costs will be, so why can't they assure us what the costs of the Strategy will actually be per household? Why this wide range of figures?

In summing up, I would ask the Minister, please, to confirm the following points. When will this Assembly be advised what the total capital costs are for the waste processing facilities required to implement the Waste Strategy and also what the waste recycling facilities will look like at Longue Hougue?

The second question would be when will this Assembly be advised what the cost per tonne will be for local waste processing, export transportation and consideration of waste at the receiving plant?

And, three, when will the public of our Island be provided with an accurate – and I ask you, an *accurate* – annual household waste disposal figure?

Members, I shall not vote for these proposals on principle. They are inaccurate, again, and they are too complex and too expensive. They introduce a ridiculous level of bureaucracy, the potential for more fly tipping and a very large burden on larger families and the less well off.

So, in short, I ask you to reject these proposals until PSD provide not only a more simple system of charging, but also a full picture of what the costs are that need to be covered.

Thank you.

The Bailiff: I see no-one else rising. I will invite the Minister, Deputy Ogier, to reply to the debate.

Deputy Ogier.

3380 **Deputy Ogier.** Thank you, sir.

I will start with a few of the questions that I had.

Deputy Queripel asked about a reduction of the price of bags for pensioners. Well, pensioners are a group of people who tend to generate less waste than the average household anyway so, in theory, pensioners may well see their waste costs reduce, particularly as the link with TRP will be broken. So
3385 pensioners who live in their assets, so to speak, and currently pay a large amount under a flat charge may well see that reduce, and will see their charges reduce further as they put out less waste than the average household.

We do not have any plans to make a universal benefit available to all pensioners, but in dealing with another question, if it becomes apparent that these charges are regressive in some way and are having a much greater effect than we envisage at this point, of course we will look at the ramifications of that at that time and if that ever becomes apparent – but I do not believe that it will become apparent.
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Deputy De Lisle, the bring banks will still be available in limited numbers. And the costings, to be prudent, are based on some of the higher costings for infrastructure and for export. We have been risk adverse. We have a spread of costings we have had expressions of interest for. We have a spread of costings
3395 for the possible outturns for some of the capital infrastructure – of course, these have significant risk factors in and, as we know, when any capital project proceeds risks reduce and the contingency is often not spent.

So we are envisaging that the costs for export will be keen. We are also envisaging that, as the costings for the capital infrastructure are at the top end, as the projects develop for these those costings will come down. If we do our jobs well and control costings, Deputy De Lisle, we may well see a reduction in the
3400 charges for bags we have levy.

As I say, these charges are based at some of the higher estimates for capital requirements and export, and if we do our jobs well and these costings are brought down – which we hope that they will – it may well lead to a reduction of recycling bag charges, but at this stage we cannot be certain.

Deputy De Lisle is also very cost conscious and he surely would not be advocating having a full bring bank system alongside a kerbside collection scheme. That would be a duplication of expenditure that would be completely unnecessary.
3405

Deputy Green, again, I think I have dealt with the bring bank rationalisation, but I will flesh it out a bit more. There is no point having a full bring bank system on Guernsey when there is full kerbside. A considerable amount of bring bank rationalisation will take place in order to reduce costs, but there will be
3410 still some super sites left over, mainly to deal with large bulky items that people may have.

At Christmas there is a considerable amount of cardboard that we have to get rid of. Events at people's homes may have large bags of bottles – for the reason I cannot think of – but they may well have to dispose of, which would not be wise to put it out as part of the kerbside. So there will be a few bring banks but they will not be widely available.

I am very pleased to hear your support of the Rule of Law concerning fly tipping and anti-social behaviour.
3415

Deputy Le Clerc, it is our intention to have smaller bags, with a smaller cost attached to them. That is something that we are looking at as we move along with this implementation.

Deputy Laurie Queripel says the precise costs are unknown at this time and that the charges are being phased. This project, like all projects, has come before the States for an in-principle decision and we are working through that in-principle decision up until the point when we get the tenders back.
3420

So, in answer to Deputy Spruce's question, when we will have firm costings is when we have been out to tender for the export and for the infrastructure. It is the same with any capital project that comes before the States: you come forward with an in-principle agreement and you move along a project and you come
3425 back with final costings based on the tender, and we have not yet gone out to tender for the export, for example.

The charges will be increasing because the funding for this Waste Strategy is not in the form of a capital allocation. It is the form of a loan, so that any monies that we... We have to increase the charges in order to smooth a transition, but any monies raised now will mean that we require less funding later on, so we will
3430 borrow less. That will mean that there is more in the funding pool for other projects of the States to borrow against.

Deputy Spruce refers to a wide margin of error. Well, it is not a margin of error. It is a variety of expressions of interest that we have received. The export of waste. So there are a number of small, medium, large, if you like, against which we are basing our costings. If we do extremely well on export and we do
3435 extremely well on infrastructure, it will be to the lower end, but if we do not do as well, it will be towards the higher end. But we have focused our costings more on to the higher end to be prudent, but we are hoping everything will come down. Deputy Spruce will well know how capital infrastructure programmes work. You start off with everything in there; you have contingency, you have risk allocations; as the project

progresses along its timeline things become clearer, you are able to make savings, risks that you think may have occurred do not occur and quite often contingency sums are able to be given back to Treasury & Resources.

The recycling levels are still low. I mean there is a lag. We can see from our figures that recycling levels have come up, but it is an interim scheme. We have yet to introduce glass; we are still trialling glass. We know that recycling levels have come up. Of course, if we move to kerbside collection of glass and food waste, recycling levels will come up ever more.

He mentions the capital cost moving upwards. This is an issue that we debated a while ago and we all know the reasons why that was. Food waste again would have to go through a Business Case in front of T&R.

Deputy Spruce lambasts PSD really for not having fully firm costings, but I have explained we do not have fully firm costings at the moment because we have yet to go through a tendering exercise. Deputy Spruce, being on Treasury & Resources, will know how the tendering exercises work and know that States' capital costings are not able to be firmed up until this tendering exercise has come in. So we will know those after we go out to tender and that will be in the next 12 months.

I think that is all I need to cover. Thank you, sir.

I hope you support the Report.

The Bailiff: Deputy Adam.

Deputy Adam: Sir, I know I did not speak in the debate, but Deputy Green asked a specific question that was raised at the Douzaine meeting of the Deputies on Saturday morning and that was in relation to the cost of collection that the parishes would have to collect from individual owners within their parish for their doorstep collection.

At the present time there are two elements: one is for the black bag or general household and the other one is for the recycling of kerbside recycle. Now, will the parish be charging the householders for that total amount or will it be split into two? How will it work, because at the present time the total amount is double what is being paid just purely for household waste?

Deputy Ogier: The average charge to the householder levied by the parish will reduce, currently the parish levies are charged for the collection of waste and for the disposal of waste, and in future the parish will not be charging for the disposal of waste and those will be covered in the bag charges. So, in practice, the Douzaine Parish charge will reduce, but they will have to add in an element for the collection of recyclables and possibly, potentially, food waste.

Of course, those costings will only become known once the parishes have negotiated with their individual contractors, but they will levy charges for collections but not disposal.

The Bailiff: Deputy De Lisle.

Deputy De Lisle: Sir, as the public are most concerned with the price of bags, can we take 2(a) separately when we are voting through these amendments?

The Bailiff: Alright. Can we take 2(a) separately from 2(b)? I am not sure that we can. Can we, Mr Procureur? I think we have to take 2 on its own. I do not see how we –

The Procureur: Well, I hate to disagree with you but I think – (*Laughter*)

The Bailiff: Well, you are very welcome to disagree with me

The Procureur: I do not see why we cannot take it separately.

The Bailiff: In which case, we would treat them, effectively, as two separate (**The Procureur:** Exactly.) Propositions, both beginning with the words, 'To direct the preparation of legislation necessary to give effect to the proposals on...' Yes. Right.

In that case, what I would suggest... The Propositions, Members, if you have not reached the page, are to be found on page 2864. We will take them in order.

I will put Proposition 1 to you first. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

3500 Next, I will put Proposition 2(a) which, for the benefit of those listening, is as follows –

Deputy De Lisle: Can we have a recorded vote on this, sir?

3505 **The Bailiff:** Right, we will have a recorded vote and, for the benefit of anyone listening:

‘To direct the preparation of legislation that is necessary to give effect to the proposals on (a) the Parochial Waste Rate and Waste Disposal Authority waste rates as set out in Section 3 of that Report.’

And we have a recorded vote on Proposition 2(a) only, Greffier.

There was a recorded vote.

3510 *Carried – Pour 38, Contre 8, Ne vote pas 0, Absent 1*

POUR	CONTRE	NE VOTE PAS	ABSENT
Alderney Rep. Jean	Deputy Domaille	None	Deputy Storey
Alderney Rep. Harvey	Deputy Lester Queripel		
Deputy Harwood	Deputy Laurie Queripel		
Deputy Kuttelwascher	Deputy Spruce		
Deputy Brehaut	Deputy Collins		
Deputy Langlois	Deputy Paint		
Deputy Robert Jones	Deputy Adam		
Deputy Le Clerc	Deputy De Lisle		
Deputy Gollop			
Deputy Sherbourne			
Deputy Conder			
Deputy Bebb			
Deputy St Pier			
Deputy Stewart			
Deputy Gillson			
Deputy Le Pelley			
Deputy Ogier			
Deputy Trott			
Deputy Fallaize			
Deputy David Jones			
Deputy Lowe			
Deputy Le Lièvre			
Deputy Duquemin			
Deputy Green			
Deputy Dorey			
Deputy Le Tocq			
Deputy James			
Deputy Perrot			
Deputy Brouard			
Deputy Wilkie			
Deputy Burford			
Deputy Inglis			
Deputy Soulsby			
Deputy Sillars			
Deputy Luxon			
Deputy O'Hara			
Deputy Quin			
Deputy Hadley			

The Bailiff: Well, I think that was carried, but we will just wait for the formal count.

Members, the result of the vote on Proposition 2(b) was 38 votes in favour, 8 against. I declare – sorry on Proposition 2(a). I declare Proposition 2(a) carried.

3515 Next, we vote on Proposition 2(b), which is:

‘To direct the preparation of legislation that is necessary to give effect to the proposals on (b) the amendment of the Competition (Guernsey) Ordinance, 2012, as set out in Section 4 of that Report.’

Those in favour, those against.

3520 *Members voted Pour.*

The Bailiff: I declare it carried.

Finally, Proposition 3. Those in favour; those against.

Members voted Pour.

3525

The Bailiff: I declare it carried.

ENVIRONMENT DEPARTMENT

XI. Register of Driving Instructors – Propositions carried

Article XI.

The States are asked to decide:

Whether, after consideration of the Report dated 10th October, 2014, of the Environment Department, they are of the opinion:-

- 1. To approve the introduction of a mandatory Register of Driving Instructors, as detailed in that Report.*
- 2. To approve the introduction of a voluntary registration scheme pending the introduction of the mandatory Register of Driving Instructors, as detailed in that Report.*
- 3. To direct the preparation of such legislation, together with any consequential legislative amendments, that may be necessary so as to give effect to the above decisions.*

The Greffier: Article XI, the Environment Department – Register of Driving Instructors.

3530

The Bailiff: Deputy Burford, the Minister, will open the debate.

Deputy Burford: Thank you, sir.

The Department believes that there is a clear need for a Register of Driving Instructors in the Island (**Several Members:** Hear, hear.) This is amply demonstrated within the Report itself, but please allow me to emphasise some of the reasons that make this proposed measure so important.

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Perhaps the overriding factor is the need to help ensure the safety of those individuals undertaking driving instruction. At the present time, any individual with a driving licence may establish a driving school in Guernsey and accept payment or reward in exchange for tuition. There is no way of ascertaining the *bona fides* of such persons.

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Given that instruction takes place on a one-to-one basis in a confined space at various locations on the Island, the Department considers it prudent to impose a requirement for criminal record checks. As well as this important factor, a Register of Driving Instructors will, undoubtedly, help in raising standards in all aspects of driving tuition.

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All instructors on the Register will be required to abide by the code of conduct and good practice, ensuring that learner drivers will benefit from transparent contract terms, clear and specified charges, and proper advice on the appropriate time to take a driving examination. This will benefit those paying for tuition, the Environment Department Driving Examination Service, and the body of driving instructors who join the Register, who will be seen to be professional and upstanding in their business practices. I am certain many Islanders consider that such measures as are proposed in this Report already exist.

3550

It should be said that these proposals do not in any way prevent someone being taught to drive by family or friends with no payment involved.

There is strong support from the existing body of instructors, who have been fully informed of the proposals, both of a voluntary register, which can be introduced in short order, and the mandatory Register which will take some time to bring in, given the legal requirements.

3555

I ask everyone to support this Report.

Thank you.

The Bailiff: Is there any debate? Anybody wish to speak?
Yes, Deputy Stewart.

3560

Deputy Stewart: Just really a question. I could not find a note about whether the consultation had been undertaken with the existing driving instructors in the Island. I would just like to know what engagement has been with existing driving instructors and, just under the motor vehicle requirements, whether those will be made public so that driving instructors with cars will know. As this scheme starts to come in, what sort of cars will be acceptable to the Department? Perhaps you might be able to learn in a Range Rover Vogue and also a Smart car. But just it really goes around consultation and what has happened on that.

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The Bailiff: Deputy Dave Jones and then Deputy Bebb.

Deputy David Jones: Thank you, Mr Bailiff.

3570 I am hoping States' Members are going to support this legislation. It has never seemed right to me that you can arrive in Guernsey on a boat, you can go and buy a car in the afternoon stick some stickers on it and be in a driving school business by 4 o'clock that day.

3575 There are people who pay money to these driving schools for proper instruction. The roads are more congested. They are not as congested as Environment want us to believe – but let's not go there, we have done that this morning. (*Laughter*) And I cannot think of any other professions where people would take money from members of the public without having to at least be registered as being competent at doing the job for which they take money. Politicians (*Laughter*) with the exception, Deputy Fallaize.

3580 But certainly it is, and I think the Environment's position is, that people are turning up at the Test Centre who have had lessons who are clearly not ready to take their test and many of those people are clogging up the system for people who are ready but cannot get a test because people are simply being booked in for tests by driving schools when they are clearly not ready.

So I hope we do support this. I do not like legislation of any kind really, but I think this one is sensible in what Environment are trying to achieve.

3585 **The Bailiff:** Deputy Bebb.

Deputy Bebb: Thank you, Monsieur le Bailli.

3590 Just one question to the Minister. A question was raised during the St Peter Port Douzaine meeting that there is a – and do forgive me if I get the wrong initials here, but – DSV qualification, which I believe is the qualification in the UK for driving standards.

The question was posed whether a person who has obtained such a qualification would be exempt from the initial tests required, and could simply pay in order to register on the Guernsey Register itself – whether the Department has given consideration to this and what its views are? If they have not given consideration then, please, to revert with those views.

3595 Thank you.

The Bailiff: Yes, Deputy Wilkie.

Deputy Wilkie: I will just be brief, sir.

3600 I just wondered if we have got any data on how many Islanders fail at their first time at the test and how many pass? This data would obviously help me and my decision-making on whether we are using a sledge hammer to crack a nut here. So if the Minister does have that data I would appreciate it.

The Bailiff: Deputy Brehaut.

3605

Deputy Brehaut: Can I very quickly touch on one thing, sir? Contained within the legislation is the requirement for a criminal records check and that, sir, is there as a mechanism, if you like, for child/young adult protection and that should not be overlooked in this discussion either, sir.

3610 **The Bailiff:** Anyone else?

Deputy Burford then will reply.

3615 **Deputy Burford:** Deputy Stewart's questions. Yes, there was consultation done. I mean the industry is not particularly large over here and, obviously, the driving instructors are often in contact with the Department because they are bringing people forward for tests. Also that there will be specifications on the vehicles that can be used, which obviously include things like dual controls.

3620 The Register of Driving Instructors is a Guernsey scheme I am afraid I am not entirely sure whether anyone coming with a UK certification will be able to start in without any – (**The Procureur:** Paragraph 5.4.1.) Oh, yes, thank you. Yes, if we are satisfied that such qualifications are equivalent then they will be able to undertake some part of the process to become a registered driving instructor in Guernsey.

The pass rates for Deputy Wilkie – I understand at the moment that the pass rate is approximately 50% of people taking their driving test.

I think that covers all the issues.

Thank you.

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The Bailiff: Well, Members, there are three Propositions on page 2877. I put all three to you together. Those in favour, those against.

Members voted Pour.

The Bailiff: I declare them carried.

Remainder of business

3630 **The Bailiff:** Now, we are getting very close to 5.30 p.m. We have got two remaining Articles – the Public Services Department Report on the Guernsey Airport Terminal Construction Project Overspend and Post Implementation Review Summary, and also their Report on Merchant Shipping Legislation.

One or two Members have been asking me whether I would be recommending that we continue to sit to complete those matters this evening.

3635 The view that I have been holding is that – Okay, I will put it to Members. I was not going to put it to Members because the Public Services Department Report concerns an overspend of nearly £6.8 million on the Airport Project. It is a serious matter. We know sometimes when we continue late into the evening Members are inclined to curtail their speeches. This is a serious matter and I am concerned about the public perception if we are seen to be hurrying through (**Several Members:** Hear, hear.) and almost glossing over
3640 a very significant overspend of taxpayers' money late in the evening. So –

Deputy Ogier: If it helps, sir, my opening speech will be two hours! (*Laughter*)

3645 **The Bailiff:** And in the light of – (*Laughter*) Seriously, have you a lengthy opening speech?

Deputy Ogier: It is not as long as that, but I think we prefer to carry it over until tomorrow.

3650 **The Bailiff:** I think, in the interest of good Government and being seen to be giving proper attention to such a serious matter, it would be wrong if we were seen to be hurrying it through late in the evening, just so people cannot have to turn up tomorrow. So we will adjourn and resume tomorrow at 9.30 a.m.

The Assembly adjourned at 5.28 p.m.