



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Wednesday, 27th September 2023

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Law Officers

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

People's Deputies

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

The Clerk to the States of Deliberation

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

Absent at the Evocation

Alderney Representative S. Roberts (*relevé à 9h 54*);
Alderney Representative E. A. J. Snowdon (*absent*)

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States of Deliberation

*The States met at 9.32 a.m. in the presence of
His Excellency Lt Gen Richard Cripwell
Lieutenant-Governor and Commander-in-Chief of the Bailiwick of Guernsey*

[THE BAILIFF *in the Chair*]

PRAYERS

The States' Greffier

EVOCATION

CONVOCATION

- 5 **The States' Greffier:** Billet d'État XIV and Billet d'État XV of 2023. 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 27th September 2023 at 9.30 a.m. to consider the items listed in this Billet d'État which have been submitted for debate. And Billet d'État XV is convened pursuant to the provisions of Rule 2(4) of the Rules of Procedure.

Code of Conduct – Unparliamentary language

10

The Bailiff: Well, good morning, Members of the States. Before we start our business at the last Meeting of the States of Deliberation, there were media reports about comments made on the Friday afternoon. I will not repeat any of the language used, because to do so would be unparliamentary. I am simply going to remind Members of the consequences of making comments that are then broadcast.

15

Article 20F(3) provides that People's Deputies must comply with the Code of Conduct in all aspects of their public life. That is then repeated in the Code of Conduct itself in paragraph 2. The Code then explicitly refers in paragraphs 8 and 9 to the fact that:

Members shall at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the States of Deliberation and never undertake any action which would bring the States or its Members generally into disrepute.

20

And then:

Members shall at all times treat other Members, civil servants and members of the public, with respect and courtesy and without malice. Notwithstanding the disagreements on issues and policy which are a normal part of the political process.

25

I take the view that name calling is disrespectful to any other Member as it would be to a civil servant or, indeed, any member of the public. I have spent more time than I care to recall in investigating what was said, how it was said and how it was recorded.

There is a difference between the system that we have here that records onto a digital device what is said through the microphones in this Chamber and what is broadcast on the live stream. Broadcasting, I simply remind you, is not a matter for me, but is a matter for the States' Assembly and Constitution Committee because that falls within its mandate.

30 Having listened to what took place on that Friday afternoon, I am satisfied that the comment made, as has been reported, and is still available to listen to should anyone want to, when Deputy Queripel was speaking, was from within this Chamber. However, it is not my role to investigate that further. And I have no knowledge as to whether any complaint has been made to the Commissioner for Standards, because, of course, in accordance with the Code of Conduct, when a complaint is
35 made to the Commissioner for Standards, then it is a private matter until the complaint has been determined and the parties to it have been told.

However, what I am going to do now is simply to encourage all Members to abide by the Code. When you took an oath or affirmation on entering office before the Royal Court, part of that oath or affirmation was a promise by each of you to adhere to that Code. That includes respecting one
40 another. You can, quite legitimately, disagree with what someone is saying, but you must articulate that disagreement in such a manner that only parliamentary language is used. That is all I want to say about what happened on that Friday afternoon.

Statements

General update – Statement by the President of the Committee for Education, Sport & Culture

The Bailiff: Without further ado, I will invite the President for the Committee for Education, Sport
45 & Culture, Deputy Dudley-Owen, to deliver her Statement in respect of that Committee's business.

Deputy Dudley-Owen: Thank you, sir.

When I provided by June statement, the NatWest International Island Games were just days
away. We welcomed 2,194 athletes whose endeavours were recorded for posterity by 148
50 accredited journalists and photographers, watched by family and friends in person and via live
streams. All ably supported by 1,200 volunteers, without whom the Games would not have been
possible and to whom we owe a debt of gratitude for the volunteering legacy.

The associated Young Engagement Programme is already inspiring young people to live happier,
healthier lives. Parasport demonstrations in boccia and badminton showed how powerful sport can
55 be in breaking down barriers. This serves as a timely reminder of the importance of sport and
physical activity to the health and wellbeing of our community.

Sir, we also owe a huge debt of gratitude to Art for Guernsey and the Musée des
Impressionnismes Giverny, who, together with Guernsey Museum and Galleries, have made the
Renoir in Guernsey, 1883 Exhibition possible (**A Member:** Hear, hear.) It features 10 Renoir artworks
60 and extensive coverage of this prestigious exhibition, opening on 30th September, extends
worldwide.

This exhibition has relied upon the generosity of each lender and the substantial sponsorship
Art for Guernsey secured from Investec plus support from Christies and Condor Ferries. I am very
pleased to place on record the Committee's thanks for the efforts of so many in bringing this
65 wonderful exhibition to fruition.

We all understand the budgetary pressures the public sector faces. Our Committee will do what
we reasonably can. But, sir, I am duty bound to defend the education of all our students from the

material negative impacts that cuts to the Committee's budget will have. Not to invest appropriately in future generations would be short sighted, especially when we are seeing a return on investments we have made in recent times that will benefit the Island's economic prosperity in the long run. Around which, I will say more in a moment.

Sir, despite delays to the timeline of the Funding & Investment Plan, work to implement the States-agreed Model of Education continues in all areas, bar construction. We are well advanced in our work, implementing the Secondary School Partnership. Les Varendes High School is now a working reality and there are no Year 7 students at La Mare De Carteret High School this year. This has been possible by close working between leadership and teaching teams, with significant input from students.

Work to give our secondary school workforce certainty about their professional futures progresses well. Of the 280 staff within the Secondary School Partnership, 26 senior leaders have now had their future roles confirmed. We are in the process of agreeing future roles with all middle leaders, delivering certainty for another 128 professionals before the end of November, with the remaining 126 job matches being completed in further phases through into 2024.

In parallel, work progresses well to integrate the constitute parts of the Guernsey Institute. Since the beginning of the year, we have defined the future operating model; prepared a senior leadership restructure and updated our legal relationship with the Guernsey Training Agency to align with the operating model; by year end, we will be using consistent branding across all courses and key documentation; and progressed work to define a common IT platform for the whole TGI.

A key tool for effective teaching and learning at any level is having the right technology, supporting teaching and learning in and out of the classroom. This prepares our students for the modern workplace. Ongoing challenges evidence the need to continue the roll out of improvements to IT in schools. Migration to a resilient network has been completed. Extension of WiFi coverage is due to complete by end of January 2024.

The deployment of new devices for staff will be complete by year end. New devices for classrooms are being purchased with phased delivery from November to June 2024. Data migration to Office 365 and later supported technologies will be completed in Q1 2024. And a learning and development project for staff, including training, on these new technologies and their integration into the curriculum has started.

The extent of these changes, sir, needed, means we cannot and will not stand still. Another key tool is having the right accommodation to teach in. We await, like many other capital programmes, critical decisions of our debate in October. In the meantime, I confirm that our plans for Les Ozouets Campus are at RIBA Stage 4. We have planning permission and are ready to demolish the vacant end-of-life buildings on site.

Our plans for investing in Les Varendes Campus are at the point where, once funding has been approved, we can tender for key work, reducing overheads, such as the refurbishment of the building's heating pipework, replacing all external doors and windows with double glazed units and building accessibility upgrades. As a working school, work needs to be phased over several years, reducing disruption.

We are also progressing plans, ensuring this site is optimally used, once the implementation of the new education model is complete. And we plan to repurpose the current pavilion building at Les Beaucamps, thus making best use of existing facilities and reducing cost without negative impact to create a communication interaction autism base. External works are not required and the internal alterations are scoped and the design requirements are prepared and tender ready.

Sir, we are on the starting blocks, poised to progress. Considerable joint work has been undertaken by officers in ESC and HSC, demonstrating that our two build projects can be efficiently and effectively dovetailed. Neither overstressing our construction industry, nor compromising each project.

But what of our children? Let's start with the States' Early Years Team, comprising teachers, nurses, social workers, inspectors and a speech and language therapist. All specialists in Early

Childhood Development. A great example of cross-committee working with integrated services, driven by the needs of our children and families.

The team launched their Language for Life campaign this autumn. A bespoke package for parents, carers and professionals, aimed at improving speech, language and communication outcomes for tiny tots, starting when they are still in the womb. It builds on the comprehensive CPD programme the Early Years Team delivers for our schools, preschools, day nurseries and childminders.

Learning to talk is one of *the* most important skills children will develop. Starting school with excellent communication skills means that children can make friends, share thoughts and ideas, understand what is being asked of them, helping them to be happier and more confident. Attuned to language before they are born, much of this learning takes place before children start school.

Last year, however, 19% of children started school not meeting age related expectations for speaking. Sir, we have to change this, because every aspect of learning and academic achievement relies on good language skills. And research suggests that a child with poor language skills aged five is four times more likely to struggle with reading aged 11. The extent of a child's vocabulary, aged five, is a strong predictor of results at GCSE and beyond. It sounds simple, but more children will start school with a mountain to climb at expense of the taxpayer if we cannot persuade parents and carers to put down their mobile phones, stop giving very small children handheld devices to occupy them and instead return to vocabulary rich, face-to-face communication with their little ones (**A Member:** Hear, hear.)

So, what are we doing about it? Like I have announced today, the States' Early Years Team, in partnership with colleagues across HSC and the Third Sector, is hosting the first Joyous Childhood Conference for Parents and Carers on 13th January at Beau Séjour – children will be, of course, welcome. Further information about this exciting free event, promoting the key role parents and carers play as the first and foremost significant educators of their parent will be available soon.

Our Education Strategy commits to reporting regularly, accurately and meaningfully on the quality of education across the Bailiwick. Our new suite of performance indicators to published in full in our annual report in January, shows the focus on reading initiated by our predecessor Committee and continued in earnest on our watch is working.

The proportion of our children with below average reading is less than in England and the proportion of children with above average reading skills is 11% higher. I compare to England as it is currently the fourth highest attaining country globally in this metric and the highest in the western world. To obtain results for reading that are well above England's is something that our schools and educationalists can be proud of.

We remain determined to give the children whose reading is below average the right support to catch up with their peers. We have invested to increase number of literacy and language intervention teachers in primary schools and we are appointing a teacher to oversee and improve the already very successful work supporting weaker readers across the Secondary School Partnership.

We now want to repeat this success in maths. Every school underwent an in depth Maths review last year. And our educationalists and teaching professionals are deploying considerable energy to ensure high standards are achieved in maths. And it is working. Results at the end of the Reception year have improved by over seven percent compared with 2019. At the end of Year 3, standards in maths dissimilar from those in England. Given the COVID disruption these children faced during their first three years of school, it is good news that their performance is on par to that of their peers in England before the pandemic.

Standards at the end of Year 6 and Year 9 are below those in England. And the weaker performance in maths, compared with English, is reflected in our GCSE results. We know this is not good enough.

Secondary schools are halfway through a two-year programme to improve maths. They have a new, very detailed curriculum alongside online tutoring access for all. Primary schools have access to a range of Maths training and support to improve outcomes. While there is some distance to

travel, data shows an improving picture in many schools and we expect incremental improvement for our investment in Maths across all year groups over the next three years.

175 But we are looking beyond maths and English. New subject-specific curriculum entitlement documents, setting out the knowledge that children must be taught are being implemented. And in response to calls from our trade union colleagues, we have invested in an Island-wide teacher, employed specifically to cover for middle leaders, taking time out to focus on curriculum development.

180 TGI student results for our 16- to 18-year-old students were strong this summer. With out Level Three learners' achievements almost 5% above the English position. And the achievement rate for our apprentices is almost twice that of England's. We had increased numbers of construction trade apprentices this month. So much that in the absence of long awaited new facilities, we have had to erect a temporary structure, providing additional space for them to learn their craft.

185 Two more very positive Ofsted inspections have taken place since my last update, taking the total to eight. The remaining 12 settings are due to be inspected by summer 2025. St Sampson's High School's very positive Ofsted follow up visit remarked on the considerable determination and success of leaders in addressing previously identified weaknesses. Les Voies School expects a follow up monitoring visit soon. And we fully expect this will show good progress since its inspection.

190 Of the five primary schools so far inspected, all have been graded as 'good' for leadership and management and behaviour and attitudes and at least good for personal development, with two schools receiving the highest 'excellent' grade. Primary schools are benefiting from a period of stability which has enabled them to focus their efforts on these improvements.

195 Still, though, their secondary school and TGI colleagues labour under the decade-long cloud of uncertainty over how they will be organised and what impact this will have on them. The strain is showing. Recruitment and retention in the secondary and post-16 phase is very challenging. People will not commit to the Island without stability. And they will not leave jobs elsewhere to work in inferior facilities without a guaranteed improvement plan. We need our Education estate to match the high standards we expect from our staff and the aspirations we have for our learners. They, after all, are the future engine of our economy and community.

200 Sir, it is within Members' gift to make bold decisions next month that will put an end to this uncertainty. Members will see in the Members' Room today a fly through video and presentation boards of the plans. And sir, through you, I strongly urge Members to go and look at those and also to attend our presentation on 11th October so they can come to next month's debate armed with facts to support them in their decision-making.

205 Thank you.

The Bailiff: Alderney Representative Roberts, is it your wish to be relevéd?

Alderney Representative Roberts: Yes, please, sir.

210 **The Bailiff:** I will mark you as present.

Now is an opportunity for Members to ask questions to the President on matters within the mandate of the Committee.

Deputy Inder.

215 **Deputy Inder:** Sir, thank you.

Madam President, thank you for your update.

The difficulties that Health have in recruitment due to the lack of housing and the inability for this Island to build anything are well known. And I think Deputy Brouard has even given us a rough indication of the amount of houses that are required for Health.

220 In terms of education, what requirements might the President be aware of, of the type of housing, the amount of housing to ensure that local staff are retained and those specialist UK teachers can come to this Island? If she cannot answer the question, I am happy to take an email of

her at some point. But, I am really quite intrigued to know what the extent of, what we see as the housing issue, affects her staff in terms of recruitment and retention.

The Bailiff: Deputy Dudley-Owen to reply.

Deputy Dudley-Owen: Thank you, sir, and thank you to Deputy Inder for his question.

It has an undoubted effect on our ability to secure contracts, as does the States' decision pending in October about the future of the Les Ozouets Campus. And we do hear reports that staff members have been recruited and unable to find suitable accommodation for themselves. They are not able to take up the positions on Island. And this is a very sorry state of affairs because those individuals have wanted to invest in the Island and have been excited by the prospect of working in education on-Island with the promise of an Education Improvement Plan which unfortunately is up for discussion again in the next month. But housing is a key issue that we do face, amongst many, in terms of securing recruitment in the Island and also for enabling young locally trained teachers to return to the Island.

The Bailiff: Deputy Queripel.

Deputy Queripel: Sir, bearing in mind ESC have an enormous mandate, as if Education was not enough to deal with, they are also responsible for sport, the arts, our culture and our heritage, apprenticeships and lifelong learning, youth affairs, Island archives, civil celebrations and even more than that.

So I am seeking, once again, an assurance from the President, that the Committee are able to apply sufficient political oversight to the whole of their mandate at all times. And can she please provide me with some examples of the levels of political oversight the Committee actually employ when it comes to overseeing all of those other areas.

And just to clarify, sir, I have given the President prior notice of my question.

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir. And I do appreciate Deputy Queripel's time in asking these questions at every opportunity, because it is important. The mandate of the Committee is vast.

Due oversight is given to the areas outside of Education in the following ways. Sports and Culture have a myriad of various ways of us being able to execute the mandate. Clearly, we have the Sports Commission that has commission service, we have a representative from the Committee, Deputy Cameron, who sits on that board, who allows us to touch into that particular area and report back to Committee. In the same way, Deputy Haskins has responsibility for museums, heritage and also Beau Séjour.

We have made special time on our agendas on a regular basis for those individuals to report back on the findings that they have in those meetings. I represent the Committee on the Guille-Alles Library. And we are able to keep the Committee abreast of whether the mandate for those commissioned services and those areas is being well executed in ways of measuring the Key Performance Indicators. We have service level agreements with those particular organisations and we meet with those organisations on a regular basis throughout the year.

There are various touchpoints that we have, we want more visibility with those organisations. But we all agree in Committee that a commissioned service would be really useful. A commissioning officer within the States –

The Bailiff: Deputy Dudley-Owen, I am afraid your time is up for answering.
Deputy Burford.

275 **Deputy Burford:** Thank you, sir.

Could I ask the President, please, what engagement and consultation did the Committee undertake with Herm parents before sending them the letter yesterday which detailed significant and not necessarily well-received changes to the operation of the Herm School?

Thank you.

280

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir.

285 I am not entirely sure that I understand why you would need to consult with parents about sending them a letter which is part of the consultation. That is the opening of the engagement.

I anticipate that there will be quite a few questions around Herm this morning, sir. And I would caution colleagues to think very carefully about the type of questions that they are asking, because of the sensitive nature, because this is an extremely small cohort. And in terms of some of the questions that may be asked, we may be treading into areas in unwittingly discussing issues which are sensitive around staff. And we do not think that this is the right forum, and I do not think this is the right forum in which to discuss them.

290 So I would be very happy to take this conversation out of the public domain, which is appropriate. We would not have a conversation about a specific group of children in the Forest School or at La Houquette School where they were identifiable, or indeed, their classroom teacher who would be identifiable. So I think that the conversations between a head teacher and the parents of the children who attend their school are exactly between them.

The Bailiff: Deputy St Pier.

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

I think, I am grateful to Deputy Dudley-Owen for circulating her email to Members last night about providing an update on Herm School. But I disagree. I think this is exactly the right place where questions should be asked, particularly given the direction which the States gave the Committee only last month.

305 Sir, Herm School has its own registration department for Education. It is the expectation of parents in this Assembly that Herm School will be reopened as it was with the teaching staff as it was. And the Assembly will be looking for the reassurance from the Committee that that will be the case. Can the President provide that confirmation?

310 **The Bailiff:** Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir.

315 I think I heard Deputy St Pier say that the Herm School has its own registration. Well, first of all, Herm is not a school. It is a classroom provision. It is an extension of Vauvert School. And secondly, it does not have its own registration provision. The registration is done via Vauvert Primary School.

Now Deputy St Pier is shaking his head. So, if Deputy St Pier would like to, If I sit down and he can ask another question which may be allowed by the Bailiff, he can tell me and tell officers and the Education Office and the head teacher of Vauvert that they are all wrong about the system that they are running.

320

The Bailiff: Deputy Roffey.

Deputy Roffey: On a similar theme, sir. I think that nearly all of us, until quite recently, regarded there as being a micro school in Herm which was known, understandably, as the Herm School. I notice that ESC has recently downgraded that. There is now, apparently, a Herm classroom.

325

I would like to ask the President whether she considers not having a school in Herm any more, but only having a classroom consistent with the clear decision of this Assembly quite recently that the Herm School should reopen?

330 **The Bailiff:** Deputy Dudley-Owen.

Deputy Dudley-Owen: A school by definition requires a head teacher. It requires formal, distinct or discreet processes from other organisations. That is not the case with this particular education provision. Whilst it may be custom and practice to have referred to the provision as a school, it is
335 not a school. It is an extension of Vauvert Primary School.

The Bailiff: Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: On a new subject, could the President confirm what the combined
340 build cost of the Transforming Education Programme is now at the RIBA Stage 4. And by how much, if at all, it has increased since the policy letters on the TGI and the secondary education were approved by the States in previous years?

 Thank you, sir.

345 **The Bailiff:** Deputy Dudley-Owen.

Deputy Dudley-Owen: Sir, the delay in responding was to try and get the accurate figures relating to the build costs of the Les Ozouets Campus now. And I am afraid it is not ... May I circulate that exact figure, because I would not like to mislead the Assembly?

350 But what I will be able to tell the Assembly verbally now is that the costs have not significantly risen. The impact of inflation is real and that has been a factor that has seen the overall costs rise. But in terms of the project costs, we have actually been able to reduce those by sensible and close management of the project and we would be anticipating swapping in and out materials where we have seen supply costs go up.

355 And also, for example, the mitigations that we have seen around ensuring that we are not going the most expensive route where we could use routes where they are already existing. Obviously, Deputy Kazantseva-Miller has asked about Les Ozouets Campus. But I evidenced within my statement around mitigations. For example, at Les Varendes Campus and also Les Beaucamps where we would use the existing facilities and refurbishing those.

360 But I do apologise about the lack of ability to be able to put my hand on the exact cost. But I will circulate that to Members shortly.

 Thank you.

365 **The Bailiff:** Deputy Gollop.

Deputy Gollop: The President gave a positive, an optimistic and maybe upbeat assessment of the achievements that departments are making, connectivity and bandwidth and communications and IT and schools.

370 Has she evidenced now, though, that most if not all institutions of Education on Guernsey are happy with their IT facilities and there are no longer regular complaints about poor access to Wi-Fi or other issues?

The Bailiff: Deputy Dudley-Owen.

375 **Deputy Dudley-Owen:** Thank you, sir. And thank you to Deputy Gollop for highlighting this really important area that we are trying to support and is necessary for the upgrade of our facilities but also delivery of education.

No, is the answer. I am afraid that the constant response that we get is that we are still not there, despite significant efforts. And it will take time. I think that was evidenced through my speech about the various upgrades taking place. But we need to ensure that all of the upgrade action takes place before the full benefit of the upgrade of IT takes place.

If you have got an upgraded Wi-Fi system but you have got an old device, then without ability to access new applications, then you are still going to feel the pressures of IT challenges. And it really is real for our teachers, because when you plan lessons to be delivered with either needing digital access or the support of digital and that fails, then you have to quick step into a plan B to deliver your lesson. So this does impact our teaching and is a matter we take very seriously and is a matter that we will be taking up with P&R again. They understand the constraints and we are all working together to resolve those.

The Bailiff: Deputy Dyke.

Deputy Dyke: Thank you, sir. And I thank Deputy Dudley-Owen for her presentation.

Could I ask a further question about the housing issue she is facing. Is she, in terms of numbers, how many teachers are we losing as a result of housing issues? And what sort of housing are they looking for? Are they looking for flats or houses for families? Are they happy with social housing? Are they looking for private housing? What sort of housing are they looking for, in so far as she can judge the issue?

Thank you.

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir.

I would suggest it is a variety of different types of accommodation that staff would be needing if they were a single person. They may need a one bedroom flat. If they are accompanied by family with three children, they would need a family accommodation. With pets. They may be looking to settle in Guernsey long-term and be able to invest in Guernsey and buy a house. They may be looking, merely, to rent.

It would be extremely difficult for me to give one specific profile or even to step through different profiles. But an interesting conversation we had yesterday with Committee colleagues was about different sectors' expectations of the quality of accommodation and possibly you may get guest construction workers coming to the Island and we have this as an example when Lagan came where workers were put up on site in portacabins with dormitory style. I suspect that that would not go down well with some of our newly recruited teachers who need or want to have a different type of accommodation whilst they work in Guernsey.

But it is, suffice to say, Deputy Dyke, sir, a myriad of different type of accommodation. But it must be good quality. They must be comfortable whilst they are living in Guernsey.

The Bailiff: Deputy Soulsby.

Deputy Soulsby: Thank you, sir.

In the President's email to Member last night, she advised that the Committee were recruiting a learning support assistant because they want to ensure they always have two adults in the classroom to safeguard both children and staff. Could she advise whether this is a new policy adopted by the Committee across all classrooms, and if so, why?

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir. And thank you to Deputy Soulsby for her question.

430 We adhere to Keeping Children Safe in Education policy which is a UK guideline. And we know that there are significant challenges of having one adult without any colleagues around in a remote facility. And whereas ordinarily, in a school setting, you would be able to have a single adult in a classroom setting, ordinarily, you have adults coming in and out of that classroom all of the time.

435 We have glass in our doors so that you have visibility into the classroom. If a teacher is one-to-one with a pupil, the doors are left open to the classroom. There are various safeguarding activities that go on to ensure that our children are safe in education and this is just one of them. And LSA has been a regular feature within the Herm classroom provision in the recent past and that has been replaced.

The Bailiff: Deputy Taylor.

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

We have got some interesting debates coming up, most importantly being the States' Capital Portfolio. And I am just wondering if the President of ESC can give us any indication of any contingency planning that may be put in place or being discussed in the event that the votes do not go the way that the ESC Committee might hope.

445 Thank you.

The Bailiff: Deputy Dudley-Owen.

450 **Deputy Dudley-Owen:** Thank you, sir.

And Deputy Taylor asks an interesting question. We have been constantly looking at our plans to look at the feasibility of the different suggestions that have all come forward. There are various ways you can slice the cake, however, there are only some that actually work.

455 And so it would be premature of us to deep dive into any alternative plans without understanding what amendments come through from the Assembly and getting a better feel closer to the debate about how Members are starting to feel about the Propositions. And indeed, until we have had an opportunity to speak to Members and give them, to bust a lot of the myths that have been perpetuated, it is disappointing to hear senior Members, Deputy Trott, Deputy St Pier, yet again, perpetuating misleading comments around the cost of the programme etc. and it is incumbent on us to give Members the facts so that they are in absolute possession of the right information when they go into debate.

The Bailiff: Deputy Gabriel.

465 **Deputy Gabriel:** Thank you, sir.

I thank the President for her update and I would like to build on Deputy Taylor and Deputy Kazantseva-Miller's questions about bill costs in the Funding & Investment Plan published as recently as early September, where it is noted in Appendix 5 that the Transforming Education Programme is set at £119.3 million.

470 In relation to the answer that Deputy Dudley-Owen gave, will those costs rise, remain static, or even lower with the achievements that she has already described?

Thank you.

The Bailiff: Deputy Dudley-Owen.

475 **Deputy Dudley-Owen:** Thank you, sir. And thank you to Deputy Gabriel.

That is the entire Transforming Education Programme which includes component parts such as the Digital Road Map as well as the work at the Les Varendes, Beaucamps etc. And so this is why I want to get a figure because for Deputy Kazantseva-Miller, she asked for a component part of that.

480 So, the anticipation is that is the cost envelope that we are working to. But we will always seek
to reduce those costs wherever we can without damaging the integrity of the plan. We need to
deliver that plan to give much needed stability to the education system in Guernsey, to invest in
our young people and look at tomorrow rather than yesterday. And we need to ensure that the
facilities that we deliver are value for money for the taxpayer as well. So we will always be extremely
485 prudent and cautious in the work that we are doing. And we will seek to mitigate costs.

However, States' Members must understand that inflationary pressure is a States' problem, not
a Committee issue.

The Bailiff: Well, Members of the States, the 20 minutes for questions has already expired. I am
490 going to extend the period of questioning to the President of the Committee *for* Education, Sport
& Culture, simply because many of the answers are quite long.

Deputy Meerveld.

Deputy Meerveld: Thank you, sir.

495 Can the President confirm that at whatever point, either now or in the future, the teacher at the
Herm School changes, the Committee will facilitate a full extended handover between the outgoing
and incoming teachers, to ensure that the new teacher is fully cognisant of the unique needs and
operations of the Herm School?

500 **The Bailiff:** Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir. Thank you, Deputy Meerveld, for his question.

Of course, in line with all procedures, we will ensure that the necessary and appropriate
handovers are effected to ensure that the children are always the heart of our consideration. Yes.

505

The Bailiff: Deputy Trott.

Deputy Trott: Thank you, sir.

I thank the President for her update. She said that she had been advised that the Les Ozouets
510 would not overstretch our construction industry. I would remind Members that we currently build
about 100 new units of accommodation a year. We need to build a minimum of 300 a year. And
also, we have no idea at this stage, what other projects will be being undertaken simultaneously to
Les Ozouets.

So my question, sir, is how on earth can her advisors know whether the building at Les Ozouets
515 will overstretch the construction industry? They cannot possibly know!

A Member: Hear, hear.

The Bailiff: Deputy Dudley-Owen.

520

Deputy Dudley-Owen: Thank you, sir. And thank you to Deputy Trott for his question.

I would suggest that if Deputy Trott wants to have any in depth facts about the matter that he
comes to speak to the advisors that I have referred to.

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

Deputy de Lisle: Thank you, sir.

As I understand it, all of the equipment, the IT equipment, is now present in the Herm School.
Why not open the school immediately, at the very latest, the beginning of next week?

530 Parents are concerned because of seasickness which is a problem on board the ferry and with cancellations of the ferry crossing on other days. Today is a very good example of high winds that are expected at the end of the day.

Parents have a good reason for their concerns. Why not open immediately, given the fact that all of the facilities are in place?

535 **The Bailiff:** Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir. And thank you to Deputy de Lisle for his interest and his question.

540 There is myriad of things that need to be in place for the reinstatement of the Herm education provision. And the head teacher as well with colleagues within the Education Office space are working very hard to reinstate the Herm provision.

If Members need to know any more information relating to some of the actions underlying that, I would welcome them to come and speak to me and we can take this conversation offline.

545 I think that we start to step into areas where we are going to be talking in a public space about small amounts of people where identities are regularly identifiable and I do not think it is appropriate for this public forum to be doing that.

Deputy de Lisle: Supplementary, please, sir.

550 **The Bailiff:** Deputy Matthews.

No, Deputy de Lisle. I will call people if I think that there is time to deal with their questions. Deputy Matthews.

555 **Deputy Matthews:** Thank you, sir.

Does the President share concerns held by parents of students destined to study their A Levels at La Mare de Carteret that the premises are less suitable than the purpose built Sixth Form Centre at Les Varendes? And what is currently being done to upgrade these?

560 **The Bailiff:** Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir. Thank you to Deputy Matthews for his question.

565 It is an interesting question, because, of course, there is a misconception that the Sixth Form Centre at Les Varendes is actually a purpose built sixth form centre when in actual fact it is merely an extension of the school. And the sixth form students have to use at the 11 to 16 part of the school for at least 50% of their lessons. So this is a misnomer that the facilities at La Mare de Carteret would be any less suitable than the extension which houses the sixth form for some of its provisions. Where actually, most of the provision is within the 11 to 16 school.

570 It is obvious and it is undoubted that, where there is change afoot, with the less than ideal situation, looking at La Mare de Carteret as an interim home for the discreet newly berthed Sixth Form Centre that is within the model, will cause some concern. But I am absolutely confident in our senior leaders to be able to reassure parents and students who will be looking at going to that provision for their sixth form, A-level and IB courses, will have their concerns allayed.

575 However, it is incumbent on this Assembly to make the decisions that we need to be able to ensure that that interim position is as short lived as possible –

The Bailiff: Deputy Dudley-Owen. Your time is now up for answering.

I am looking round first just to see if there is any Member who has not asked a question previously who wishes to do so.

580 Deputy Ferbrache.

Deputy Ferbrache: Sir, following on from the point raised by Deputy Trott. Is Deputy Dudley-Owen aware that very recently, Policy & Resources received information that if the States approved the funding for both the further education and the hospitals, that Rihoy's could be the builders and that they could manage both projects, contemporaneously, without hindering either project. Is she aware of that? We were told so yesterday.

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: I thank Deputy Ferbrache for his question. And I, of course, have been aware of conversations in the background. And it is very pleasing to hear the confirmation that Deputy Ferbrache has just given which I hope allays some of the fears and concerns that Deputy Trott had.

The Bailiff: Deputy Burford.

Deputy Burford: Thank you, sir.

I disagree with the President. I think this is the forum to discuss Herm School, as earlier this month, a significant majority of the Members of this Assembly supported the reinstatement of Herm School in its previous form.

So can the President please tell me why numerous changes have been imposed on the operation of Herm School without the prior consultation or agreement of the parents?

Thank you.

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir. Thank you to Deputy Burford again for trying to clarify the matter.

I do not agree that this is the right forum. This is an operational matter which is being led by the head teacher and also officer support within Education. Yes, we are absolutely accepting and are accepting of the will of the Assembly to reinstate the education provision which is happening and I have confirmed will happen. We have given an end date for that, an expectation delivery date.

In terms of how that provision is resourced is actually up to the educationalists. It is not up to us here in this room to determine the level of safeguarding, the level of quality of education that the educationalists are duty bound to provide for all of our children in the Bailiwick.

The Bailiff: Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Thank you, sir.

The operation of Beau Séjour has required ongoing funding which is currently funded by the Lottery. My understanding is that funding requirements have now increased to about £1 million.

And the question to the President is, is there a plan for transforming the loss making Beau Séjour, including looking at better use of the fantastic real estate that it is sitting on, including allocating land for potentially additional sports facilities or even house building?

Thank you.

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir. And thank you to Deputy Kazantseva-Miller for bringing us to a strategic level which is where we should be. Because absolutely Beau Séjour is within our sights.

We are aware of the issues there and the strategic purpose of that particular facility. It is a lot of things to a lot of people in the Island. But in terms of our ability to run an organisation that it is and

635 enabling it to wash its face and pay for itself, it is increasingly difficult. It has a myriad of different facilities. There are social prescribing facilities there for patients who have undergone stroke or heart attack. There are sports facilities. Obviously, there is swimming competitions that take place. But there is also theatre. There is also private event hire. And it is a wonderful, sometimes, whether we enable that facilities to be used to its optimum.

640 Absolutely, the Committee has recognised it. Officers have brought this to the attention of the Committee. Deputy Haskins sits on the Beau Séjour Management Board and is acutely aware of some of the issues that Deputy Kazantseva-Miller has raised. And a plan is being worked up to look at the various options about the future use of Beau Séjour.

The Bailiff: Deputy Gollop.

645 **Deputy Gollop:** Another strategic issue that is perhaps beyond the remit of Deputy Dudley-Owen's Committee but could have a bearing is the recently expressed possibility that the United Kingdom, or at least England and Wales under Mr Rishi Sunak as Prime Minister, would seek to introduce, instead of the conventional A Levels, an International and United Kingdom-based Baccalaureate. I am aware there are Baccalaureates done in Guernsey.

650 But have Education, Sport & Culture looked at the possible resource and other implications of a possibility to the change of A Levels transforming sixth form and post-16 Education?

The Bailiff: Deputy Dudley-Owen.

655 **Deputy Dudley-Owen:** Thank you, sir. And thank you to Deputy Gollop for asking that question. Because actually, that is the type of visionary thinking that is behind Les Ozouets Campus and the colocation of the sixth form, together with The Guernsey Institute. And the broad based abilities and opportunities that we will have to give our 16-plus students and Islanders and adults those opportunities in the future.

660 I need to reassure Members, sir, that the plans are visionary. They are forward facing and future thinking. And certainly, this has been welcome news to us in Education. It is something that has been, not in the back of our minds, in the middle of our minds, whilst thinking about this. Because there are private schools in the UK who are thinking about ditching GCSEs and A Levels. Obviously, that is a very complex factor. But certainly, if there is a UK approved IB programme, then actually Guernsey would be foolish not to look at it as recognised currency for our young people and adults. And that is what we are aiming to achieve. A broad based qualification offering for all of our young people and our adults. At the moment, an adult cannot take an A Level in Guernsey.

670 So this is the, the Les Ozouets Campus is about broadening the opportunities, being forward thinking in the same way that some of the UK government or politicians are wanting to address their future qualifications. And in that regard, T Levels are something as well that we want to be able to adopt in the fullness, especially areas such as finance, which we –

The Bailiff: Your time is up again, Deputy Dudley-Owen.

675 **Deputy Dudley-Owen:** – know are our bread and butter economy.

The Bailiff: Last question, Deputy de Lisle.

680 **Deputy de Lisle:** Thank you, sir.

The Deputy indicated that the children are always at the heart of consideration. Well, why this huge delay in opening the Herm School delay again and stopping this needless transfer of children from Herm to Guernsey daily, particularly in weathers like this?

685 And there seems to be some indication that the Board is transferring the responsibility to the head teacher. Opening that school is a board decision, sir. And without the board coming forward

in the next few days and announcing that has been done, I will be calling for the resignation of the board in its entirety.

The Bailiff: Deputy Dudley-Owen. I think there was a question there.

Deputy Dudley-Owen: Yes, sir. I will find the question and I will respond saying the children must be kept safe and the children must have high quality education. The children are at the centre of this and the timeline for reinstatement of the education provision for those children has been given to States' Members.

If we see any opportunity to expedite those plans, we absolutely will. And in regard to the weather, if the captain of the boat thinks that weather is unsafe for the children to sail in, they will not sail. They will not be taken. The parents are the ultimate arbiters of this. And it is no different from the children who have been coming year in, year out, week in, week out from Herm to Guernsey for one day a week education.

This disproportionate focus on their travel completely ignores the fact that these young people have been travelling backwards and forwards to Herm without one whisper of concern about their safeguarding from this Chamber for many years, without any contingency plans in place previously, which there are now, for any overnight stays which are extremely unlikely. But no contingency plan is in place.

This Committee is bothered about the safety of children. And this Committee is bothered about the quality of education for our children. And Herm children are no different.

The Bailiff: I think that is probably enough for the President now.
We have got about 20 questions out in the extended time.

**General update –
Statement by the President of the
Committee *for the Environment & Infrastructure***

The Bailiff: And I will invite the President of the Committee *for the Environment & Infrastructure*, Deputy de Sausmarez, to deliver her Statement, in pursuance of Rule 10(4) please.

Deputy de Sausmarez: Thank you, sir. And I am just relieved that my speech is not on paper, because I do not think it would stand much chance, given the hoolie going on behind me.

I will not dwell on the Electricity Strategy as Members should be well up to speed with that. Suffice to say that work on its implementation continues at pace, including on the roll out of Solar PV and feasibly of work around the second cable, offshore wind and the establishment of a Renewable Energy Commission. Many of these issues are of mutual interest to our neighbours in Jersey and France. And indeed, this was one of the topics discussed at the summit between the Channel Islands and Normandie last Friday.

Since our last update, the Committee *for the Environment & Infrastructure* has published the Guernsey Housing Plan which sets out a prioritised list of workstreams and actions that the Committee will lead on and coordinate to address the current housing market pressures.

It aims to ensure that, and I quote:

All people living in Guernsey will have access to a range of good quality housing that is affordable, secure, energy efficient and adequate for their needs.

The Plan was developed following extensive analysis by independent housing market experts, arc4 Limited, to better identify and quantify the problems that exist in the Island's housing market, why they have occurred, their impact and their potential solutions.

What is clear from this work is that there is no one quick fix solution. There are issues with private housing market supply, the private rental sector, affordable housing supply, quality and energy efficiency, specific market niches such as key worker housing, homelessness and older people's housing, and a need to improve our data and evidence to help inform policymaking in this important area going forward.

Making real improvements is going to take time and action is needed in a number of areas. Through the Guernsey Housing Plan, we now have a prioritised list of 28 workstreams that set out what we intend to work on and when. The workstreams set out in the Guernsey Housing Plan span other Committees as well, including ESS, P&R and the DPA. E&I's current areas of focus include a medium to long-term keyworker housing strategy, General Housing Law ordinances relating to basic living standards, proposals to help strengthen the rights and obligations of both private landlords and tenants, the Open Market Part A Inscriptions Policy and measures to improve the energy efficiency of Guernsey's existing and future housing stock.

Because the keyworker housing strategy impacts on so many committees, we will shortly be consulting with them. The first crucial step is finding consensus on a definition of what a key worker actually is, which is a harder task than it might at first appear. This then provides the foundation upon which the provision of keyworker housing can be considered, developed and proposed.

When it comes to housing provision, there are two critical infrastructure dependencies: flood risk mitigation and transport. The Bridge remains the highest priority for enhanced flood risk mitigation, because there are already a lot of people living and working in the low-lying Braye du Valle – an area that was of course tidally flooded twice a day until a couple of centuries ago – and there are several major sites earmarked for vital new housing in the area as well.

The Committee has, on the basis of recent updates to our flood risk data, recommended to P&R that new flood defences in the area are progressed. Any new structure might only be necessary to bridge the time, if you'll pardon the pun, until St Sampson's Harbour is potentially redeveloped, but as even a decision on the future port requirements could take years, and has already been delayed, we are keen that the area is adequately protected from the risk of rising sea levels and more extreme weather events in that interim period.

Transport infrastructure is another important issue in facilitating new housing, so it will be essential to improve connectivity, choice, convenience and safety in the areas around the Bridge that likely be affected by several significant new developments. We all recognise that our road network is already constrained and cannot simply scale up to accommodate higher traffic volumes associated with more housing. That is why we need to look at making changes to the infrastructure to make the network more efficient.

As a Committee, we are acutely aware that many in the area do not welcome the prospect of large new housing developments, partly because they feel, with some justification, that there is already too much pressure on their road network. However, everyone in this Assembly will be acutely aware of the need to develop more homes to meet the Island's housing needs and support the economy, so we need to throw everything we have got at facilitating that housing in a way that ideally improves rather than negatively impacts quality of life for people already living in the area.

Historically, we know that the idea of transport infrastructure change is often unwelcome, but we also know that these changes can bring positive outcomes. Exhibit A in this respect is the Baubigny road and path network. We also know that, whether current residents like it or not, housing will likely be developed in the area around the Bridge, so it is essential that we do what we can to improve the road infrastructure.

With that in mind, we have worked with the GHA on something called the Better Transport Plan which has been shaped by input from residents, the relevant parishes and other key stakeholders to improve transport options for people in this important part of the Island, and we will continue to engage with them as we make incremental improvements to the infrastructure.

Looking at transport more generally, I am pleased to report a continued upward trend in bus passenger numbers, no doubt helped by the launch a few months ago of the new app. In a

shameless plug, I must mention that it features journey planning, live bus tracking, school bus info and plenty more, and Apple and Android versions are both available to download.

Cost pressures on the bus service driven by inflation and factors such as the global driver shortage have meant that we have had to put fares up to offset these very significant increases, but we have made every effort to ensure that fares are still reasonable and as affordable as possible. Because the proposal around concessionary travel was not driven by cost pressures, but rather future capacity, the Committee has agreed not to limit free bus travel for pensioners to after 9.30 a.m. on weekdays but will continue to monitor the capacity on busy morning services.

Improvements to the taxi service are also bearing fruit. The introduction of the taxi hailing app earlier in the summer has given the travelling public greater convenience, and taxi drivers are now providing an average of about 90 journeys a day, or 650 a week, through the app for passengers that they otherwise might not have carried. We are looking to make a few tweaks to the app over the coming weeks and months, including introducing improved postcode look up.

The app was used to hail nearly a thousand taxi journeys during the Island Games week. Along with initiatives across the full range of transport options including free bus travel, park and strides, additional bike parking and walking route info, plus a huge amount of work from the Traffic & Highways team on road closures and traffic management for sporting fixtures, the taxi service improvements contributed to the success of the event overall.

One of the most surprising bits of feedback I had from visiting teams during the Island Games was about the quality of our road surfaces, which people were very complimentary about. This is testament to our rolling programme of proactive repairs. So far, in 2023, we have fully completed 21 out of 33 road resurfacing and major road patching work projects, which represents around £1.84 million of works with the vast majority being finished on time and on budget, which really helps at a time of intensifying cost pressures. We have taken every opportunity during these works to upgrade footpaths to ensure that they are accessible, installing tactile paving and dropped kerbs where appropriate.

Also, on the subject of roads and sport, I am pleased to report that Deputy Gabriel and I met with representatives of the Guernsey Rally Club earlier this week and had a really constructive conversation around the decision to temporarily pause applications for major events involving multiple road closures so that we can find a more workable way of processing such applications.

As the Rally Club fully appreciates, the current process places a huge administrative burden on both them and us and has the unfortunate effect of diverting officers away from States' priorities for extended periods of time. We have agreed with them a way forward where they will contribute ideas and suggestions to the policy review, which we aim to complete in good time to reopen applications ahead of their 2025 season.

Moving onto coastal infrastructure, this is another area where, like our road maintenance, it pays to be proactive. Major repointing works have commenced at Route de Port and the Imperial Slipway haunch, and repointing works to Saline has now had funding approval so should also get underway in good time.

Repointing of the Napoleonic wall at the north end of Fermain has received planning approval so those works will hopefully start this year. On the south side, planning for the cliff path realignment is progressing well. Members will have noted that the cliff stabilisation works and the wall at the south side of the beach is categorised for rescoping in the GWP capital prioritisation table.

It is only right to look again at stabilising the cliff and rebuilding a wall that, notwithstanding its historic military interest, does not protect critical infrastructure in the way that our sea walls do and would cost a lot of taxpayers' money when funds are hard to come by. The Committee has not yet had an opportunity to make a decision about the best approach to that section. The States' Property Unit have been looking at various alternative options and will bring them to the Committee shortly.

Another coastal project that we have been working on with the State's Property Unit is the Cow's Horn, where I can finally confirm, after a couple of false starts due to a lack of response to earlier more expansive tenders, that we are now in the procurement phase which should lead to the

stabilisation of the cliff and ultimately reinstatement of access to Clarence Battery. The tender is live and we are hoping that, if all goes well, work will start on site in December to be ready ahead of the summer.

835 Work to protect the L'Ancrese anti-tank wall with rock armour is now complete and there are just some minor concrete repairs to the apron left to do for now. That work should be finished in the next month or so.

Routine maintenance and dive survey work on the Alderney Breakwater is scaling back as usual as we head into the winter, and the fact that there is nothing particularly exciting to report in respect
840 to the Channel Islands' longest bit of marine infrastructure is good news in itself.

The Committee continues to progress the work looking at the future strategic use of Les Vardes Quarry and is working closely with representatives from Guernsey Waste and Guernsey Water to ensure the recommendation is based on a comprehensive evidence base. Their support is invaluable and greatly appreciated. I would like to take this opportunity to remind Members that a decision
845 on the use of Les Vardes cannot be looked at in isolation: the workstream will consider all of the assets and options available to meet the Island's inert waste disposal and water requirements.

The Committee has requested initial high level engineering design options to understand their feasibility and the potential associated costs. This work is currently underway and will then feed into Strategic Environmental Assessments. The Committee had hoped to submit a policy letter by the
850 end of this year, but there have been some minor delays to the engineering work, so we now expect to bring that to the States in the first quarter of 2024.

We are acutely aware that while this work is ongoing there will be a requirement to stockpile inert waste at Longue Hougue once the existing disposal site is full, so the Committee is doing everything in its gift to keep this project moving at speed and encourage the maximum possible
855 diversion from inert waste disposal – through recycling and reuse, for example – in the meantime.

The work to review the Island's Dairy sector was included within July's GWP Green Paper with a delivery date of 2024. The Funding & Investment Plan for GWP work will be debated next month. In the meantime, the Committee have held discussions with the STSB to ensure that the review of the industry and the considerations around the Dairy itself are joined up. Preparations have started
860 for the development of a policy letter which will set out the findings of the review and recommendations on how to put the sector on a more economically and environmentally sustainable footing into the future. We will bring that policy letter to the States as soon as we can, which we think is likely to be early next year.

The dual lens of economic and environmental sustainability was a core theme of Sustainable
865 Finance Week which Guernsey Finance hosted to great acclaim again last week. It is a timely reminder, as the global community approaches COP28, that economic and environmental benefit can be mutually inclusive, and that there is a critical co-dependency between them.

After all, as one keynote speaker at the event pointed out, a full 50% of global GDP, \$44 trillion, is exposed to nature-related risk. Our status as a leading jurisdiction internationally in green and
870 sustainable finance gives us a competitive advantage in this emerging field, and that is an advantage that we should continue to leverage in a climate – fiscal and actual – that is certainly not short of challenges.

With a busy and varied remit, I have not attempted to cover every single area of our work in this update, but I look forward to answering any questions Members might have on any aspect of the
875 mandate of the Committee for the Environment & Infrastructure.

The Bailiff: It is now an opportunity to ask questions within the mandate of this Committee.
Deputy Le Tissier.

880 **Deputy Le Tissier:** Thank you, sir.

I would like to ask the President, does she really think that the better way of dealing with the Guernsey Rally might have been to say to the rally organisers you can have your 2024 rally but please be aware that we are reviewing it and we may not be able to have future rallies. It seems to

me that by doing it this way round, stopping the rally and having the review, that some people are saying that it is a foregone conclusion now and that it will be cancelled.

Thank you.

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

I am not sure I really understand the logic of Deputy Le Tissier's suggestion, because, well, first of all, the Committee made a decision, I think, in June, and we communicated that informally to the Rally Club as soon as possible which I think was very shortly after that and formally communicated it certainly in July. So I am a little bit confused about the timelines of why it was not perhaps communicated to the members of the club earlier.

But I think Deputy Le Tissier's question ignores the fact that in order to facilitate a rally in 2024, we would need to go through the process that is causing the very problems that we are seeking to resolve.

So we did get in touch with the Guernsey Rally Club as early as possible. There was quite a lot of dialogue between officers and them throughout. And it is a process that, I have to say, having had a conversation with them, is not working particularly well for them either. So we are both mutually keen to find a better way of doing it.

But I think also, Deputy Le Tissier should be under no illusions about how much work is involved on their side and the kind of timelines that they would need in order to put the rally on. So they need a year in order to stage the event. There is a huge amount of work on both sides and ultimately we are both pulling in the same direction because we want to be able to find the process that is going to work well for them and well as for us.

Thank you.

The Bailiff: Deputy Blin.

Deputy Blin: Thank you, sir.

I would like to thank the President for a very comprehensive and positive statement and achieving some of the milestones that have been waited for a long time and some of the changes. So thank you.

My question is going to sound like a record. It goes back now to two years to ask them about the situation for actions on noise abatement, noisy bikes. I appreciate that over the past two years, we have been in a situation where there is progress which I am sure you will outline for us shortly. And then also linked with Home Affairs and we have had this tennis match there. So I am really hoping to hear as we are coming to the end of 2023, what progress has been made, where we stand and what timelines are there as this has gone on for a long time?

I would be grateful for that.

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: I thank Deputy Blin for his question. And actually it is a question that I seem to ask like a broken record as well.

So I am afraid the answer is also going to sound a bit like a broken record, because that work is still underway. It is a joint piece of work. It has got a broader focus, quite rightly, in terms of some shared areas of mandate between the Committee for Home Affairs and ourselves. I did ask the senior responsible officer for an update a couple of days ago. But I have not actually got one. But I will endeavour to get back to Deputy Blin and anyone else who is interested with that information as soon as I have got it.

I am not aware of the timelines, but I can assure him that to the very best of my knowledge, that work is, indeed, underway. It certainly has not come back to either Committee yet though.

The Bailiff: Deputy Parkinson.

Deputy Parkinson: Thank you, sir.

940 Following the question from Deputy Blin, would the President be prepared to consider or pass on to an enquiry the concept of only allowing people under a certain age to use electric motorbikes so that they are not noisy and do not cause a nuisance which we currently suffer?

The Bailiff: Deputy de Sausmarez.

945 **Deputy de Sausmarez:** Yes.

I do not know and I think it is possibly not included explicitly in the scope of the work that is being undertaken, but I think Deputy Parkinson's suggestion is certainly worthy of consideration when it gets to the political level, because I cannot see any technical reason why that needs an expert view on. So I think that is a very interesting suggestion and certainly one that we will discuss with Home Affairs.

950

The Bailiff: Deputy Moakes.

Deputy Moakes: Thank you, sir.

955 I would also like to thank the President for that excellent update. And I was particularly interested in the updates on the Housing Action Plan which of course, as you know, I am very interested in increasing the number of houses. It is a great interest to me. So I have no issues with that Housing Plan whatsoever, bar one. And that is that the plan within it is to consider, think and take time to look at what we need to do. And the timelines stretch out over a number of years.

960 As I say, this is not a criticism. What I want to understand, though, is how we as an Assembly can speed this up because we really need to start building houses today. I know there are certain things you have to do, but there must be ways in which we, industry, committees can work better together to ensure that we have the right houses built as soon as is humanly possible.

Thank you.

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The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Yes. Deputy Moakes, has, of course, like many other Members, taken an acute interest in housing and quite right it is acknowledged as one of the top priorities, if not the top priority in this political term.

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I think, to answer Deputy Moakes' question, we have had to put in place a timeline. We have had to cut our cloth according to our means in terms of resources. So that is the first thing. So we cannot do all things at once, but also, we have taken very good advice on how to structure those inter related bits of work to achieve the best outcomes as quickly as possible. And that is a process that has also been undertaken with other Committees like ESS and with P&R and the DPA who are very closely involved and, indeed, leading on some of those workstreams.

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So the first thing is about the internal resources that we have to do some of those workstreams. But when it comes to the bigger picture, Deputy Moakes will be aware, that Government itself does not build houses. We have got much more influence on the building of affordable houses through the Affordable Housing Development Programme. But when it comes to private market houses, that is not Government's direct job. We have to create the environment within which it can be facilitated as quickly and as appropriately as possible. And those are some of the things that we are indeed looking at in the Guernsey Housing Plan. So it is very much all hands to the deck.

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985 **The Bailiff:** Your time is up, Deputy de Sausmarez.
Deputy Inder.

Deputy Inder: Thank you, sir. And thank you, Madam President, for the update.

Thirteenth July of this year, in a question from Deputy Gollop on the Vienna Convention and the MOT. Deputy de Sausmarez stated that the MOT, in my words, will be in place by 2024. Is it still on track and would she commit, not now, I accept, to give States' Members and the public and indication of what is going to go first?

Is it going to be trailers, is it going to wagons that go off Island? Could you give us some indication? Because I note with some interest that GMTA, Guernsey Motor Traders' Association, are very keen on this as well. I do not necessarily mean I am, but I would not mind knowing when this is going to happen, because we get these regular updates and they do tend to drift a little bit. And I am chief amongst them in terms of giving dates. So I will give her that.

Thank you.

1000 **The Bailiff:** Deputy de Sausmarez.

Deputy de Sausmarez: I thank you Deputy Inder.

Just to clarify, it is not an MOT. It is a periodic vehicle inspection. They are quite different from the UK MOT. They will not, of course, be annual. They will be every three years for cars, certainly. Heavier vehicles are different. And only after a vehicle is more than five years old. So it is quite different from a UK style MOT. It is very much proportionate to Guernsey.

There were two parts to Deputy Inder's question really. One is about what is in it. And I think that he will find all of the answers he is looking for in the policy letter that we debated on the Vienna Convention when this was first agreed.

1010 So the second part of his question was when? And he is right. This is a timeline that has slipped. I cannot give him a specific answer because dialogue has to happen with the industry. It is something that the Committee is needling those leading on this bit of work on. We are very keen to see it progress. I cannot give him a specific timeline. But part of that answer is going to come from industry itself because it is very important that any proposals that do come forward work in the local context and work in the context of the local industry. So the GMTA who he referenced are a – I hate the word 'stakeholder' but I cannot think of a better one – they are a very key stakeholder. 1015
Thank you.

The Bailiff: Deputy Queripel.

1020 **Deputy Queripel:** Sir, thank you.

I think the question I am about to ask relates to E&I's mandate. I apologise if it does not.

Can the President tell me what stage proceedings are at regarding repairing the Victoria Greenhouse in Candie Gardens, please. And will there be funds available to maintain it once it has been repaired?

The Bailiff: Deputy de Sausmarez.

1030 **Deputy de Sausmarez:** Yes. It is an interesting question because the answer is, yes, it is part of our mandate, but in my view, it should not be. The team responsible for it is Agriculture, Countryside & Land Management Services who are expert in the realms of ecology livestock and animals and wildlife and all sorts of things, but not in the restoration and maintenance of historic buildings. So I do think it sits rather awkwardly in our mandate.

1035 I did ask officers for an update. The last I heard which is information from maybe three weeks ago or so was that I believe all of the plans are in place. Sadly, it cannot be done. I think Deputy Queripel will appreciate this is pretty specialist work. It cannot be done instantly, but there are interim measures in place especially given art exhibitions in the area that we do not want it to look a mess for.

1040 He asked a very interesting question about the budget for maintenance. This is an age old problem we have, but I think there is a conversation underway about where this sits most comfortably and my personal view. And I think it is a view shared by the Committee is that it will probably sit more comfortably with perhaps States' Property Unit or someone better equipped to dealing with this kind of historic building.

Thank you.

1045 **The Bailiff:** Deputy Haskins.

Deputy Haskins: Thank you, sir.

The President highlighted that there was a rising sea level and that flood defences are crucial.

1050 So I would like to ask the Committee if it directed that repairs and repointing of coastal defences also involved a direction to heighten these coastal defences? And if not, why not?

The Bailiff: Deputy de Sausmarez.

1055 **Deputy de Sausmarez:** Thank you.

Deputy Haskins would be aware that there was a Flood Risk Assessment carried out for most of the Island. That work was undertaken. That report was published in 2012. We do have a programme where we try to keep our data as accurate and up to date as possible. But there are lots of different metrics.

1060 But basically, the answer to his question is that in most of the areas where we have coastal defences, those defences are perfectly adequate for the time being. It is of course important that they are maintained to retain their structural integrity so that they are doing their job. But I do not think there is any evidence to suggest that there is any pressing need to raise the height of coastal defences based on the information that we currently have. But we do keep, as I say, our flood risk data as up to date as we can, with a number of different metrics. For example, beach levels and certain live data in terms of wind and wave direction and things like that. So it something that we will keep an eye on and respond accordingly. But the important thing to note is that the flood risk actions are prioritised and the top priority is the Bridge.

1070 **The Bailiff:** Deputy Oliver.

Deputy Oliver: Thank you, sir.

1075 I understand that the traffic move from Bulwer Avenue to Wheadon House under the MyGov thing. I just wanted to know how successful that was. And if it has not been successful, has that had any knock on impact of the Island of Guernsey?

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you.

1080 I think the word that Deputy Oliver was looking for was the PTOM and the OTOM processes. And to be honest, they have been a real thorn in our side. So they stand for, just to explain the Government acronyms, the Property – oh, I am going to forget what the TOM bit stands for – but basically, the operational restructuring on the property side and the operational side.

1085 And what happened was the property bit happened. So they moved location. But the operational restructure was stalled. And that is something that has caused us real problems. The move itself was obviously highly disruptive. And it did mean that when we were having to recruit, there was a very high turnover in some parts of that service area. It has meant that we have had to recruit to the old structure that was not designed to be in place when the move into that building occurred.

1090 But I have to say that service levels are pretty good in terms of the metrics that we measure them against, the KPIs. So I think the teams have coped very well. But it is a source of frustration to the

Committee that the OTOM process stalled in mid-air. Our teams were the ones that were guinea pigs and it just seems to have fizzled away and never really happened. So it feels like we are in a bit of limbo in that respect. And I would really an update from P&R about what they intend to do with that process.

1095 Thank you.

The Bailiff: Deputy Roffey.

Deputy Roffey: Thank you, sir.

1100 The President has mentioned that their number one priority for flood defences is at the Bridge and presumably therefore meaning protecting the hole in the Braye du Valle. Is she able to give any kind of meaningful indication about the timescale for such a project to actually move forward and be implemented?

1105 **The Bailiff:** Deputy de Sausmarez.

1110 **Deputy de Sausmarez:** I cannot give a definitive answer to that, but I would hope that notwithstanding the fact that no final decision has been made about the particular design options. I would hope that that is something could come forward relatively quickly. And as Deputy Roffey will be well aware, and as I mentioned in my update statement, it is perfectly possible that perhaps a more comprehensive and permanent flood risk mitigation measure could be incorporated in any future redevelopment of St Sampson's Harbour. But we do think it is important to bring forward something to provide adequate protection to the area in that interim period which could be a decade or more.

1115 **The Bailiff:** Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Thank you, sir.

1120 As part of the strategic decision to allow quarrying at the Chouet, my understanding was that there would be a commercial negotiation with Ronez in relation to some of the aspects, especially in terms of allowing the quarrying on the States' part of the land. Could the President update the Assembly on the status of such negotiations and whether there are expectations that they might conclude or might have concluded already?

1125 Thank you.

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

1130 I am afraid I cannot answer that question because that side of things actually sits in the mandate of P&R. So it would be for them to provide an update to Deputy Kazantseva-Miller, I am afraid.

The Bailiff: Deputy Falla.

1135 **Deputy Falla:** Sir, could the President please advise whether improvements to the infrastructure and amenities for cyclists remains a focus for her Committee and is there anything she can update us on?

The Bailiff: Deputy de Sausmarez.

1140 **Deputy de Sausmarez:** Yes. Deputy Falla can take assurance from the fact that the Better Transport Plan and I referred to which is the infrastructure improvements to help facilitate housing in the area in the north of the Island where we are anticipating that significant new housing

developments will take place does indeed look at connectivity, convenience, safety for all road users, including people on bikes. So yes that is indeed a very live focus on the Committee's as well as other *ad hoc* things that are going on elsewhere.

I have to say, we work very closely with various schools and I have to give a shout out here to the Health Improvement Commission who work with our officer on the Traffic and Highways side to bring infrastructure improvements, especially in terms of access to schools which is one of the key areas.

But yes, Deputy Falla can rest assured that that is indeed part of the plan that I referred to in my update.

The Bailiff: Deputy Taylor.

Deputy Taylor: Thank you, sir.

Deputy de Sausmarez referred to flood risk mitigation in the Bridge area and that any new structure might only be necessary to bridge the time until St Sampson's harbour is redeveloped. Proposition 2 of the upcoming Government Work Plan debate seeks an in-principle agreement to invest in housing and flood related defence work which anecdotally we are told will be to the tune of £35 million, give or take. Could Deputy de Sausmarez advise me if these two, call them workstreams, are linked. And if so, what involvement have the Committee *for* E&I had in the drafting of that Proposition 2?

Thank you.

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Yes. I think I can confirm that that Proposition is P&R's Proposition and it would be for them to answer exactly what they have in mind. But I can reassure Deputy Taylor that we have been in dialogue with P&R and we have wasted no time in communicating where we think and the prioritisation that we think needs to be given to the flood risk mitigation measures that I have referenced. So I do not think that it would be appropriate for me to answer on P&R's behalf about what they had in mind with that Proposition. All I can say is that we have been clear about where and why we think that that is a priority.

The Bailiff: Well, once again, I am going to extend the time, but for a short period for questions to the President.

Deputy Dyke.

Deputy Dyke: Thank you, sir. And I thank Deputy de Sausmarez for her report.

She was speaking earlier about housing and our various plans and made the very valid point that at the end of the day, we and our Committees and plans do not actually get the housing built on the private side.

Given what is clearly now, I hate to use the word 'crisis' because the problem is more chronic, but our chronic problem or crisis, whatever we call it, with housing, is acute. Is she willing to work with Planning to try to implement the Resolution that the States passed about two years ago, now, that GP11 should be operated in such a way that in lieu of providing social housing the developers should be given the option of a cash option.

The issue, and I do not think it is necessarily –

The Bailiff: Deputy Dyke, the time for asking the question has passed. Deputy de Sausmarez to reply.

Deputy Dyke: Okay.

1195 **Deputy de Sausmarez:** Thank you. I think I can give a much shorter answer than the question. Which is that that piece of work is already in the Guernsey Housing Plan. And it is already underway with the Development & Planning Authority. So that is very much part of the plan.
Thank you.

1200 **The Bailiff:** Deputy Gollop.

Deputy Gollop: Almost as a supplementary to Deputy Moakes and Deputy Dyke, in terms of housing, how can the Environment & Infrastructure, as part of the plethora of Committees that work with Housing, perhaps, enable the States to have more public or at least more effective dialogue with the developer industry? We know we work very well with the GHA. We know they dialogue with certain developers. But as a whole, there seems to be a disconnect between the developers, their aspirations, their goals for their landholdings and the States' Members dealing with the chronic crisis in housing and other areas?

1210 **The Bailiff:** Deputy de Sausmarez.

Deputy de Sausmarez: Thank you.
I am going to have to disagree with Deputy Gollop. I think we have got very regular dialogue from various different parts of the States. And I think Deputy Oliver, one of the very significant things that she introduced, right from the start of this political term, was a regular forum within which developers could come in and talk to the relevant politicians, most notably the DPA and the relevant officers, precisely to discuss all of this.

And Deputy Gollop will know from being a member of ESS that, of course, there are very regular conversations that go on between the States and developers. We are a small Island. We have to work in this way. And I think there have been some very significant improvements in that respect. Obviously, we can all strive to make dialogue better and more effective and everything. But I think the DPA and Deputy Oliver in particular needs credit for improving that situation, improving the dialogue between the States and developers. And yes, it would be great to have more and for it to be more effective. But we are certainly going in the right direction in that respect.

1225 **The Bailiff:** Is there any Member who has not yet posed a question to the President who wishes to do so?
Deputy Le Tissier.

1230 **Deputy Le Tissier:** Thank you, sir.
Would the President confirm that she will be making an exception to pre-roads closure policy should we be graced with a Royal visit at such some time in the future?
Thank you.

1235 **The Bailiff:** Deputy de Sausmarez.

Deputy de Sausmarez: I do not understand the relevance of the question.

The Bailiff: Just say yes.

1240 **Deputy de Sausmarez:** Oh, yes. Okay. I have been advised just to say yes. So I will just say yes.
(Laughter)

The Bailiff: Deputy Queripel.

1245 **Deputy Queripel:** Sir, thank you.

In her statement, Deputy de Sausmarez referred to the work that is going on to establish best use of Les Vardes Quarry. I think she gave a date for a policy letter to be laid in front of the States, quarter one, 2024? Can she confirm/clarify that date, please?

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: I can confirm that we are, indeed, aiming for quarter one next year. We are aiming for as quickly as possible, but I think, realistically, that is when it is likely to be ready. We were actually aiming to get in quarter four this year, but unfortunately, because of some delays around the engineering side of things, that timeline has been moved forward. So yes, I am hopeful and at this stage, confident that we will be able to do that. But I will keep Members posted if that changes.

The Bailiff: Last question, Deputy Moakes.

Deputy Moakes: Thank you, sir.

This is a rather easy question for the President, but I think it is worth asking because it is to do with a very important annual event that took place in Guernsey only last week. And I know that the President attended alongside myself and a number of other people.

So the question is, would the President agree with me that Sustainable Finance Week, organised by Guernsey Finance, was a huge success (**A Member:** Hear, hear.) and once again demonstrated Guernsey's position as a leader in sustainable finance?

The Bailiff: Deputy de Sausmarez, does it really fall within the mandate of the Committee?

Deputy de Sausmarez: I am going to say, yes, sir, because I could not agree with Deputy Moakes more. It was a resounding success. And while he is, and you are correct of course, the event itself is not directly within the mandate of the Committee *for the Environment & Infrastructure*, one thing that both Deputy Moakes and I are told on a very regular basis is that it is absolutely essential that we as an Island and as a jurisdiction who are leaders in this important and emerging field, that we can substantiate our credentials through our domestic policy. So I think in that respect, it is highly relevant to the Committee *for the Environment & Infrastructure*. And I can wholeheartedly agree with Deputy Moakes about the quality of the event and its success.

Thank you.

Questions for Oral Answer

COMMITTEE FOR HEALTH & SOCIAL CARE

Health care –

Right for a patient to call a review or request second opinion

The Bailiff: Well, Members of the States, we will now move into questions on notice, pursuant to Rule 11.

And the first Member posing a question to the President of the Committee *for Health & Social Care*, is Deputy St Pier. So your question please?

Deputy St Pier: Yes, thank you, sir.

1290 Following the recent decision of the Secretary of State for Health & Social Care to implement Martha's Rule to amplify the patient voice in NHS England, will the Committee for Health & Social Care implement similar provision in Guernsey that in the event of suspected deterioration or serious concern on the part of a patient on a hospital ward or the families, they would have the right, easily, to call for a rapid review or second opinion?

1295 **The Bailiff:** And the President, Deputy Brouard, to reply, please.

Deputy Brouard: Thank you, sir.

1300 The secondary healthcare contract in Guernsey already gives patients the right to a second opinion. In the circumstances for which Martha's Rule is proposed, which is where a family raise a concern about the urgent care of a loved one, the Princess Elizabeth Hospital has an intensive care unit outreach team in place and they are able to offer a second opinion 24-hours-a-day, seven-days-a-week. Health & Social Care will, however, keep informed of the formalisation of any such rule in the NHS and consider whether any further measures need to be adopted locally.

1305 The important point is that families should not be afraid to raise any concern about the care of their loved one in the PEH Hospital by speaking to doctors and nurses who are looking after the patient, and we do not need to wait for a formal Martha's Law to do that.

Thank you, sir.

The Bailiff: Supplementary, Deputy St Pier.

1310 **Deputy St Pier:** Yes, sir. I have two supplementaries.

The first one of which is that given that after the event is too late, what communication channels are used to ensure that families and their carers know of this option in a timely way and certainly before matters become critical?

1315 **The Bailiff:** Deputy Brouard.

Deputy Brouard: Thank you for that question, Deputy St Pier.

I think from raising the issue of Martha's Law has, although we know in the hospital that is available, I think there is far more work that can be done to make it clear that it is available.

1320 All our professional staff have a duty of candour which means that they must tell the patients when something has gone wrong or it looks like it is going wrong. And we very much encourage any patient or loved one of that patient, if they have any concerns, to raise them. And there is a support mechanism for that. So it is in place. But I do not think it does any harm at all to reinforce it. And as you say, after the event is too late as for Martha Mills.

1325 **The Bailiff:** The second supplementary, Deputy St Pier.

1330 **Deputy St Pier:** Yes, thank you, sir, and I am grateful to Deputy Brouard for his answers and his acknowledgement that more can always be done to make awareness of options before the event and I look forward to seeing that.

How often has the request for a second opinion been used in these circumstances in the last, say, 36 months?

1335 **The Bailiff:** Deputy Brouard, are you able to answer that question?

Deputy Brouard: Again, thank you for the question. I am not able to answer it. It will probably be a very difficult one to pin down because it will be a nurse raising concern. Another consultant coming etc. That is one of the advantages we have here over other jurisdictions in that we have a very senior system of using consultants rather than using junior doctors. So the chances are that

1340 you are having the very best person to advise on the care in the first instance, but I do not have that data.

I will certainly ask if it is available. Whether— because it is such a fluid situation where things are changing all the time and a second opinion or a thought or a doctor may refer to someone else — whether it is actually being used where we can actually pin down that so and so asked on a particular
1345 for a second opinion. We will certainly ask the question. If we have the data, we will gladly share it.

The Bailiff: It was just a question about numbers. And, therefore, in accordance with Rule 11.4(d), if you can provide that in writing to Deputy St Pier, please do.

Deputy Falla, supplementary.

1350

Deputy Falla: Sir, could I ask the President, following a matter of concern, are events reviewed to ensure that any learning is captured regarding the illness concerned and to obtain feedback from families or carers regarding their experience of the situation?

1355 **Deputy Brouard:** Yes, in answer to your question, Deputy Falla. Yes, it is reviewed.

It is in a varied because there are all sorts of different stages. Some events may happen that may be fairly minor but are still reviewed. There can also be very serious events which are fully reviewed. And we have specialists who then come over from other jurisdictions to check what happened and why it went wrong or what went wrong.

1360 And unfortunately, ultimately, as well, as we know, we will have post-mortems and coroner's reports and learnings from when events have gone seriously wrong. So, there is a whole myriad of learnings and reviews that are undertaken. We have also our Quality, Safety and Governance team as well that is in place that reports to the board basically on a monthly basis with what incidents have happened, where the learnings are. And, of course, we also have, overlaid on top of that, we
1365 have our Medical Officer of Health who also then looks at trends generally and the population as to where any particular areas are of concern, again, that is being spotted.

So it is multifaceted and in flux all the time. But, yes.

Thank you.

1370 **The Bailiff:** Deputy Gollop, supplementary.

Deputy Gollop: Whilst Martha's Law related, I think, to a sepsis case there is a parallel Ryan's Law in Queensland, Australia. But bearing in mind the Deputy's answer to the last question and earlier points, we, I am pleased to hear the professionalism of our medical services and the specialist
1375 nature of their abilities. But is there not a capacity issue on the Island because there is ultimately a constrained number of professionals, nurses and doctors and maybe only one significant practice or specialists? How can people ensure that the second opinion is readily available?

The Bailiff: Deputy Brouard.

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Deputy Brouard: Thank you, sir.

There are doctors on the PEH site 24/7 so the second opinion is always available. And of course we have very good links with other jurisdictions. If there is a heart issue, I think we have one recently and we have also had one where I think somebody had a bleed on the brain. Our hospital doctors
1385 were able to refer to Southampton and in real time have information as to what would help them to stabilise the patient etc.

So there any many ways that we can, even if we do not have the specialist on Island, we can reach out to other hospitals who do have the specialists in place.

I think the main point goes back to what Deputy St Pier was raising, was that we probably do
1390 need to make it more clear that we do have a second opinion that is available if anyone has any

concerns. Because as Deputy St Pier says, after the event is too late. So we are very much, and very happy to follow along.

And I think, similar in Berkshire and several other hospitals in the UK. They have something called Call for Concern and it is exactly that. It is using the Critical Care Outreach Team in the hospital to give that second opinion.

STATES' TRADING SUPERVISORY BOARD

Harbour and Airport – Charges and associated fees

The Bailiff: As there are no more supplementaries, we will turn to the second set of questions on possibly diverse topics from Deputy Gollop to the President of the States' Trading Supervisory Board.

Your first question, Deputy Gollop.

Deputy Gollop: Thank you very much, sir. And I thank Deputy Roffey and his board for their responses.

My first question is, will the States' Trading Board's Committee consider carefully arguments made by the respected Guernsey Boatowners' Association about the dangers of too rapid a leap in boat port charges and associated fees?

The Bailiff: And the President, Deputy Roffey, to reply, please.

Deputy Roffey: Thank you, sir.

The proposals for increases in fees and charges have been widely shared with all of our key stakeholders, including all mooring holders and key port users. As I have said in this Assembly previously, if we are going to reduce Guernsey Ports' current reliance on taxpayer funding, then as well as pursuing every possible efficiency, user charges will inevitably have to increase at both the Airport and the harbours. We have made a conscious decision to phase in the proposed increases to mooring fees over three years so that our customers have time to adapt.

Of course, the States' Trading Supervisory Board will consider feedback from stakeholder received during the consultation period before we finalise proposals for next year's charges.

The Bailiff: Supplementary, Deputy Gollop?

Deputy Gollop: Perhaps a couple of supplementaries.

My first is, would the President and the STSB accept that the ports are generally financially more resilient, the Harbour rather than the Airport. And, therefore, boatowners are reluctantly subsidising the Airport?

A Member: Hear, hear.

The Bailiff: Deputy Roffey.

Deputy Roffey: I feel there is a perception that the ports make a profit, they do, the Harbour, rather, makes a profit. It does not. It makes a small, very small revenue surplus which is absolutely nowhere near sufficient to fund the capital investment required in the harbours. And, therefore, I do not accept Deputy Gollop's premise.

The Bailiff: Second supplementary, Deputy Gollop.

1440 **Deputy Gollop:** I thank Deputy Roffey for his commitment to consider feedback from stakeholders during consultation and to phase in charges. But bearing in mind the strong message of respected figures connected to the marine community, would the board reconsider the scale of the charges and consider a package that is more popular with the customer base?

The Bailiff: Deputy Roffey

1445 **Deputy Roffey:** I think our package, not just in relation to leisure mooring fees, but fees to every port user across both ports is not likely to be popular, because the ports were marginal before COVID and, frankly, never raised enough money to have the proper investment that should have happened over the years. And, therefore, if we are going to rectify that, it includes increases and nobody likes charging more.

1450 However, this Assembly will have two opportunities. Once when we put forward our Budget and once when we put forward the actual schedule of fees to, if they prefer to carry on seeing taxpayer funding, which is the alternative, they will be free to do that. But if they intend to do that, I hope they bear in mind the need to raise those taxes when we debate them next month

1455 **The Bailiff:** Supplementary. Deputy Trott.

Deputy Trott: Thank you, sir.

1460 Whilst I accept the comments made by Deputy Roffey with regard to ports, is it not true that the marinas, the main concentration to boatowners, are spectacularly profitable and that is something that needs to be considered when this matter is debated.

A Member: Hear, hear.

1465 **The Bailiff:** Deputy Roffey.

Deputy Roffey: I think that is probably true if you write off a couple of costs and regard them as not being relevant. Look, the QE2 Marina, for example, was not paid for out of user fees, it was paid for by every taxpayer in the Island, 90% of whom do not own boats.

1470 Before too long, we are going to have to replace the gates on that marina. Many millions of pounds. So, no, even in relation to the marinas, I do not fully accept Deputy Trott's assertion.

The Bailiff: Supplementary, Deputy Oliver.

Deputy Oliver: Thank you.

1475 I probably should declare that I do have a special interest, because I do actually have a boat. Did the Committee consider just going up by RPI rather than this big hike?

The Bailiff: Deputy Roffey.

1480 **Deputy Roffey:** No, we are not willing to continue to demand £6 million circa in taxpayer subsidy every year which would be the outcome of that policy that she just suggested. If that is the will of the States, frankly, we are all for an easy life. If the States want to keep shovelling in taxpayers' money to avert the need for such increases, that would be something that would be inside the gift of this Assembly.

1485 **The Bailiff:** Deputy Kazantseva-Miller, supplementary.

Deputy Kazantseva-Miller: Supplementary.

1490 Would the President of STSB agree that STSB and the Ports Boards should really develop a long-term business plan that looks at how to turn around this situation at the ports? And it is within the context of this then wider plan that above RPI increases could be presented to the community because otherwise the Ports send a message to the community that actually they do not know what they are doing and they do not have a plan in place.

Thank you.

1495

The Bailiff: Deputy Roffey.

Deputy Roffey: We certainly do have a plan in place as far as pursuing efficiencies and savings and having realistic port charges, and this is a part of that.

1500 What has been of great concern to STSB has been the inability to look at the broader business in the sense particularly of the on land opportunities for generating revenue around the harbours because of the planning blight that has been up to now. And I am delighted that we are now seeing the Harbour Action Area Plans, or whatever they called, moving forward, because there are opportunities landside to generate considerable income, which have not been able to be realised over the last few years.

1505

The Bailiff: Deputy Inder, supplementary.

Deputy Inder: I think I am on safe ground being a supplementary.

1510 Deputy Roffey has ignored the fact that he himself is a big fan of pay parking. He also said in the last meeting that one of his problems was he had to fix the piers but derived no benefit from it. Has he got this right as part of that plan? Why doesn't he draw a red line around the whole of the Harbour and include paid parking in part of that business case to actually fund the maintenance and potentially the future growth of the Harbour Why is he ignoring that, because he himself has said he would almost do it by himself, to bring paid parking. But I am not hearing him look at the whole picture.

1515

The Bailiff: Deputy Roffey.

1520 **Deputy Roffey:** I am reluctant to speak for the whole of the STSB, but I believe that if we had the power and the mandate over all of the piers, then quite frankly, we would probably, because of the important parts of public real estate owned by the whole of the Island, would introduce paid parking rather than expecting those piers to be maintained by the public purse.

The fact is, the STSB has controls over the small parts of the piers where there is paid parking now. We do not have control over the generality of, for instance, the Crown Pier, the Albert Pier or North Beach. Maybe that is something that should be reconsidered. Although, I would hope that we know paid parking has been considered under the Funding & Investment Plan. I think looking at it holistically, would be better rather than subtly or other commuters in Town coming up to the piers and trying to park in what would continue to be free parking in other areas of St Peter Port.

1530

The Bailiff: Your second question to the President, Deputy Gollop, please.

Deputy Gollop: Thank you, sir.

1535 Will the Committee monitor demand for the facilities' post price increase to see if the demand changes or lessens, especially for smaller boatowners?

The Bailiff: Deputy Roffey to reply, please.

Deputy Roffey: The simple answer is, yes. Guernsey Ports will monitor and review the impact of all of its proposed changes to fees and charges on the core activities of its business.

The proposals are phased over a three-year implementation period. And the effects of the changes in any one year will be reflected on as future charges are reviewed and implemented. And I can stress that no decisions have been made on any future year charges at this stage.

In respect of smaller boatowners that Deputy Gollop refers to, it is worth pointing out that under the proposals, mooring fees will no longer be calculated using a fixed rate per square foot, irrespective of the size of the vessel. In future, there will be a sliding rate, based on the size of the vessel. As a result, owners of smaller boats will see a lower percentage increase than owners of larger vessels.

The Bailiff: Supplementary, Deputy Gollop?

Deputy Gollop: Whilst was welcoming, perhaps, the change in calculation, my point is, is given the impact not just on smaller boatowners, but, maybe, as said in the second part of the answer, that larger boats will pay proportionately more, will there be a definite review if there is decrease in use so that the charges are perhaps revised in a year or two to ensure they are more affordable and do not change customer behaviour?

The Bailiff: Deputy Roffey.

Deputy Roffey: This is a dynamic process and, of course, we will take into account any potential customer resistance. At the moment, there is very considerable demand for larger berths that we are not able to facilitate. But Deputy Gollop did start off by asking about smaller boatowners. It is worth reflecting on that even after the three-year process that we have put forward for consultation, 20 foot boats, for instance, would be, the fees would be roughly 50% of what they would be at St Helier.

The Bailiff: Deputy Trott, supplementary.

Deputy Trott: Supplementary question. Sir, I am the half owner of a small boat that will not be impacted by these proposals. However, the organisation that represents the 1,350 boatowners is of the view, having consulted its members, that maybe up to a third of all boatowners may regard this as the straw that broke the camel's back and they may look to exit the recreational activities?? Is the President of STSB aware of this fact and does he have any concerns about it?

The Bailiff: Deputy Roffey.

Deputy Roffey: Yes, two types of concerns. One is for the individuals concerned because it is a big part of Guernsey life and we do not want to price people out of their enjoyment. As far as the business is concerned, that fare is mitigated to an extent by the fact that there is a waiting list of more than 200 for berths. But I am not being hard headed and cynical enough to think that is the only thing to take into account.

As I have said in response to Deputy Gollop, this will be reviewed year by year and behaviour will be taken into account. And it will help us form our proposals for subsequent years.

The Bailiff: Your third question to the President, then, please, Deputy Gollop.

Deputy Gollop: Thank you very much, sir.

As part of a substantial revision of mooring harbour charges, will Guernsey Ports endeavour to upgrade facilities, including a move to 24/7 access?

The Bailiff: Deputy Roffey to reply, please.

Deputy Roffey: Well, at the moment, 24/7 Marina access is just not feasible given the tidal nature of our harbour extremities which is where the marinas are located.

1595 Some limited 24/7 moorings are provided in and around the Pool area of the Harbour and as Members will be aware, proposals on how they might be developed further are being advanced in order to return to the Assembly in due course. Hopefully, before too long.

1600 In respect of land-based shower and toilet facilities, then during the summer season, these are made available to all visiting boatowners 24/7. During the winter months, some of those facilities are closed, given the relative lack of demand and as a way of reducing costs with cleaning, maintenance and utility charges. Proposals to improve the land-based facilities are constrained until the longer term use of the Harbour area is better understood and the Harbour Action Area Local Planning Brief, which is now underway, has been finalised.

1605 However, in the meantime, interim plans for some improvement in providing additional temporary facilities on the Crown Pier for next summer are being considered.

The Bailiff: Supplementary, Deputy Gollop.

Deputy Gollop: Maybe two here.

1610 The first is, I appreciate that 24/7 marina access is not available, but there is mention of the Pool. Will some of the income raised for Ports including these increases, if they go ahead, be used to finance the new Pool that was prospect a while ago, but is yet to be fully agreed?

The Bailiff: Deputy Roffey.

1615 **Deputy Roffey:** The technical aspects of a review to a new Pool Marina were completed, really, quite a long time ago. However, it showed that, as things stood, only part of the cost could be financed out of mooring fees, and that was with the presumption that mooring fees would be brought more in line with other territories rather than uber cheap as they are in Guernsey at the moment. And the rest would need to come from General Revenue.

1620 Now, General Revenue was not in a position, really, to consider that given the capital programme and our financial constraints at the moment, so P&R asked us to go away and look at other funding mechanisms. That is now reaching a peak. But even with other funding mechanisms, I think that when we come back to the States, the reality is, there would need to be at least some small injection of public funds to make that project viable. So the idea that money will flow the other way, have surplus money, I am afraid is probably pie in the sky.

Thank you.

The Bailiff: Second supplementary, Deputy Gollop.

1630 **Deputy Gollop:** Yes, I understand the answer about the renewal of shower and toilet facilities being sometimes closed in the winter months. But I think the point of the boatowners was that they would recognise that charges here are lower than the south coast or perhaps even St Helier, but the facilities are less. And so their question is, will those facilities be increased in the event of significantly higher charges?

The Bailiff: Deputy Roffey.

1640 **Deputy Roffey:** Well, we would very much like to improve facilities, but it is a chicken and egg situation. We need the revenue in order to be able to invest in the Harbour and improve facilities. And to be honest, to the local boatowners, I would suspect that other than possibly a mega scheme like the Pool Marina, the first area that we will look to improve facilities will probably be for visiting

yachtsmen which most of the local boatowners probably will not want to use. I doubt they would really want to take a shower when they come back from going to Herm. But I suspect they go home and have it there.

The Bailiff: Supplementary, Deputy Inder.

Deputy Inder: Chargeable days of visiting yachts and it is related to the facilities. In 1995, there was around 32,741, so that is chargeable days coming into our Marina from visiting yachtsmen.

The last figures I have from 2014 are around, you will have to excuse me, I will look further down. I beg your pardon, 2014 is 21,000, 21,000 chargeable days. So in 15 years, up to 2014, it is about 15,000 days lost of chargeable days.

Picking up where Deputy Gollop is, and I cannot blame you for that, Deputy Roffey. Is there any recognition within STSB and the Ports Authority that the total dereliction of the Ports over the last 30 years, the lack of investment, the lack of maintenance on it, has got us to this point. We are losing yacht visitors hand over fist –

The Bailiff: Time is up, Deputy Inder.
Deputy Roffey to reply.

Deputy Roffey: The general point about lack of investment, I absolutely agree. And frankly, the money has never been there to invest. And I think people need to bear in mind that there was £6 million squirreled away in the Ports holding account, which was expected, understandably, to be the first money that was dissipated and used when the COVID crisis came along before taxpayer support came in. So that set us back to absolute zero to invest.

But if Deputy Inder is asking, do we need to up our game as far as investment in the infrastructure of our ports, mainly the Harbour, but actually also the Airport, then I completely agree.

The Bailiff: Deputy Trott, supplementary.

Deputy Trott: Sir, I have been asked if I am aware of a situation in my time in this Assembly where charges have been proposed that could *in extremis* go to 80% from current levels. I was able to answer but I did not know an occasion. Does Deputy Roffey recall an occasion when the increases have been that extraordinary?

The Bailiff: Deputy Roffey.

Deputy Roffey: I would have liked notice to that question and give it some thought. I could probably find any, but in the minute that you are going to give me to answer, I am afraid I can only say, hmm, not sure.

The Bailiff: Supplementary, Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Thank you, sir.

The President of STSB keeps pointing, I believe, fingers, to what he calls 'the planning blight'. And I, having been on Planning for three years, cannot point to any specific political decision that we have ever made to create any kind of bottleneck for the Ports to be able to progress what I consider minor capital.

And we are in a situation where the facilities are so terrible that it should be shameful for the Ports to be running those kind of facilities. Shouldn't STSB get together with Planning and other Committees and progress desperately as a matter of priority to improve the facilities which will have to happen regardless of what happens to the Ports in the long-term?

Thank you.

1695 **A Member:** Hear, hear.

The Bailiff: Deputy Roffey.

Deputy Roffey: I would love to and I will take up that offer.

1700 All I can say is that I can think completely off the top of my head, now, where at least two instances where major reconstruction of buildings around the ports were going to be funded by private investment if long-term leases were able to be provided and the Planning Department saying, do not given long-term leases for this sort of work until the Harbour Action Area Plans have been finalised.

1705 So I take the opening that the Deputy has suggested and will ask the Ports Management Team to sit down immediately with the Senior Planning Team, because if we can move that forward quicker, then so much the better.

The Bailiff: Deputy Dudley-Owen, supplementary.

1710 **Deputy Dudley-Owen:** Thank you.

Following on from Deputy Kazantseva-Miller's question and the response given by Deputy Roffey, the facilities for passengers coming off the Condor are appalling, absolutely appalling. It is their first welcome to Guernsey on land and would that be part of those conversations?

1715 **The Bailiff:** Deputy Roffey.

Deputy Roffey: I think generally upgrading the facilities around St Peter Port Harbour is absolutely a part of those conversations, yes.

1720 **The Bailiff:** Second supplementary, Deputy Inder.

Deputy Inder: And again, I am trying to play off the answer, sir, so if you will excuse me. I think in a previous ... *(Interjection)* Sorry?

1725 **A Member:** We could not hear what you said.

Deputy Inder: Sorry.

1730 Deputy Roffey, in a previous answer to a question you mentioned, I think it was, a £6 million went out of the Ports account and was used elsewhere, I believe. But I think in the Future Harbour Development debate which we had, you stated, or rather in the policy letter stated, there is up to £30 million worth of maintenance to be done on the Harbour. And that was some two years ago and this has been ongoing.

1735 Where does Deputy Roffey, and it is not a trick question, or his Board, where is he going to get this £30 million from to do the essential maintenance that is so desperately required on top of that? Probably some lipstick and some perfume elsewhere.

The Bailiff: Deputy Roffey.

1740 **Deputy Roffey:** Yes, we did state that and, of course, there is new maintenance requirements coming along all of the time on top of that. And the answer is only one place. From port users. And we have cranked up our in-house resources in order to deliver higher levels of capital investment and we that are now spending far more – people may have noticed some of the projects that are going on; some of them have been in the media –on capital investment around the Harbour than
1745 we were a few years ago.

We intend to continue cranking that up. We cannot do it without generating the income, because one part is in-house capacity in terms of manpower of which have addressed, but we also need the money in order to be able to invest.

1750 **The Bailiff:** Second supplementary, Deputy Kazantseva-Miller.

1755 **Deputy Kazantseva-Miller:** The President of STSB agreed to take this issue up with the senior Civil Service. What I would encourage the President is to take this further because I think there has to be some political unblocking of this bottleneck that seems to exist without political knowledge. Would the President agree that he needs to take a notch up above senior civil servants?
Thank you.

The Bailiff: Deputy Roffey.

1760 **Deputy Roffey:** Always been a huge advocate of inter-political Committee meetings. And yes, I would be very happy to do that.

The Bailiff: Your final question to the President, switch of topic. Deputy Gollop.

1765 **Deputy Gollop:** I change topic slightly here.
Has the STSB considered possible hardship for certain less affluent users of the Airport's carpark, given the well above inflationary rises to carparking charges?

The Bailiff: Deputy Roffey to reply, please.

1770 **Deputy Roffey:** Thank you, sir.
There are, of course, a range of alternatives travel options available for passengers who use Guernsey Airport. These include a reliable, regular and Government-subsidised bus service as well as provision of facilities that enables taxis, hire cars, motorbikes and bicycles to be used. We also
1775 fully appreciate that very many choose to travel by arranging a lift with family or friends who can still drop off or park for 30 minutes free of charge. And those are far away the predominant methods of transport to and from Guernsey Airport. And we expect that will continue.

1780 The STSB is certainly not oblivious to the fact that rising charges disproportionately affect less well-off Islanders. However, in this specific instance, airport carparking is a relatively niche product and we are talking about an actual increase of no more than £24 for stays of a week or more. Without in any way diminishing the fact that £24 is a significant sum for many Islanders, it probably represents a very small proportion of the costs of such an extended trip away. Therefore, airport charges, we believe, are unlikely to become a cause of hardship for many Islanders.

1785 **The Bailiff:** Supplementary. Deputy Gollop.

1790 **Deputy Gollop:** Two in fact. The first supplementary is that given the £24 increase, for example, might be significant for some users, has the STSB considered possible ramifications, unforeseen consequences of current car users of the Airport relocating their cars to adjacent carparks in the church or local stores or schools, thus causing the traffic problems potentially identified in a recent media article?

The Bailiff: Deputy Roffey to reply.

1795 **Deputy Roffey:** Well I guess if they are going to do that they are going to avoid any charges at all. So other than having free parking, I am not really sure how to remove that incentive.

1800 The one thing I would say about people on lower incomes here, is actually in the absence of raising the sort of funds needed to raise the ports, it is the taxpayer, many of the poorest of whom can never afford to fly in and out of this Island or use the car park, that are having to stump up the cash.

The Bailiff: Second supplementary, Deputy Gollop.

1805 **Deputy Gollop:** With the addition of an £8 charge for 24 hours, for example, could that be seen as a deterrent to use of other facilities that the STSB manager such as the Airport in terms of landing charges and their interest in a state-owned airline? I am asking, will the additional costs put potential customers even further off using air transport and thus lead, counterproductively, to a decrease in Airport usage and Airport passenger numbers?

1810 **The Bailiff:** Deputy Roffey.

1815 **Deputy Roffey:** Well, it is interesting that Deputy Gollop brings up airport charges because I am quite surprised that his questions have focused on things like the parking charges, because I have personally and nobody puts up fees lightly or willingly. I have far more concern about the possible impact on the broader economy of the actual landing fees and passenger fees in the Airport which are also a part, as it stand, of the package of increases.

So yes, I think when you actually turn it from percentage terms into pounds and pence terms, it is unlikely to have a very big impact. But it is a concern, yes.

1820 **The Bailiff:** Deputy de Lisle, supplementary.

Deputy de Lisle: Thank you, sir.

Are these hikes in fees at the Airport, not a warning to all of how parking charges are increased periodically above where it started to the detriment of users?

1825 **The Bailiff:** Deputy Roffey.

1830 **Deputy Roffey:** I really could not say. My brief is over the Airport in this respect. And I would point out that these are charges that are perhaps wrongly, but in order to avoid changing everything every year and the machinery and everything, there has not been an increase for several years. But whether they are warning for dire consequences in other places, I am not sure I have got any more insight than Deputy de Lisle.

The Bailiff: Well, Members of the States, that concludes Question Time.

1835 We will turn to the next item of business, please.

Billet d'État XV

ELECTIONS AND APPOINTMENTS

PRESIDING OFFICER

1. Election of a Non-States' Member of the States' Trading Supervisory Board – Mr Mark Thompson elected

Article 1.

The States are asked:-

To elect one voting member of the States' Trading Supervisory Board who shall not be a Member of the States in accordance with Rule 16 of The Rules of Procedure of the States of Deliberation and Their Committees, whose term of office shall expire in accordance with the terms of Rule 37(2).

The States' Greffier: Billet d'État XV, Article 1 – Election of a Non-States' Member of the States' Trading Supervisory Board.

1840

The Bailiff: And I turn to the President of the States' Trading Supervisory Board who is the only person eligible to put forward eligible candidates.

1845

Deputy Roffey: And I intend to do so. But I hope you will indulge me very briefly. So if I can take the opportunity to pay tribute to the incredible workload and the enthusiasm taken on since the inception of the STSB by the outgoing Member, Stuart Falla. It has been quite exceptional. Not only has he been a member of the STSB, he has chaired the boards of several of the non-incorporated businesses and lead on special projects like the ports and the Port Marina.

1850

However, he is leaving. And we went through an extensive and objective recruitment process as we always would for his replacement and it is the unanimous decision of STSB members to put forward the name of Mr Mark Thompson and the relevant paperwork concerning Mr Thompson has been circulated to all States' Members.

1855

The Bailiff: And is that nomination seconded?

Thank you, Deputy Parkinson.

Well Members of the States –

Deputy Trott: Can I speak to a nomination from the floor?

1860

The Bailiff: No. *(Laughter)*

1865

The Bailiff: I am afraid that what now happens is that no Member is able to propose other eligible candidates but I will turn to the President, if he so wishes to speak for no more than three minutes, in respect of his candidate. And if he does not want to say anything, he does not have to say anything.

1870

Deputy Roffey: I am aware that there are other elections where there is a single candidate the norm is not to make lauding speeches. I will wax lyrical about Mr Thompson if the States' Members want me to, but I believe they have seen the data about him and I do not think I need to do that.

The Bailiff: And what now follows is that there has to be a secret ballot, even though there is only one candidate and that is because of the terms of Rule 16, in particular, paragraph 3. Quite

why we have to go through this process is beyond me, but they are your Rules, not mine. And therefore, we will ask you whether you are minded to vote for Mr Mark Thompson, who has been proposed by Deputy Roffey and seconded by Deputy Parkinson.

Have all Members handed in their voting slip if they wish to vote in this election for a non-States' Member on the Supervisory Board?

In that case, the votes will be taken off and counted and I will declare the results in due course.

There was a secret ballot.

The Bailiff: In respect of the non-States' Member of the States' Trading Supervisory Board where Deputy Roffey proposed Mark Thompson, seconded by Deputy Parkinson, there voted in favour 29, there were 6 other papers that were returned, 3 were blank, 1 purported to abstain and 2 voted against.

And we will move to the next item of business, please, Greffier.

PRESIDING OFFICER

2. Election of Members of the Guille-Allès Library Council – Deputy Dudley-Owen and Deputy Blin elected

Article 2.

The States are asked:

1. To elect a member of the Guille-Allès Library Council who shall be a member of the States and who is a member of the Committee for Education, Sport & Culture, to serve until the 30th June 2025, in accordance with Rule 16 of The Rules of Procedure of the States of Deliberation, as set out in Section 1 of The Rules of Procedure of the States of Deliberation and their Committees.

2. To elect a member of the Guille-Allès Library Council who shall be a member of the States, to serve until the 30th June 2025, in accordance with Rule 16 of The Rules of Procedure of the States of Deliberation, as set out in Section 1 of The Rules of Procedure of the States of Deliberation and their Committees.

The States' Greffier: Article 2, Election of Members of the Guille-Allès Library Council.

The Bailiff: Well, Members of the States, I am going to apologise to you at this a stage on the basis that it is my slip that means that you are now only voting for the Guille-Allès Library Council. The term of office of membership of the Guille-Allès Library Council for the two Members of the States, one of whom has to be a Member of the Committee for Education, Sport & Culture, terminated with the General Election, but we just simply did not put the matter to you. And therefore, the Council has been operating without any States' Representatives for two and a bit years. It has still functioned, I hasten to add.

But we are now rectifying the position. So, the first Proposition, we will have to take discreetly, which is to elect a member of the Council who shall be a member of the Committee for Education, Sport & Culture. I simply invite Members who wish to, to nominate somebody for that position.

Deputy Haskins.

Deputy Haskins: Sir, with pleasure, I would like to nominate the President, Deputy Andrea Dudley-Owen.

The Bailiff: Thank you very much. Is that nomination seconded?

1905 **Deputy Aldwell:** Is it, sir.

The Bailiff: Thank you, Deputy Aldwell.

Are there any other nominations of a Member of the Committee *for* Education, Sport & Culture?

1910 On the basis that there is only a single vacancy, you will be delighted to hear that I do not need to invite Deputy Haskins to speak to his candidate on this occasion and we will simply go to the vote which, once again, has to be by way of secret ballot. We are using up more paper for recycling than ever before. And then we will move onto the other position that is vacant on the Council.

There was a secret ballot.

1915 I

The Bailiff: If all Members have handed in their voting slips, then I will move to the second Proposition that is to elect any one of you as a Member of the Guille-Allès Library Council. Any nominations?

Deputy Dudley-Owen.

1920

Deputy Dudley-Owen: Yes, may I nominate Deputy Chris Blin, please.

The Bailiff: Okay. Is that nomination seconded?

Yes, Deputy de Sausmarez.

1925

Deputy de Sausmarez: I would be happy to second him.

The Bailiff: Are there any other nominations?

1930 It is quite important to be able to read for this particular role. No other nominations? Well, once again, there does not need to be a speech from Deputy Dudley-Owen proposing Deputy Blin.

But it is Deputy Blin, proposed by Deputy Dudley-Owen, seconded by Deputy de Sausmarez, and I simply wish to invite you to decide whether you are wishing to vote for Deputy Blin or not by filling out your voting slip which will then hand in.

There was a secret ballot.

The Bailiff: And can we collect these voting slips as well, please.

1935 And are all voting slips in? No, is the simple answer. It would be quicker if we asked you to put a fiver with it.

In relation to the first of the elections to the Guille-Allès Library Council. Deputy Dudley-Owen, proposed by Deputy Haskins and seconded by Deputy Aldwell, there voted in favour 32 Members, 1 Member abstained, there was 1 blank paper. And, therefore, I will declare Deputy Dudley-Owen
1940 duly elected and we will welcome her back to the Council in due course.

Deputy Blin was proposed by Deputy Dudley-Owen and seconded by Deputy de Sausmarez and he received 27 votes. Of the other 6 papers, 1 purported to vote against, there were 2 spoiled papers and 3 blank papers.

I declare him duly elected to the Council and congratulate him.

1945

Billet d'État XIV

COMMITTEE FOR HOME AFFAIRS

1. Domestic Abuse Legislation – Debate commenced

Article 1.

The States are asked to decide: -

Whether, after consideration of the Policy Letter entitled 'Domestic Abuse Legislation' dated 26th June 2023, they are of the opinion: -

- 1. To agree to the introduction, throughout the Bailiwick of Guernsey, of Domestic Abuse Protection Notices and Domestic Abuse Protection Orders, as set out in section 4 of this Policy Letter.*
- 2. To agree that domestic violence injunctions shall be introduced in Sark, and that a breach of a domestic violence injunction imposed by any of the Bailiwick's courts shall be made a criminal offence, as set out in section 5 of this Policy Letter.*
- 3. To agree that the Royal Court shall be empowered to impose domestic violence injunctions, as set out in paragraphs 5.9 to 5.10 of this Policy Letter.*
- 4. To agree that police custody officers and other appropriate law enforcement officers in the Bailiwick shall be granted the power to impose pre-charge bail conditions, as set out in section 6 of this Policy Letter.*
- 5. To agree that every court in the Bailiwick dealing with a criminal matter shall have the power to impose a restraining order where it assesses that ongoing protective measures are needed, irrespective of the crime alleged, and whether on conviction or acquittal, as set out in section 7 of this Policy Letter and, in respect of matters arising in Alderney, subject to a decision by the States of Alderney to extend Part 2 of The Protection from Harassment (Bailiwick of Guernsey) Law, 2005 to Alderney.*
- 6. To agree to introduce a new Bailiwick-wide offence of "domestic abuse" that captures a wide range of abusive behaviours, as set out in section 8 of this Policy Letter.*
- 7. To agree to repeal existing provisions concerning child cruelty in Guernsey and Alderney and enact a new Bailiwick-wide offence that fulfils the objectives outlined in section 9 of this Policy Letter.*
- 8. To agree to introduce a new Bailiwick-wide offence of causing or allowing death or serious harm in a household, as set out in section 10 of this Policy Letter.*
- 9. To agree to introduce a new Bailiwick-wide offence of making a threat to disclose a private sexual photograph or film, as set out in section 11 of this Policy Letter.*
- 10. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.*

The States' Greffier: Billet d'État XIV, Article 1, the Committee for Home Affairs – Domestic Abuse Legislation.

1950 **The Bailiff:** And I invite the President of the Committee, Deputy Prow, to open the debate.

Deputy Prow: Thank you, Mr Bailiff.

I am pleased to now be in a position to commend this Domestic Legislation policy letter to the States on behalf of the Committee for Home Affairs.

1955 The Committee asks the States to support the creation of a new Domestic Abuse Law. The purpose of the new Law is to create new offences as well as to introduce measures to afford better

protection for the victims and tackle domestic abuse in line with the objectives of the Domestic Abuse and Sexual Violence Strategy for Guernsey and Alderney.

1960 The broadening strategy was a Committee priority from the beginning of this term. The delivery of key actions that underpin the strategy including these critical legislative improvements, establishing the Sexual Assault Referral Centre and further investment in existing services such as the Sarnia Programme demonstrates that its commitment is much more than just talking about what needs to be done, but taking action that will make a real difference on our community.

1965 This work has been prioritised through the Government Work Plan and aligns with the principles and outcomes of the Justice Framework. In particular, having justice responses that are proactive and preventative and a system that is accessible to all. The proposals are key to introducing new substantive primary legislation to criminalise domestic abuse, introduce measures to protect victims of domestic abuse and their families and reduce the risk of repeat offending.

1970 In bringing forward these proposals, the Committee recognises that research, policy and practice in relation to domestic abuse have moved on significantly in the last 20 years and legislation has changed in other jurisdictions in order to reflect this.

Historically, domestic abuse was looked at through a prism of violence. And as abhorrent as domestic violence is, it has been recognised that domestic abuse can take many forms such as coercion, control, intimidation. All of which can result in victims living in constant fear.

1975 These proposals recognise that for some members of our community, Guernsey is, unfortunately, not a safe place to live and we will introduce measures to ensure our criminal justice system has the tools to combat all types of domestic abuse.

1980 In approaching this work, the Committee recognised that there was much to be done and to avoid the delays that would have inevitably occurred if the Committee had attempted to tackle everything at once. It made the decision to first focus on the most crucial gaps that need to be addressed locally.

1985 This policy letter proposes nine fundamental changes to the Bailiwick's Criminal Justice Framework. Sir, these are: introducing a new offence of domestic abuse which will encompass coercive and controlling behaviour; providing powers to issue new domestic abuse protection measures and orders and including a power to improve pre charge bail conditions; criminalising breaches of domestic violence injunctions; allowing domestic violence injunctions to be issued in relation to family hearing that take place in the Royal Court; introducing a power to impose restraining orders in all situations where ongoing protective measures are needed; providing a new criminal offence relating to child cruelty that captures non-violent forms of abuse, including the impact of domestic abuse on children.

1990 A new criminal offence of causing or allowing death or serious harm in a household. And a new offence of making a threat to disclose a private sexual image. Something previously referred to by some as revenge pornography.

1995 One additional comment I have referred to pre-charge bail conditions. Pre-charge bail is a huge gap within our legislation. And addressing this appears to be universally welcome by the Guernsey Police and its partner agencies. The changes will provide the Police with some control over the alleged perpetrator until they reach the point that the investigation could be progressed. This gap in legislation is of importance in all cases across the criminal justice system. But it is particularly relevant in allegations of domestic abuse or sexual assault, where the likelihood of further offences and victimisation taking place is high.

2000 These priorities were identified by working closely with the law officers of the Crown. And those with the practical experience of dealing with the aftermath of abuse. The subject matter experts in both the public sector and in our third sector partners. Their contribution was invaluable to this process, not just in progressing the Propositions before us today, but also identifying what still needs to be done.

2005 I would like to thank all of the consultees for their time and contributions. But also let them know that we will be looking forward to their continued support, both in developing the second phase of work and fully implementing the changes the Assembly are asked to support today.

2010 The priority for 2024 until the end of this political term will be implementing the proposals we trust will be agreed today. There is much to do in this regard, not just the legislative drafting, but their practical application of the proposals. Training and guidance on the new legislation will be of particular importance for agencies that are central to supporting victims of domestic abuse to ensure that they are aware of the guidance and the legislation and its relationship to their work. However, we are absolutely committed to doing more. The Committee considers it critical that this work maintains momentum.

2015 At a very recent meeting, the Committee considered the scope of the work that was still to be done. Sir, it is considerable. The following were just some of the areas identified as required further consideration which will include further engagement as I described with stakeholders. An offence of non-fatal strangulation. The offence of stalking and stalking protection orders. Removing a defence of consent to harm in sexual cases where injury or death occurs. Automatic special measures in domestic abuse cases. Register of serious and serial domestic violence perpetrators and stalkers. Domestic homicide reviews and considering the prohibition of direct cross examination of victims by a defendant.

2020 This is not a finite list. And additional areas have been raised more recently, such as legislation in place in other jurisdictions in respect of so called honour based abuse. There are also broader procedural elements that need to be considered. The Committee is hopeful that it will be in a position to consider a further draft policy letter by the end of March 2024, or if at all possible, before then, which will set the second tranche of policy initiatives and legislative reforms to bring to this Assembly.

2025 The Committee is equally grateful for Members of the Assembly for supporting this phased approach to progressing this much needed work. The Committee knows that there is much more to be done. And I assure this Assembly that its commitment to making further progress, prioritising work, so that a more meaningful change can be delivered in a timely way.

2030 Our ambition is not limited to catching up with other jurisdictions. Preventing domestic abuse and tackling where it does occur should always be a political priority. And in the future, it will be essential that this Assembly supports a role of programme of legislative review and reform across the whole of the criminal justice field to ensure that those vulnerable in our community are protected and perpetrators and criminals are brought to justice.

2035 Sir, I ask the Assembly to support these proposals. Thank you, sir.

2040 **The Bailiff:** General debate.
Deputy Inder.

2045 **Deputy Inder:** Sir, I am just looking back from some correspondence I had with Deputy Prow when he was a member of the Committee in the previous Assembly, and perhaps this was related to police bail.

2050 There was an incident where a young lady contacted us. She had made an accusation, I think it was a form of sexual assault. There was a supplementary policy letter, I think, that we asked the then President who was then Deputy Lowe, whether this could be considered. And I seem to remember, in fact, I have got it here., we were told on a number of occasions, it is on the radar. Well, it was not on the radar for that lady because the chap on the radar had left the Island.

So with compliments to Deputy Prow and the rest of the Committee. I am glad he has taken on the police bail issue. I am glad he has tied it up with other laws. And I am glad he has done the job that should have been taken seriously by the previous President.

2055 Congratulations, Deputy Prow.

The Bailiff: Deputy Bury.

Deputy Bury: Thank you, sir.

2060 As a very strong supporter of this work, I would really just like to put on record my sincere thanks to the Committee for taking a hold of this this term (**A Member:** Hear, hear.) and progressing it as they have done, not just in this particular piece of legislation and policy letter, but overall over the broad subject. And putting out to our community that as a Government, we deem this to be wholly unacceptable.

2065 Ahead of the last debate, I contacted the Committee with various questions. Again, from a position of support and of interest to ensure that we were going in the right direction and I understood fully what we were doing. So I think just for matter of record and for the interest of others, I am just going to go through some of the questions that I asked and the answers that I gratefully received from the President.

2070 So I have concerns about the use of the different terms 'offence' and 'criminal offence' throughout the policy letter, particularly as some of the items described as an offence which was, 'causing or allowing death or serious harm in a household', and, 'making a threat to disclose a private sexual image', were described as offences. But I was reassured that these terms were just being used interchangeably and so my confusion was understood. But both of those offences that
2075 I had requested clarity on would be criminal offences with the former, 'causing or allowing death or serious harm in a household', would be set out in the new domestic abuse legislation, and the latter being an amendment for the sexual offences legislation, broadening what is already there.

I had asked a question about the second tranche of considerations and proposals and received the response that Deputy Prow has just gone through in his opening, so I do not need to go through those. But I was very grateful that the offence of non-fatal strangulation, in particular, was included in there as well as many of the others.

The other point that was made in response to that question was about the Family Court processes needing to be addressed. And I think that is of utmost importance. And this was in light of the Ministry of Justice Review, assessing risk of harm to children and parents in private law
2085 children cases that shows there are many problems in relation to private law cases if there is a lack of awareness of the impact of domestic abuse on children and adult victims. And I think it is imperative that it is recognised that often the court system, private court system, is a way of continuing to perpetuate abuse, even though a separation may have occurred.

I also asked about Section 2.4 in terms of improved performance and what that means and looks like. What is the how of that objective? And the training and guidance that Deputy Prow referred to in his opening is being cited as really vital. And I am so glad to hear that. The response I received said that, hopefully, what we will see is more victims will seek support and the number of cases being prosecuted will raise. And I think that is really important to bear in mind when we are looking at statistics in the future, because actually, statistics can tell whatever story you might want them to
2095 tell.

But we would hope, essentially, to see the statistics rise. That does not necessarily mean the situation has worsened, but the prosecutions and actually bringing people to justice, that situation is improving. So I think that is important to recognise. But also that, hopefully, as domestic abuse is more robustly tackled, we will see the prevalence of it falling.

2100 I was also advised that in terms of performance, work will commence before the legislation to have better data capture so that we can actually evaluate whether the new legislation is working.

One of the other really important questions that I asked was regarding children in domestic abuse in Section 9 of the policy letter. And this was about introducing a Statutory Aggravating Factor in the legislation. And it was clear from the policy letter that there are differing views and from the answer that I received. I was really concerned about this potentially not being included,
2105 because the impact on children, even if they are not directly the victim of physical domestic violence, the impact is vast.

For those that have not heard of ACEs, Adverse Childhood Experiences, they are a list of experiences that if children have in their life under 18, can have really long-term effects on many aspects of their life. Chronic illness, mental health and wellbeing, ability to establish healthy
2110 relationships themselves going forward and substance abuse, are many of the things that can come

from even just growing up in a house where these things happen. So for us as a Government, that is something we will be dealing with the effects of that long past any end to that situation.

2115 I took on board was included in the policy letter for reasoning for not including that but took reassurance that our Courts do take it into account as a very serious matter, even without it necessarily being a Statutory Aggravating Factor. And that this could be included in terms of, although we do not have sentencing guidelines, that it may be possible to work with the judiciary to create a practice direction in relation to the way that the impact on children of domestic abuse is dealt with in the Courts. And I think that is of really high importance.

2120 I had some questions around section 10 which is regarding the offence of causing, I cannot remember the exact wording, sorry. causing or allowing death or serious harm of another person in the household. And I think this is really important, particularly when we have seen cases in the UK where cases of extreme neglect or the like can lead the death or serious harm of a child or another person. And it might not be clear what was the final act there and who performed it.

2125 But my concern around that section was that if there is one perpetrator in the household and several vulnerable people, that we do not put one of the other vulnerable people in a position where they become the perpetrator.

So I had some questions around that and ensuring that we take into account the vulnerability of the other people in the household. The response I received was that we agree it is important that 2130 vulnerable people, including victims of coercive control and impressionable young people are not unjustly caught up in cases such as this. However, the measure is seen as important by the Police and Law Officers as we do not have an offence in place that is tailored to tackle the situation where death or serious physical harm occurs that there is insufficient evidence to show which member of the household is responsible.

2135 In the UK, the crime is limited to cases where the victim has died or suffered serious physical harm as a result of an unlawful act. It would apply only where the victim was at significant risk of serious physical harm and this risk would need to be demonstrated by a history of violence towards the vulnerable person or towards others in the household.

2140 Where there is no reason to suspect the victim is at risk, other members of the household cannot reasonably be expected to have taken steps to prevent the abuse.

Those who are deemed vulnerable in various ways are deemed less culpable and would fall into the lowest category in terms of sentencing, category D, with sentences relating to this category often being community based sentences. Those falling into category D would include people with mental disorders, learning disabilities or lack of maturity. Victims of domestic abuse who are 2145 coerced or intimidated into committing the offence and those who show a brief lapse in judgement. For instance, in cases of neglect.

So, that was the questions that I had sent over ahead of the previous debate and then I had another one a bit closer to debate. Obviously, we have had a bit more time now. It is of a sensitive nature, so I am going to talk generically, but myself and Deputy Prow have talked about it in slightly 2150 more detail. So I hope to make it make sense to the Chamber and those listening.

In relation to cases, currently, that in the future will likely fall under the offence of domestic abuse but are currently charged under other crimes such as telecommunication or property crimes, I have had a case say to me, in those situations, currently, the information sharing about the release of a perpetrator when they have had a custodial sentence, is not what the victim would have wanted, 2155 because there is not that connection there.

And my question to Deputy Prow was, 'when the offence of domestic abuse is created, will that information and data sharing improve for the victim so they can be aware of things such as release dates from prison?'

2160 I have received the response, but I think for the benefit of others, I would appreciate the response on the record when the President sums up.

Thank you, sir.

The Bailiff: Deputy Burford.

Deputy Burford: Thank you, sir.

2165 Ordinarily, in my time in this Assembly, a policy letter on domestic abuse would have been the trigger for me to have an exceedingly long speech and possibly a slew of amendments as well. But I will be brief today because I simply want to commend Deputy and all members of his Committee and, indeed, the officers for the work they have undertaken this term, of which the latest iteration of the Domestic Abuse Strategy is part. Their work on the wider aspects of sexual violence and
2170 domestic abuse and, importantly, violence against women and girls, is much needed and it is much appreciated.

So I thank Deputy Prow for his assurances that a further policy letter will come to the Assembly this term to address further issues.

Thank you.

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The Bailiff: Deputy Soulsby.

Deputy Soulsby: Thank you, sir.

At the risk of having a love-in here, I as well would like to pass on my thanks to the entire
2180 Committee and officers and legal team involved in development of this policy letter. It is long overdue but it is absolutely welcome and it is a well written policy letter that really puts right a long time when these things should have been in place. I absolutely think we are going in the really right direction here and thank the Committee very much.

As someone who has tried to help Islanders, again, it is really welcome. I know particular Islanders
2185 who have not been able to do anything about the situation that they are in and that primarily around coercive and controlling behaviour. A lot of people, as well, I have dealt with cases where it was absolutely understood, there was coercive and controlling behaviour. And for that person to have gone through and realised that it was one thing, but then to find out that there was nothing that could be done, was even harder. So I am really pleased to see that in the policy letter and dealt
2190 with appropriately.

But of course, it is often, women in particular, it is not just women, well know that. But women in particular are impacted by coercive controlling behaviour. I was listening to the other night on *Woman's Hour* a few weeks ago, and the interview was with weather presenter Ruth Dodsworth who was the victim of economic control. And, basically, her husband had controlled her whole
2195 economic life. He had taken control of the credit cards, the banking, absolutely everything. And she was earning good money as a forecaster and that had all gone. And it was only because of the family that eventually said, there is something wrong and you have got to deal with it, that she realised the condition she was in.

And so I think whilst this is great and we have the Law, the UK have had this Law for a while, the
2200 important thing is for the public to understand what it is going to be in that Law. And I think the Committee and Safer, in particular, will have a goal here, a duty to let the public understand what it is meant by coercive and controlling behaviour.

But as I say, I am really pleased that we have got this policy letter. But, of course, this is a policy letter, but it is not the Law. And we know that these things can take an awful long time to go from
2205 policy letter to legislation. We can see that with the Capacity Law, another complex area of legislation and it still is not totally in place and the work on that was started in 2014. I know, I was there when we started it. So it can take a very long time.

I did speak to Deputy Prow before the last debate and so I was concerned about this from that point of view. I did get assurances from Deputy Prow that this will be taken as high priority. That it
2210 is quite likely that the work will have started, it might well have started now, but will start immediately.

But I am conscious that it is not really in the gift of Home Affairs to determine that high priority. So it might be cheeky of me, but I would like to see whether Deputy Ferbrache could confirm because it is within the remit of P&R to determine the prioritisation of legislation, bearing in mind
2215 we approved the prioritisation only a couple of months ago. But he will confirm that this will also

be given high priority on the basis that, for Home Affairs, this clearly has been high priority for this term. All that they have done, and I really commend them for really supporting women and girls in this regard. I just hope that he can confirm that high priority will be given.

Thank you.

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The Bailiff: We will now adjourn until 2.30 p.m., Members of the States.

*The Assembly adjourned at 12.33 p.m.
and resumed its sitting at 2.30 p.m.*

COMMITTEE FOR HOME AFFAIRS

Domestic Abuse Legislation — Debate continued – Propositions carried

The Bailiff: Deputy Aldwell.

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Deputy Aldwell: Thank you, sir.

This Domestic Abuse legislation, in my opinion, is one of the most important pieces of legislation that has been brought to this Assembly. Following in recent footsteps of the Isle of Man and Jersey, we owe a great deal of gratitude to all of those who contributed, including agencies, officers and Law Officers.

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Sir, I could speak for an hour on this subject as it is a subject that I am passionate about. But I know that Members will be grateful that I shall keep it to 15 minutes, which will allow me to capture some of the work which goes on every day here in Guernsey, dealing with domestic abuse in our community and why this legislation is so important.

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Home Affairs assured the Assembly last September that it would bring significant improvements to legislation around domestic abuse in this term, covering among other things, non-violent aspects of domestic abuse.

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We have before us, a whole suite of legislation which was requested by those tasked with dealing with domestic abuse on a regular basis. And this legislation will not only protect victims of domestic abuse, give tools to both Law Enforcement and the Courts, but also act as a deterrent, sending a clear message to those abusers that Guernsey is taking domestic abuse very seriously.

I know there are many Members of this Assembly, past and present, who are passionate, as we are in our Committee, about the subject. And so we are delighted to bring this first policy letter to implement some powerful tools to protect victims of domestic abuse.

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Following on from the previous Committee who worked on the Sexual Offences Law 2020 and Domestic Abuse Protection Orders, the Committee is bringing Domestic Abuse Protection Orders and Notices which offer a greater range of protection to victims. But having only been introduced recently in the UK, data was needed to substantiate. And it was indicated that it would not be available until 2024 or 2025.

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Thankfully, the Isle of Man were able to provide evidence earlier this year, since they introduced them in 2020, being a similar small jurisdiction. And so, we are thankful that we are able to progress as Jersey did last year.

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Home Affairs has made a commitment to tackling one of their last taboo subjects. A subject many people feel uncomfortable talking about. And yet sadly, domestic abuse is extremely prevalent in our community. And because of that very reason, it needs to be spoken of. And I know from experience that if I put a picture up of a home-made Christmas cake on my private Facebook, I would get 30 or 40 'Likes'. If I put a poster about the wonderful training our Law Enforcement has

been involved in on domestic abuse or the new legislation we shall be bringing to the Assembly to start a conversation, there is a deadly silence. Even the Editor of *The Guernsey Press* said, the only item to note in the States' Meeting was the runway debate, in a podcast recently. And I am sure victims of domestic abuse would not agree.

Education is key in dealing with domestic abuse and working right across Committee with Education, Sport & Culture in our schools which gives the tools to our young people, breaking the cycle of abuse. Empowering this generation of young people to understand what is a respectful relationship and what is not a respectful relationship.

Home Affairs has in place, in a joint initiative, a digital safety development officer who I spent time with at the end of July to understand the work she is doing with our young people to give them and their parents tools to understand how to keep safe online. And from the work she has done in that area last term, the 6,000 contacts which include students and parents, 96% in the survey said they felt safer.

The Children's Commissioner Report May 2023, evidence on pornography influence on harmful sexual behaviour among children is stark. With 11 billion hits on the four main pornography sites per month, which contain aggressive sexual acts, degrading acts of violence, including acts of strangulation. And with the average age of young people first seeking out pornography being 11, the Report focuses on the harms children fall upon accessing violent pornography. Long gone are the days of the innocence of the *Playboy Magazine*.

It was good to hear the news last week that the Online Safety Bill has finally been passed which includes age verification requirements for pornography sites and we await Royal Assent.

The work which the Digital Safety Officer is taking forward this autumn with secondary school students will be based on the portrayal of sex in the media and social media. Understanding the harms of sex texting and sharing, understanding the importance of trust in relationships and the behaviours that can undermine or build trust. Explaining the harms of pornography online and for young people to understand that pornography seen online is not what a normal loving relationship looks like. To give our young people who have been brought up to communicate on social media the opportunity to discuss the problems that they face daily which we did not have to contend with ourselves growing up.

You may have seen the Digital Safety Officer has been on social media talking about Snapchat this summer which can contain hate speech, violence and indecent imagery, so young people and parents are aware of the dangers of social media today. This all feeds into domestic abuse and intimate relationships, helping our young people to recognise what is a normal loving relationship and how to stay safe.

In previous years, the Youth Commission has presented PHSE lessons dealing with domestic abuse within our schools. And from this September, Safer will be taking on that role. The Assembly will know of the marvellous work Safer do dealing with domestic abuse within our community. Set up in 2013 with a 24/7 telephone service to discuss confidential concerns, they support clients every step of the way. And I have heard, first hand, from several victims of domestic abuse, how highly they are thought of. They also work with young people, four to 17, who have witnessed domestic abuse in their homes, or who are in an abusive relationship.

Safer run the Refuge which was set up in 1998 and are awaiting a new build to be progressed. The talks continue, they tell me, when I visited at the beginning of the month. But with the present Refuge, full to the gunnels, with only five bedrooms and shared facilities, clients are having to sofa surf and sleep in their cars. The situation is at crisis point.

It is so very important that those survivors of domestic abuse have a confidential outlet where they feel comfortable enough to speak of the trauma that they have endured or witnessed. And the staff at Safer must be appalled for all that they do to support those most vulnerable in our society.

(A Member: Hear, hear.)

I have spoken previously of the value of Operation Encompass, set up in September 2021, which works between our police and our schools, advising when children have witnessed domestic abuse the previous day. Three hundred and thirty children in 2022 were welcome into school with teachers

2310 understanding the circumstances they have faced. Because it is not only the adults who suffer in a household with domestic abuse when it occurs, it can also have a devastating impact on children which manifests in emotional, social, psychological and behavioural difficulties which can have long-term implications. Head teachers have stated, it has been a very positive step in safeguarding children.

2315 Home Affairs also brought to the Assembly, the Sexual Assault Referral Centre this term and we were delighted to take on a manager who has been working feverishly to get the Centre up and running. Attending training courses in SARCs in the UK, employing and training crisis workers for 24/7 service, along with independent Sexual Violence Advisers, an independent Forensic Examiner Service which has been an extremely strenuous process. Working with key stakeholders across the community, Safer, Choices, Orchard Clinic, Victim Support, Adult MASH, ISCP, the Police and speaking with survivors with lived experience to understand what this service needs to offer.

2320 The launch earlier in the month of the 24/7 helpline, starting on 1st October, is a significant step, with the SARC officially opening its doors in January in St Peter Port above Choices.

2325 The Committee is so pleased with the progress, and I recall it was only last July, I visited Dewberry House in Jersey SARC to see what was possible. And we are very much now on our way, thanks to the dedication of the wonderful team. An information and supporting guide to reporting sexual offences has been produced and is available at all agencies.

2330 The Committee has also been supporting ongoing work to improve safety in the night time economy, encouraging women and girls to report sexual harassment, as it was reported in the Law Enforcement Survey that 572 people experienced physical or sexual abuse. And also, a campaign against drink spiking which will be launched in November, promoting safety out in our night time economy. As you will see, it is a multi-agency approach to dealing with a complex problem in our community.

2335 The term, domestic abuse, people generally associate with violence. But it covers many different offences and encompasses coercive or controlling behaviour, including humiliation, intimidation or restriction of liberty, which are extremely common, as well as violence and sexual abuse.

2340 I was fortunate to attend a police training session on recognising and dealing with domestic abuse which covered all aspects, including a recording of domestic violence by a partner in front of young children, which was harrowing. Police had attended the residence as there had been a complaint. When they arrived, all was calm, and the woman was washing up at the sink. It was only when the police went into the sitting room and a camera recording was seen on top of the television, that it was realised the incident had been recorded, showing 11 minutes of ferocious assault had just taken place.

2345 The figures you will see on page six of the policy letter show 678 incidences reported to the Police in the 2021. And only 131 were repeat incidences. These are reported from right across our society and it is accepted there will be many more incidences not reported. In the UK, it is stated that there can take up to 37 offences before a survivor will finally report to the Police.

2350 Law Enforcement have an extremely difficult job to perform, and I think we probably take them for granted. Attending the annual awards ceremony in April, bringing home some of the brave selfless actions which take place as well as helping colleagues in other jurisdictions, as was the case in Jersey, when a residential explosion causing loss of life and the Disaster Victim Identification team was sent to help.

2355 We hear about the late night/early morning trouble in town over the weekend coming out of the pubs. And I wonder how many of us would be prepared to be assaulted and spat at one weekend and go out and do the same the following weekend. Yet, our police officers are just normal people, like you or I. And these exceptional officers are called out daily to deal with domestic abuse incidences in a compassionate way. They do an extraordinary job.

2360 The team of officers dealing with domestic abuse on ongoing cases are, to me, amazing people, working with survivors and children of domestic abuse. And it is they, as well as the prosecutors, among other agencies along with the victims who have asked for this suite of legislation to be finally put in place.

2365 Probation services also operate Sarnia Programme for domestic abuse offenders, taking the perpetrator through the steps to understand why they offend and put in steps to encourage abusers not to reoffend. Domestic abuse is multi-faceted and needs multi agencies working together, including Children's Services, Drug & Alcohol, Victim Support and Safer. No one single agency can tackle domestic abuse.

2370 This is a relatively short policy letter of 26 pages. But we have a powerful suite of legislation before you with life changing consequences, for the better, for victims of domestic abuse. Domestic abuse protection notices and orders give the Police the power to protect the victim and the powers of removing the perpetrator from the home. Domestic violence injunctions which are a civil matter now become a criminal matter if breached. Power for judges to issue domestic violence injunctions in a Royal Court case. Power to impose pre-charge bail conditions which I know Deputies Soulsby and Inder rightly wish to have included.

2375 Power to impose restraining orders when ongoing protection measures are needed. A criminal offence of domestic abuse. A criminal offence relating to child cruelty, neglect and non-violent forms of abuse, including the impact of domestic abuse on children. A new offence of causing or allowing death or serious harm in a household. A new offence of making a threat of disclosure of private sexual image. The threat of disclosure can cause immeasurable damage to mental health and wellbeing.

2380 As Deputy Prow has stated, we will have a second follow up policy letter next year which we intend to go out to consultation on. And we already have areas which we know are important to many consulted in this policy.

2385 We have very few Laws relating to domestic abuse and only general such as harassment, breach of the peace, affray, threats to kill or rape. In the UK, they have stalking, coercive control, intimidation, deprivation, isolation and domestic abuse which shows how important it is to get this short list but powerful piece of legislation through, to be drafted and approved as quickly as possible. To enable protection of survivors of domestic abuse, but also as a deterrent for perpetrators.

2390 One key area of the second policy letter will be non-fatal strangulation. Safer reported 108 clients, 36 had suffered from strangulation. And there is a real need for a separate offence for this type of assault as there is in the UK. As the high numbers of specific assaults is becoming more prevalent and we need to send out a very clear message that this is not acceptable and so will be included.

2395 As I come to close, I want to repeat a message I gave last year to the survivors of domestic abuse. Domestic abuse is isolating. It controls you by isolating you. Tell someone you trust and stop the isolation.

In the Queen's address to the Commonwealth in 2011, she used an Aboriginal proverb:

We are all visitors to this time, this place. We are just passing through. Our purpose here is to observe, to learn, to grow, to love ... and then we return home.

As Deputies, we are all visitors to this time. We are just passing through. Let us make our time count today, voting through this very long-awaited legislation.

Thank you, sir.

The Bailiff: Deputy Ferbrache.

2405 **Deputy Ferbrache:** Sir, with trepidation, I follow on the excellent speech of Deputy Aldwell. I agree with every syllable that she said, and I thank her for making that speech. It was a brilliant speech.

In relation to it, she talked about the proverb that she quoted that the late Queen said 12 years or so ago. And the fact is, and she talked also about domestic abuse and the effect it has on children. Now, childhood – sadly, in many cases it is not – should be when you are innocent, when you are learning, when you are growing up, when you are maturing. To be in a household where there is

2410 domestic violence, domestic abuse of any kind is terrible. It affects that child for the rest of his or her life. It can also adversely affect them in the sense that they think it is the norm sometimes, and they behave accordingly. So, therefore, well said, to Deputy Aldwell, if I may say so. (**A Member:** Hear, hear.)

2415 And I think this is an excellent policy letter. I am going to support every single Proposition in it. But there is one paragraph in it which I referred to in due course which the topic has not been referred to with a degree of certainty or detail which I think is appalling. And I will come to that just shortly.

2420 But the other things that I want to say are these. That in relation to the very reasonable request, the challenge request by Deputy Soulsby about the proposals here and the Propositions, because these resolutions will be passed unanimously. That the legislation will be given priority, on behalf of Policy & Resources, I have discussed with my colleagues. It will be given priority. I have also spoken to His Majesty's Comptroller, because they are the ones who are going to draft the Law. It is alright politicians saying it should be given priority. He has assured me, his office will give it priority. It should be given priority because we are behind the curve and we are seeking to move, 2425 not ahead of the curve, but we are seeking to move up as we should be.

2430 There are a couple of other comments that I want to make. What I think was very unfortunate from Deputy Inder. I am glad he praised Deputy Prow because Deputy Prow should be praised because he and his Committee are exemplars of what a States' Committee should be, and they have discharged their duties over the last three years so well.

2435 What I completely abhor is his criticism of a former leader, a former President of Home Affairs. She has got no opportunity to defend herself. We often have people in this States make comments about people who have got no opportunity to defend themselves and they have adverse consequences. He says what he says. I dealt with the former President of Home Affairs, and I thought she discharged her duties in a superb manner of the period of time that she was President of Home Affairs.

Also, Deputy Aldwell was talking about the facilities, if I can use that word, that is needed for people who are victims of domestic abuse.

2440 Deputy Lowe, for many years, was the Chair and a very active Chair of the Women's Refuge when it was first set out. She devoted hundreds and hundreds of unpaid time and devoted time to setting up everything that was involved in the Refuge. So, when Deputy Inder makes a throw away comment like that just before lunch because he thinks it might be clever, perhaps be a bit more responsible.

2445 In relation to police bail, I actually, because I have been around such a long time, was dealing with people before there was police bail. And it was often the case somebody might be arrested for drink driving or theft or a punch up in a pub on a Friday night. And you go along to the police station, and you try and get your client out. And it really depended on whether the custody sergeant liked them or not. Because if he did not, they would remain in custody until Monday. If he liked them, he might let them out and they would go about their business.

2450 So, we have had police bail for a period of time. But we have not got, as the policy letter says, we have not got the same detail provisions they have got in the UK. And of course, what we are seeking to amend, and they wish us to enact, this is paragraph 6.6 of the policy letter, are provisions similar to those found in the Police & Criminal Evidence Acts of 1984 and the Bail Act of 1976. Pretty ancient statutes. Forty years and nearly 50 years old, respectively. That will become more material when I referred to the paragraph which I do not like of this particular policy letter. The rest of it, I absolutely, 100% support.

2455 And the position has changed because I do not just speak when I speak on such topics from a textbook in relation to Court. When I first became a lawyer in the UK and then in Guernsey, if a woman, and it generally was a woman, was the victim of a serious assault or a sexual assault, she had to go into the witness box and she had very little protection. She could be asked all kinds of questions about all kinds of things. She was literally facing her accuser. She was literally being torn 2460 about by a barrister or a solicitor.

Thankfully, we have moved on in the sense that the evidence would be given in different ways now. And there is protection and there is assistance. It is never going to be easy. I do not pretend it is easy, but it is better than it was. But you have got to get balance against that, that just because somebody is accused, does not mean that they are necessarily guilty. That is why we have a Court system in respect of such matters.

Now that takes me to the paragraph that frankly I do not like. And I tell you why I do not like it. And I will tell you in some detail why I do not like it. And that is paragraph 7.7.

Now I am in favour of there being a power to impose restraining orders in all situations where ongoing protective measures are needed. Absolutely in favour of that. I am not going to vote against it. I think it is necessary. What I do not like is this paragraph. I thought it was written by somebody who is of the basis that, well, you would not be in court room unless you have done something. I have heard that expressed so many times in the past. I thought it was something that had been cast asunder, but when I read this paragraph, it obviously has not been.

Because it says:

In addition, there is currently no power in the Bailiwick to impose a RO on someone acquitted of an offence. It is important to note that an acquittal does not necessarily mean that the defendant did not commit the offence, or that they do not pose any ongoing risk to the accuser.

I accept they could be an ongoing risk to the accuser and therefore you should consider an RO.

In essence, an acquittal tells us that the accusation was not proven beyond reasonable doubt but little else.

That is us. Has whoever written that not heard of the presumption of innocence? Horace Rumpole, Barrister at Law, may have been a fictional character. He was a creation of John Mortimer QC, as he then was. Somebody I lost a case to once in Nottingham. He was famous, I was not, so that is why he won the case.

But the point is, the presumption of innocence has been a key factor through English criminal Law and our criminal Law forever. If you are acquitted of an offence, unless or until that acquittal is reversed, as it can be in certain circumstances, you are innocent. You are not 50% innocent or 20% innocent or 10% innocent, you are innocent. You are entitled to walk away from that court as an innocent person. We have always had that principle and I do not want to see that principle eroded.

Sir, what else. You will learn this, that is a very poorly phrased sentence in that Report. You will learn this if somebody is acquitted, that the prosecution who generally have all the powers of the State, they have police officers, they have experienced Crown advocates in this jurisdiction or prosecuting advocates in another jurisdiction. They have all the resources that, generally, a defendant does not have and yet they fail to prove a case beyond reasonable doubt, so the Court is sure and the burden of proof. Are we going to want to reverse the burden of proof? Yes, let us reverse the burden of proof. Let somebody prove their innocence.

We have had a minor example of that which most Members of this Assembly voted for in relation to sexual offences. Of course, it does not create an injustice. Well it does, and I will give you some instances of that in due course.

And of course, everybody is against, everybody says, even the hard liners, and I have had so many saying, of course, you have got to be hard on crime. They would not be here if they had not done it. They would not be in a court room if they had not committed something. The Police would not bring them before a court unless they thought they were guilty.

Now, in relation to that, I have heard so many people say that, until it is their brother that is charged. Until it is their father that is in court. Until it is their friends who are in court. Then the system, from becoming the paragon of virtue, becomes the epitome of evil. I have heard that almost without exemption in a legal career now going back 50 years.

And I do not say this as a rose-tinted defence lawyer, because a lot of time in England was spent prosecuting people. And I can remember sitting in a court in Bingham, there is no court in Bingham now. A nice blue Tory area. A suburb area of Nottingham. And I can remember cringing when the

chair of the bench because there had been a case where a policeman had given evidence and a defendant had given evidence. There had been no independent evidence. And the chair of the bench said, When the police officer gives evidence, we always believe what he says above everybody else.

Now, we cringed. Thankfully, that appeal went to the divisional court, the High Court and was not opposed by the prosecution. But there are still so many who think they would not be in court if they had not done something. They must be guilty of something. I think that is an appalling thing. And I say that in relation to this.

And again, I do not say it with rose tinted glasses, because, overwhelmingly, people who are charged with offences are guilty. Overwhelmingly, they plead guilty. And in this jurisdiction, most people who plead not guilty, although they receive a fair trial, are convicted. And also, I am not like, as I have heard in the previous Assembly that I was a Member of, had somebody from this Assembly saying that the defendants are victims and they are unfortunates, etc.. Most people who are in court deserve to be in court and they are there because of what they have done. And the only person to blame is themselves, not somebody else. Overwhelmingly, that is my view. But what I do not like is this presumption that just because you have been found not guilty, you are not innocent.

Now, it goes on to say, this paragraph:

If a judge (or a panel of Jurats in the Royal Court) considers the defendant is very likely guilty, they must still acquit because "very likely" is not good enough in a criminal trial.

Well, isn't that right? Shouldn't a burden be a high one in a criminal case? Shouldn't the burden be on the prosecution? And it carries on:

It follows that a judge may fairly decide that there is insufficient evidence to prove the offence to the very high criminal standard.

Is that saying the criminal standard should be lower to balance the probability of what is civil standard? I hope not. And yet, still have very real concerns on the balance of probability.

Now I am sure that it will be able to be worked out. But, of course, in our system, the Jurats decide in the Royal Court, whether somebody is guilty or not. It is not the function of the judge. That is exclusively for the Jurats. And, unlike in England, where it has got to be 11/1, 12/0, 10/2, we have majority verdicts that have got to be 4/3. You could be convicted of an offence by a majority of four to three or five to four. And very serious offences.

I remember representing somebody on a rape case years and years ago. He was acquitted of one charge by a majority of five to four. He was convicted of the other by a majority of five to four. So, therefore, one Jurat, I assume, had changed his or her mind on one particular charge because the evidence of that charge was made out. I was not saying it was not an unjust verdict, because looking back, I am sure it was a just verdict. But that is our system.

Now, jurats, just like juries do not come out and say, the reason that we found Mr Bloggs guilty is because (a), (b), (c), (d) and (e). They just come back, and they say, guilty by a majority of five to four, Or guilty unanimously, or whatever it is. So, the judge is going to have to interpret facts which we do not know what conclusions that the Jurats came to. I did not believe Mr Bloggs on this particular point. I believe Mr Smith on that particular point. So be careful. That is all I am saying. Be careful. Because, of course, injustices do not happen, do they? Say that to Timothy Evans, just before the hangman put the noose round his neck, for murders that Mr Christie committed. He cannot tell you about extra evidence now because he has been dead for a long time, because he was hung.

Tell that to the man who served 17 years for rape recently. For a rape he definitely, *definitely*, did not commit. Tell that to the people who were convicted of the bombing in Birmingham. The Irish people. They might not have been very pleasant people, and they were, probably, members of the IRA but tell them to that. When they were beaten, when they were abused for a crime that they did not commit. They were not 50% innocent. They were 100% innocent.

2555 Tell that to Stefan Kiszko Now, Stefan Kiszko was a 23-year-old who in 1975 was charged with an offence of the murder of an 11-year-old girl and sexual assault. Now, he was a simple soul. He worked as a tax clerk, I think, for the local council, or a revenue clerk for the local council. And he was interviewed by the Police. And after three days, he confessed. And that was seven or eight years before the Police And Criminal Evidence Act which is referred to as the 1984 Statute in the paragraph that I have just read. He was eventually represented by a gentleman called David Waddington QC
2560 who was pretty famous, he later became the Home Secretary in, I think, John Major's Government, or Margaret Thatcher's Government. Anyway, he was the Home Secretary.

Now, Kiszko had four young girls aged between, I think, 11 and 18, say, the night before the murder, the terrible murder of this 11-year-old poor innocent child, he had exposed himself to them. And one of them said a month later, he had exposed himself to her. Now, he was a strange
2565 looking chap, but he was of good character. He was convicted of murder. He appealed two years later. This appeal was summarily dismissed by the Court of Appeal. Three elegant people, probably judges who had probably been Winchester-educated in Cambridge. Very clever chaps. Had wonderful legal careers. They dismissed his appeal.

In 1992, there was some fresh evidence. Sperm. Because there was sperm on this poor 11-year
2570 old's underwear. It was found and it could not be Mr Kiszko's sperm because DNA evidence and had moved on. Mr Kiszko was then acquitted. The four young girls who said 16 or 17 years before that he had exposed himself, admitted, as they were then in their 20s, they had lied. Why had they lied? Because it was funny. We thought it was a good thing to do. Mr Kiszko's life was ruined, ruined by the justice system.

2575 Fifteen years later, in 2007, they actually got the man, because a DNA match was done, who had raped and murdered this 11-year-old. Mr Kiszko's life was ruined. But, of course, he would not have been there if he had not done something, would he? He would not have been in court if the Police had not put him in there. And after all, he had been well-represented by an eminent QC, and he had had the best of all representations.

2580 So, do not tell me anybody in this Assembly or anywhere else that injustices cannot be perpetrated. And I abhor that kind of paragraph in what is otherwise an excellent policy letter. It should have been written in a different way.

ROs are a good thing. They will be a good thing. They will give another weapon in the armoury to protect people as they should be. But let us balance it out, because injustices do happen and not
2585 everybody that is in a courtroom is actually guilty. But, of course, I am sure some people inside of this room and lots of people outside of this room, they would not be in a courtroom unless they have done something, would they? Yes, they would.

But, that said, crime has also changed. When I became a barrister in 1972 and a Guernsey advocate in 1981, we did not really have computers. We did not have child pornography or things.
2590 We did not have all of that kind of stuff. They have changed. And one of the things, and it has not been mentioned, but it is a good thing to mention it, is that one of the Propositions is to outlaw threatening to publish a photograph. Because so many, and it is generally women, so many, generally young women, you know, they have a relationship with their boyfriend, their photographs are taken in a compromising position, they fall out, .and all of a sudden, if you do not do this, I am
2595 going to publish your photograph, or it is published. They are embarrassed. They are humiliated. They are abused. It is a form of abuse.

So those kinds of things are all very good. We should be doing all of the things that they are doing, but just let's balance it out. Just let's have regard to the fact that not everybody that comes
2600 into this room is a defendant. Not everybody that goes in the other Courts of this room is a defendant is guilty. So that paragraph should be rewritten. An otherwise excellent policy letter, in my view, has been impugned to a degree, by the poor wording of that particular paragraph. Other than that, I support all of the Propositions unreservedly.

The Bailiff: Deputy Gollop.

Deputy Gollop: A little reminiscence. I remember seeing Lord Waddington, David Waddington, that Deputy Ferbrache has referred, to walking through County Gardens. Because for a while in those days when he was Home Secretary in the last administration of Baroness Thatcher, he was responsible for the Channel Islands.

2610 Another person who visited about that time was the famous writer, John Mortimer. And he wrote a tribute to me. He said, 'Thank you to my relative.' Because John Mortimer's second marriage was to Miss Gollop.

2615 But moving on from that. I take the points of wisdom that Deputy Ferbrache has raised. Of course, with any system of justice of a criminal nature in the western world, you are looking at the burden of proof, beyond reasonable doubt. Whereas, in a civil case, it may well be on the balance of probabilities. And that is always an issue whenever you consider the rights and wrongs of a situation.

2620 I looked at the paragraph as well. And I possibly interpreted it in a different way. That it was not trying to say, even if you are found not guilty, you are guilty in a sense. But I think this was written more in a safeguarding context, because it was about protection and whether people involved in keeping people safe were still concerned. So, if you go to the point:

... or that they do not pose an ongoing risk to the accuser.

In other words, that it follows that judge ...

... that there is insufficient evidence to prove the offence to the very highest criminal standard ... is necessary to protect the accuser from the defendant.

Specifically that on the balance of probabilities. Actually it is written the wrong way round, I think, yes.

... real concerns (on the balance of probabilities) that it is necessary to protect the accuser.

2625 So, the victim in that situation needs, perhaps, to be kept apart, even though, because it is not so much in relation to a particular offence, it is to protect a pattern of behaviour. And that is a scene throughout this in terms of the restraining orders to all situations. The injunctions. And other things.

2630 One question I would have which is dealt with in the policy letter but not fully explained, although, they did have a helpful workshop, now, quite a number of weeks ago, is why we have chosen the Scottish model rather than the English model. Because we know that Scottish politics is a different dimension. Also, Scotland has a higher income source than us. It not only has UK tax. They are allowed to charge extra tax. So, they have, to a certain extent, in theory, more resources to deal with. And a lot of our advocates are trained in England rather than in Scotland. So that would- Although, we have a precedence with Children & Family Law.

2635 Two points that I think are very important, though, to bear in mind, is there is a reference to the wider context of legislation. In paragraph 13.5, it says:

Apart from the obvious social benefits ... there will be financial savings if domestic abuse can be reduced in terms of the savings to health and social services, welfare benefits and other public services.

2640 Hopefully, that will manifest itself. But nobody, so far, has talked about the impact of the new legislation, not just on resources, which you have mentioned, but in the wider context. One sees, for example, legal aid may rise. We, on Employment & Social Security know that has been looked and the model has been looked at. But there is a reference to legal aid costs rising. And also, the issue of the accommodation of the alleged perpetrators.

If the new measures of injunctions and permanent orders occur, rightly to protect abuse, it means perpetrators or possible perpetrators are ousted from the family home. It says in the Report:

It is important that these individuals are able to find temporary accommodation.

2645 'Well, where is that temporary accommodation and how is it affordable?

Then, Employment & Social Security are raised that they could, in theory, I suppose, finance this. Obtain support with accommodation costs in relation to temporary accommodation. And that has to be integrated with the Probation Service. And may be, in certain contexts, excellent charities like Caring for Ex Offenders, I suppose. But there is also a human right.

2650 So, this actually has a bearing on housing, on income, on affordability. And last night, I was stopped by a young gentleman who had beef about a particular court case. I do not know the validity of it. What came out of it was the usual back story, perhaps, of mental health issues, difficulties in getting the support that they perceived they needed within mental health care or the Third Sector. And so, I think, that is another implication that has to be looked at.

2655 I agree that we have had excellent speeches from Deputy Bury, Deputy Aldwell, Deputy Soulsby, Deputy Burford. Interestingly enough, more women Members have spoken in this area than others. And I do support, very much, the new policies of ongoing protective measures that will be introduced.

2660 But my one reservation comes to part two. Deputy Aldwell made the very interesting and telling point that sometimes the public, although very aware of these issues, are reluctant to publicly identify with anything on this. And it is interesting to see the change in the graph, that in the early noughties, the number of domestic violence assaults increased and then it decreased and now it is on the increase again. And maybe there was an issue that COVID brought to the fore as well. And maybe people are becoming more aware. As Deputy Bury said, the more aware people are, the more they report things, the better.

2665 But I think that what this does not fully cover, I think Deputy Aldwell explained this more than anyone else, is the need to work with the challenging behaviour with the offender and work with what happened and what triggered it. What rehabilitative work, the psychological work. Because unless we are adopting a 'three strikes and you are out' policy, we somehow have to reintegrate perpetrators into the community. And the more offences we create, because this has been a penchant ever since the days of John Major in the UK, I think. We have had more and more sophistication in creating offences with hopefully more successful prosecutions, because we know in some areas of sexual offences, prosecutions rates are dire.

2670 But when you have a conviction, how does that person ever make a new start with family life or society? How do we work? And, also, maybe the victims, who rightly or wrongly, still have emotional or financial or personal ties with a perpetrator. And I think they are issues that we all need to be more highly aware of as well. And definitely when all of this legislation is introduced as a priority, I am sure it will need a public communications and information campaign so that anyone who is currently a victim has the courage and the support to speak out. But also, that potential perpetrators are dealt with or deterred or reintegrated. So, in the long-term, we get a more harmonious society.

The Bailiff: Deputy Queripel.

Deputy Queripel: Sir, thank you.

2685 I commend the Committee and staff for Home Affairs for all of their efforts, compiling this vital piece of legislation.

And there are many crucial paragraphs in this policy letter. I want to focus on just two of those because they summarise perfectly the need for this legislation.

Starting with paragraph 13.4, which reads as follows:

The consequences of living with domestic abuse are often Post-Traumatic Stress Disorder, depression, anxiety, self-harm and suicide. Domestic abuse is acknowledged to be a key adverse childhood experience that can have a huge negative impact on child development, children's future life chances and ongoing mental health and wellbeing.

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And the other paragraph is paragraph 13.5, which reads as follows:

Apart from the obvious social benefits of reducing these impacts, though it is hard to monetise, there will be financial savings if domestic abuse can be reduced in terms of the savings to health and social services, welfare benefits and other public services. The new orders and other provisions should also allow for domestic abuse to be tackled much more swiftly and effectively, hopefully reducing repeat offending in many cases.

Just two of the many crucial paragraphs in this excellent policy letter. Having said that, I am mindful of the paragraph Deputy Ferbrache highlighted in section 7 when he spoke. And I also ask Home Affairs to take that on board when they put the next policy letter together, please.

2695 Now, sir, with all of that in mind, and after having worked on several one-to-one cases involving domestic abuse in my time as a Deputy, I cannot see why anyone would vote against this vital piece of work.

Thank you, sir.

2700 **The Bailiff:** Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir.

I will keep my comments brief, suffice to follow many others who have welcomed this legislation. And I cannot think of anybody in this Assembly who does not feel strongly about this particular subject, no matter how unpalatable some people might feel it is to talk about it openly. I disagree with that. I think that these matters should be blown into the public sphere and if they were more often, then that would be one part of the jigsaw in terms of allowing people to dispel with the stigma that has surrounded this matter for so long.

2705 Deputy Aldwell has articulated extremely well the affects that domestic abuse has on the wider family, especially the children. And in my capacity as the President of the Committee *for* Education, Sport & Culture, this is one area that we know affects our children deeply. Some of our children coming into the school environment, no matter whether that is States maintained or private schools – because, of course, this goes across the strata of society – it is not confined to one type of person. It is, again, another myth, that domestic abuse only happens in our most vulnerable or socially deprived households. That is just not true.

2710 But this legislation is just one part of the jigsaw, and it does start to herald a sea of change in cultural attitudes, led by Government, which is the right place for this to happen. But we should be saying that we will no longer accept this behaviour. This does start with education as well in our schools which Deputy Aldwell has spoken about, but it is also about social interaction. It is about not being a bystander. It is about people hearing about stories but offering their support and allowing a safe space for people who might be isolated, creating that safe space for people to come to, those victims, whether they be male or female or children, or even parents because we know that domestic abuse can happen from children towards parents. So, we need to grow and educate ourselves in this.

2725 But also, it is not just about social interaction. The prevalence of the and the influence of digital media here cannot be underestimated. And Deputy Aldwell also spoke to this matter. I spoke about this some weeks ago, some months ago now, when Deputy St Pier wanted to put the motion forward to debate the Children & Young People's Plan. It is a serious problem facing our young people and many *many* parents are completely oblivious to the content that their children are seeing online every single day from a very young age.

2730 It is up to us, as adults, to be responsible, to be assisting our children to understand what is safe to look at and what is not safe to look at. We are getting this message into schools and parents really do need to step up to the plate in supporting their children so that they understand what is healthy to look at and what is not healthy to look at.

2735 But, as I say, I am very supportive of this legislation, and thank the Committee for their very hard work in bringing this forward.

Thank you.

The Bailiff: Alderney Representative Roberts.

2740 **Alderney Representative Roberts:** Thank you.

Sir, Your Excellency, excellent speeches by Deputy Aldwell and Deputy Bury. Great in depth, great in explanation and great in view. When this policy becomes Law, it will become swiftly to our States for adoption. I just want to thank Deputy Prow for bringing this long overdue legislation to our Bailiwick that is so vital.

2745 You know, it is not only women and children that suffer abuse. It is not only gender identity that suffer abuse. Let us not forget, although, less common, although, just as painful, men can suffer physical, emotional and perhaps more common, mental abuse. (**A Member:** Hear, hear.) This is forgotten or not mentioned because it is less common.

2750 It is a male thing not to report it, but it is out there. It is out there. And it resonates throughout the whole families, with the children, whoever, whatever sex doing the abusing. It resonates the whole family. And it is a male thing not to report it. It is a male thing to feel ashamed to report it in such a situation. Men can suffer breast cancer, but men can also suffer abuse. And please remember that.

2755 But this Law is a Law for all, holding equality, fairness for all chosen sexes. Let us not delay this, please. Redress any flaws exposed by Deputy Ferbrache and have a fair, safe protection for every member of our society.

A Member: Hear, hear.

2760 **The Bailiff:** Well, as no one else is rising, I will turn back to the President, Deputy Prow, to reply to the debate, please.

Deputy Prow: Thank you, sir.

2765 I thank everybody for their contributions to this debate and the overwhelming support for the policy letter. I will take comments in the order that they were made. Except, perhaps if I could deal with the comments made by Deputy Ferbrache first, because this deals with a critical comment, albeit, on one subject. So, I think that it is important that I deal with this first.

2770 In going through what Deputy Ferbrache has said, I thank him most sincerely for his support. He drew out the issues for children in the household and spoke to the normalisation of behaviour. I particularly thank him for his support and the support of P&R through the Government Work Plan of giving this priority and I am really grateful for the support of P&R and for reinforcing that support and endorsing that it will be a legislative priority. But he is right to say that this is also a matter for the Law Officers of the Crown and their huge workload.

2775 But on that issue, I can say that we have an excellent Crown Advocate who is involved in the drafting, has done an enormous amount of work already, and so I think that we are in a good position to bring this legislation back as quickly as we can. But that confirmation from Deputy Ferbrache is very welcome.

2780 Deputy Ferbrache spoke about police bail and his experience before we brought in the very important PACE legislation. And as an investigator back in the day, that was a very important and welcome piece of legislation. And the way that people are dealt with in custody is very different, and I support that. And I completely, as I said in my opening, I think it is very important that we have the pre-charge ability for the custody officers to put conditions on the bail arrangements.

2785 Deputy Ferbrache very vehemently criticised just one section. That is section 7.7. I think the intent of 7.7 was picked up by Deputy Gollop when he spoke, which was about an ability for the courts to be able to put Protection Orders in place even in the case of an acquittal. And this was very much about if a judge considers that a victim, to the lower standard of proof on the balance of probabilities, still needs protection, that he has the ability to do it. That is the interpretation; that is the intent of 7.7.

2790 I am quite well known by the public services for putting my red pen through things and challenging issues. And to some extent, I apologise to Deputy Ferbrache and to the Assembly,

because the problem with 7.7 is, whatever criticism you make of it, it did not really tease out the purpose of 7.7 as it should have. And I think that is unfortunate.

2795 I can give an assurance to this Assembly and to Deputy Ferbrache, not that I think he needs that, that I absolutely understand and support the concept of a presumption of innocence. And in any case, whether I support it or not, which I absolutely fundamentally do, it is part of Article 6 and it is enshrined in Article 6 of the Human Rights, the Right to a Fair Trial and the Presumption of Innocence.

2800 And Deputy Ferbrache is right to raise it. If he has read this section, not the way that it was intended, then he is right to raise it. And it does give me the opportunity to address that because the intent of 7.7 is not to reverse the burden of proof in any way, shape or form when we are talking about a criminal conviction. The intent of section 7.7 is to allow a judge to, if he or she considers that the accuser is still at risk, that those tools in the box that the legislation would give you, can still be imposed. Again, my pen missed, I think, the remark, 'but little else', does not add anything in it. And as Deputy Ferbrache pointed out, is not helpful.

2805 And even, drawing attention to the judge and the Jurats, considers when it is they are very likely of offence, must also still be acquitted. That is not actually relevant to what 7.7 is saying, and we all know that Jurats must acquit if it has not met the criminal standard. So, I take on board the criticism of that one section, 7.7, and I apologise again to the Assembly if that wording was clumsy and missed the point that was being made.

2810 Deputy Ferbrache went on to outline that it is right to outlaw the threats to publish sexually explicit images. So again, I thank him for that. So, I will now go through everybody in turn. And again, before I do so, I thank everybody for participating in this very important debate.

2815 Deputy Inder gave his support, and he drew attention to the power to improve pre-charge bail. And I thank him for that. I also endorse Deputy Ferbrache's comments around acknowledging former Deputy Lowe's involvement with the Women's Refuge and for all the underpinning work that was done last term, and I was happily a member of her Committee which has laid some of the groundwork for the work that has undertaken.

2820 Deputy Bury spoke next. And I have to say I thank her most sincerely for her interest, her forensic approach to the policy letter and for engaging with us. And the questions were posed before the debate, and I sincerely thank her for that and for all her strong support. So, the advanced notice was appreciated. But what I also thank her for is, not only did she outline the questions that she submitted, but she very eloquently went through the answers that we had already given. So, she saved me a great deal of effort in my summing up. So, I thank her for that as well.

2825 So, the issues she raised where it still requires an answer, where perpetrators are released, they are released from custody. I think the best assurance I can give her, that currently, these matters are already considered by the Police Public Protection Units. We are working through the multi-agency approach and an assessment made on that basis, they will already do everything that they can to mitigate that any domestic abuse risk, whether the relevant offences were brought under domestic abuse or sexual violence legislation or other offences.

2830 But I think the policy letter and the legislation that will hopefully follow is about making the offence of the domestic abuse much more flexible in its use. That is to say that the use of other offences is less likely to occur in a domestic abuse scenario and would be much more likely to be used. And I think that that will also be helpful in that specific matter that Deputy Bury raised.

2835 But I think the most important point that comes out is the great advantage of the Law is to provide more tools in the box generally around domestic abuse offence orders and strengthen greatly victim protection options. However, perhaps the most important is that the policy letter emphasises that both training provision and the professional stakeholder engagement and that the policy letter majors on that and it is very important. This is not just about the legislation. This is about it being underpinned by more guidance, more procedures and, indeed, even more stakeholder engagement. And so again, I thank Deputy Bury for her great support.

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Deputy Burford, again, I thank her for her support. Not only her support in this Assembly, but also her engagement with myself and the Committee on this very difficult subject and for sharing her ideas and concerns. So again, I thank Deputy Burford for that.

Deputy Soulsby, yes, well, in answering, in dealing with the questions and comments made by Deputy Ferbrache, I hopefully have already answered her desire which is the same as my desire and the Committee's desire, should the policy letter be passed, that we crack on with this legislation and get it brought back before the Assembly. And I was comforted by Deputy Ferbrache's comments on that.

She spoke about the importance of controlling, coercive behaviour and spoke very eloquently around the issues that that raises. She also talked about the third sector and mentioned Safer and that has come up in other speeches. And I think she was the first to mention them. And the engagement of that charitable organisation has been absolutely fundamental to not only assisting us and advising us on the legislation but in actually going out and offering very valuable services to our community. And so, I again thank Deputy Soulsby for her support. It is very much appreciated.

This moves onto Deputy Aldwell. I agree with those who have spoken already. It was an absolutely excellent speech. And I am not going to go through what she said because it is unnecessary. She spoke for herself. But I think the main themes were about the importance of tackling domestic abuse and sexual violence. And she explained why it is important. And indeed, then she went on to talk about the effort in the community and all of the activity that goes on in dealing with domestic abuse.

One great asset of having Deputy Aldwell on the Committee *for* Home Affairs is that she also sits on the Education, Sport & Culture Committee. And there are so many cross overs. On the theme of prevention, the role of Education and the work that they do, in particular, Deputy Aldwell spoke about the Digital Safety Officer, it is absolutely so important that we do not forget the need to educate our young people and in the way that Deputy Aldwell eloquently explained. She mentioned, in particular, Operation Encompass, where the Police and Education come together to conduct that work.

She again, spoke, and others have as well, about we have to have public conversations about these issues. And we really need to change culture and attitudes within society. And by having those conversations, that is how we do it.

Again, she rightly applauded Safer and the Refuge and outlined their role, their fantastic role, and the work they do. But she actually went on and listed our stakeholders in the third sector and I am very pleased she did. And I completely support what she said about how vital they are in discharging our responsibilities to the community. And it just endorses her, this has got to be a multi-agency approach. And she spoke about deterrents, and she spoke about the difficult role of our police officers. And I join with her in thanking them and applauding them for the work that they do.

Deputy Gollop, I thank him as well as others, for his support. I also thank him for giving his interpretation of section 7.7 and putting it in the safeguarding context and pointing out that this section is really about the safety of victims. It is not about burden of proof. It is just a tool in the box.

He spoke about why did we choose the Scottish model rather than English Law? It is quite simply, in our research, the best definition that we have researched, and I think it is internationally recognised, that the Scottish definitions and how they legislatively treat the crime of domestic abuse now as it is enshrined in Law, is thought to be the gold standard. It is thought to be the way forward.

What it actually says is for the offence to be committed, a 'reasonable person' must consider that the course of behaviour will likely cause the complainant to suffer 'physical or psychological harm'. All of the types of abuse will be considered in the round. And if passed, we will be able to include evidence of coercive controlling behaviours where it forms a pattern of abuse, often carried out alongside other insidious behaviours including physical and sexual abuse, rather than having to prove each individual form of abuse, as the English Law does.

So that is hopefully that answers his question. And I would just add that Jersey and the Isle of Man have also based their Domestic Abuse legislation on this particular Scottish model.

2895 Deputy Gollop spoke about a culture of change, as others have, and I completely endorse that. He spoke about the quality of speeches and I, again, endorse that. He spoke about the next stage. Well, we have already outlined in my opening and Deputy Aldwell has outlined how the consultation will continue. We have just outlined the areas that we are looking at. But please engage with us and the Committee on that consultation around the next steps. And as I said in my opening, I look forward to bringing that policy letter back to the Assembly, hopefully, with a fair wind, in March
2900 2024.

Deputy Gollop did mention the impact. It is very difficult in an operational environment to actually gauge the impact. But hopefully, the policy letter does provide that balance of being able to prevent the offences, using the use of orders and the increase of training and procedures that will help to mitigate against any increase in the use of Court time.

2905 Moving on to Deputy Queripel. Again, I thank him very much for his support. He picked out two sections of the policy letter, 13.4 and 13.5. and I will not go through exactly what he said, but I support his remarks around the consequences of domestic abuse and stressing that. And he spoke about education and communication. I completely agree with Deputy Queripel about how important communication is and training and future dialogue. And I hope that I have persuaded
2910 him that I have taken on board the comments of Deputy Ferbrache.

Deputy Dudley-Owen. Again, I thank her very much for her support. And I agree with her. These should not be difficult conversations. And we need to be having those conversations and continue to be having them. This is not right. It is across society and certain cultural attitudes are not acceptable. And it is for politicians, working with our stakeholders, to reinforce this whenever we
2915 can.

I completely agree with her around the importance of education, and I thank her Committee for their support in getting messages across to our young people. Absolutely crucial.

She mentioned digital media. I think we all, in this Assembly, realise how damaging the effects of some of the material on digital media. I do note that the Online Safety Bill is now an Act in the
2920 UK, and it has a permissive extent clause and I think we will be looking at that as to what needs to be extended. But we will also be looking at what we will need to introduce around digital media in local legislation.

But an incredible amount of work still to be done. And in my opening, I pointed out that we are at a stage where there is still much more to be done. And Deputy Dudley-Owen is right. Parental
2925 responsibilities, how that is a factor and encouraging parents to take up those responsibilities around digital media.

Alderney Representative Roberts. Again, I thank him for his support. And he makes a strong point. We rightly talk about violence against women and girls, and we are absolutely right to do that. The statistics and the information from our jurisdictions tell us that we are right to do that. But
2930 domestic abuse, men can be victims and Alderney Representative Roberts very powerfully made that point. And I applauded his call to the male population to also report domestic abuse and sexual violence if they become victims.

I hope I have answered and spoken to everybody's comments in debate. And I ask the Assembly to support all of the 10 Propositions.

2935 Thank you, sir.

The Bailiff: Well, Members of the States, there are 10 Propositions. I have not heard anyone articulate any desire to vote differently on any of them, but this is the opportunity if anyone wants a discreet vote on one or more of those Propositions to speak or forever hold their peace.

2940 Well, on that basis, I am simply going to put all 10 Propositions to you at the same time, Members. And I will invite the Greffier to open the voting, please.

There was a recorded vote.

Carried – Pour 38, Contre 0, Ne vote pas 0, Did not vote 1, Absent 1

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

The Bailiff: So, in respect of all 10 Propositions, there voted in favour 38 Members, no Member voted against, no Member abstained. There is 1 absentee, and 1 Member did not vote.

So, I will declare all 10 Propositions duly carried.

(Applause)

COMMITTEE FOR ECONOMIC DEVELOPMENT

**2. Guernsey Airport Runway Extension Study –
Debate commenced**

Article 2.

The States are asked to decide:-

Whether, after consideration of the policy letter entitled 'Guernsey Airport Runway Extension Study', dated 3rd July 2023, they are of the opinion:

1. To agree that a decision to extend the runway at Guernsey Airport should be driven by the States' Trading Supervisory Board on the basis of commercial, regulatory or other considerations, and to direct the States' Trading Supervisory Board to take account of the cost-benefit analysis and supporting reports presented in this policy letter in advance of the next planned resurfacing of the runway at Guernsey Airport or as part of the Guernsey Airport Master Plan.

2. To note the cost-benefit analysis and supporting reports on the extension of the runway at Guernsey Airport and that it may be possible to achieve a runway length of approximately 1,623 metres within the existing airport boundary utilising Engineered Materials Arresting System (EMAS) technology, subject to regulatory approval.

2950 **The States' Greffier:** Article 2, Committee for Economic Development – Guernsey Airport Runway Extension Study.

The Bailiff: And I invite the President of the Committee, Deputy Inder, to open the debate, please.

2955 **Deputy Inder:** Thank you, sir, Members.

With this policy letter, the Committee presents the results of its analysis of the costs and benefits of extending the runway at Guernsey Airport. This is in accordance with States' Resolution of 28th November 2019, arising from a Requête led by the late Deputy Kuttelwascher in October 2019 titled, 'Development of the Business Case and Cost Benefit Analysis for the Extension of the Runway at Guernsey Airport to Create a 1,700m Runway'.

2960 The policy letter sets out, in a balanced way, the potential economic costs and benefits of extending the runway together with the wider impacts on our strategic air connectivity, the States of Guernsey's finances, service levels for air passengers and Aurigny's sustainability. Now, before I move on to the main part of the speech, I think that it is important to paint the picture of the Committee's deliberations and direction on the matter.

2965 When we came together as a Committee, you will remember, Members, that there were a number of figures being bandied about. Foremost amongst them was a figure of around £80 million to £100 million for a 1,700m runway. On top of that, the full 1,700 m length would have busted out of the boundaries of the Airport. The Island would have lost La Villiaze Road, the field that falls away to Les Blicqs, Les Blicqs itself and there was an indication that a number of adjacent properties would have been affected.

2970 Now it was clear that such a scheme would never have got past first base. I cannot imagine that whatever the cost benefit analysis would have been, the loss of that area to the east of the Airport would have been acceptable. The Committee gave deep consideration to this and there was a clear political direction to keep any extension within the boundaries of the Airport and to consider the utilisation of EMAS as the Committee's preferred solution.

2975 If I could reflect on the Committee's general view, for myself, I was fairly neutral on the matter, and would suggest that three of the other Members were similar and were keen to make their decision on the evidence provided. With the exception of one Member, there were no flag wavers for an extended runway and there were no particular detractors.

Our job was to give the States a considered response. And particularly, as I have mentioned in previous updates, an exposé, or at least, full transparency, on all of the reports commissioned on the matter. We have nothing to hide.

I now will explain to Members the work the Committee has undertaken, supported by STSB officers and a number of external expert advisors and why it has come to this conclusion.

Firstly, some key points on the Requête and the strategic context.

The underlying premise of the Requête was that an extended runway would make the Airport accessible to the short haul narrow-bodied jet aircraft, which represent the majority of aircrafts used by the UK and EU airlines, including low-cost carriers. This could facilitate the launch of new services and enable lower average fares which would stimulate new visitors to the Island of Guernsey and increase destination choice and travel opportunities for residents.

Consequently, extending the runway would generate increased direct expenditure in both the local tourism sector and the wider economy, including local accommodation, retail, catering and on Island transport businesses. Furthermore, it could also support Guernsey residents through new business growth opportunities, additional tax revenue and enhanced social benefits, such as improved access to healthcare, sporting events and cultural activities. All good stuff.

As a strategic context, we have the Air Policy Framework 2021-2026 which the States agreed in October 2021. It contains a number of critical success factors for Guernsey's connectivity, including: 1, Broadening UK and European connectivity; 2, Ensuring security of connection to London Gatwick; 3, Taking into account the impact of additional routes on the essential services to London Gatwick and Southampton and enabling the Airport to work with other carriers to encourage competitive fares without negativity impacting the interests of other commercial carriers on existing routes.

The Committee has considered these critical factors and as part of its cost benefit analysis of a runway extension at the Airport.

Now I turn to the cost benefit analysis that was undertaken by consultancy, Frontier Economics. FE, I will abbreviate it, were tasked to undertake an economic impact analysis, extending the runway to at least 1,700m, together with a high level, social and environmental impact assessment. FE provided their findings to the previous Committee just as the COVID-19 pandemic struck in 2020. And this was followed by an update report to the current Committee in 2021.

Key findings, pre-COVID, from FE, include, and Members, I will try and help here, because we have a number of appendices and work in front of you. And where possible, I will try and guide you to the appropriate place in the appendices.

Now, key findings from the FE work include that:

... the extension of Guernsey's runway would enable new, low-cost carriers to provide services to and from Guernsey.

And that is Appendix 2, page 5: That average fares would reduce by around 39% – Appendix 3, page 68:

But in an intermediate scenario, this could generate around 20,000 new annual visitors to Guernsey. A 7.1% increase on 2019 visitors, after an initial 12-year ramping up period. Appendix 2, page 23:

Guernsey's economy would benefit from substantial new direct visitor spend and business expansion effects in excess of the cost of the extending runway – Appendix 2, page 13. And there would be some limited social and environmental costs from increased carbon emissions – Appendix 2, page 13, as well.

Overall, FE found that there would be a net positive economic benefit over 40 years of £130 million for Guernsey's economy. In GVA, or gross value-added terms, GVA being the standard measure of income generated by individuals and corporations on the Island. They also estimate an income tax revenue for the States of Guernsey of £21 billion on top of that. Appendix 2, page 23.

It is worth emphasising that we are talking about an intermediate scenario here. Frontier also provided a high scenario and a break even scenario. In a high scenario, FE proposed that annual visitors would increase by 61,000, delivering £609 million in economic benefits. However, given that

air travel had yet to recover to pre-pandemic levels, and it has not, the Committee took a prudent approach, which was the right decision, and focused on the intermediate scenario.

FE also found that in order to simply reach a break-even position, in terms of net economic benefit, whereby the economic return, over 40 years, just matches the cost of the extension. The runway extension would need to generate an extra 9,900 long run annual visitors. That is 3.5% more visitors than in 2019. Or roughly, the number of visitors on the Birmingham route in 2019.

It is also important to note that FE focused their analysis against the capital cost of extending the runway to at least 1,700 m using conventional engineering so to speak. In parallel, the Committee, as I mentioned in the opening of this speech, has identified an alternative, innovative engineering solution, informed by analysis by EMAS specialists, Runway Safe, and engineering consultancy, AECOM. I remind Members, it was our Committee that have tried to keep this within boundary and our Committee that directed Runway Safe and AECOM to consider properly the EMAS solution. No one else's.

The runway extension could be kept within the airport boundary by installing a 98 m engineered EMAS bed at the eastern end of the runway, noting that this will still be subject to regulatory approval which right now we do not have. So, this is subject to regulatory approval.

This could allow for an extended runway of approximately 1,623 m and could facilitate similar benefits to an extended runway of 1,700 m. So to remind Members, we are under Resolution to deliver 1,700 m in what you might call standard airport materials. But using EMAS, we believe that we can keep it in boundary for 1,623 m and having the same effect.

This would ensure that the valley to the east of the runway is preserved together with the properties located within it as well as La Villiaze, Les Blicqs and the nearby cemetery. The use of EMAS would improve the cost benefit figures by £9 million.

The Committee has also considered the wider potential impacts of extending the runway. These are informed by a report from consultancy, York Aviation, in 2022, which was commissioned by STSB as part of its concurrent work on the Airport Masterplan.

It is worth mentioning to Members, and I thank those who turned up to the recent meetings, that the York Aviation Report came into our Committee, I would not say it was with some surprise, but basically, it was delivered to our Committee. We were working with the Frontier Economics work and the York Aviation Report came in and it was organised by STSB, as I have mentioned here.

Now these additional impacts have a material effect on the cost benefit figures set out by FE. The key impacts over 40 years are as follows. And this is important because as we were directed, we were asked just to look at the extension of the runway. We were not looking at the costs of the infrastructure around it. The York Aviation Report, to a degree, turned our heads and made it somewhat more difficult. I will go through the key figures.

Reduced Airport revenues to circa £39 million due to low-cost carriers expecting to pay substantially lower charges than other airlines. And I think I will remind Members that only in the questions today from Deputy Gollop, we were talking about the revenue issues the Ports have. So just to remind Members again, reduced Airport revenues of £39 million. Together with some increased operation costs, processing more passengers through security. And these are informed in the policy letter on page 25 which was informed by the Appendix 4 on page 83.

The capital cost of creating an additional security level, circa £3 million, in order to deal with increased peak time passenger flows. A reduction in the economic contribution of smaller Aurigny workforce and fleet of around £10 million, as a result of a low-cost carrier competition, particularly on the Gatwick route.

So, what are they? What are the key cost benefit figures when you take Frontier Economics' analysis and factor in the wider impacts that are just listed?

And just on a technical note, rather, I note the figures that follow are expressed in present value terms and are calculated over a 40-year period, using the 3.5% discount rate. This follows the FE methodology which in itself is based on the H.M. Treasury Green Book guide for evaluating public infrastructure projects. So, we are using a standard recognised formula.

From a States of Guernsey financial perspective, the financial cost of extending the runway is estimated at £108 million. That is the extension of the runway. That is made up of expenditure on the runway extension of £79 million, reduced Airport revenues, the cost of creating a third security lane and a positive offset for new Income Tax revenue arising from an increased economic activity.

From a Guernsey Economy GVA perspective, there is a positive benefit estimated at £270 million. This is made up of the economic benefits of new visitor spend and business expansion effects together with a negative economic impact, a reduced Aurigny air force and fleet and the environmental impact of increased greenhouse gas emissions.

To summarise, if this project costs the States of Guernsey £180 million, a lot of which is front loaded, so that is finding the £108 million over the next couple of years, had we decided as a Committee that we were comfortable with going down the extension route, the economy will benefit over time to the tune of £217 million. The difference between these two figures is a net positive benefit of £109 million overall, but over a 40-year period and starting in roughly in around year 12. Does anyone actually believe that this is a good return on investment?

And there is more. York Aviation has alighted some key risks. And this is incredibly important because in part I think this debate will be in part not only about our direction to come back and report on our findings but in parts I think it is really discussion about Aurigny.

Now, I believe we are all sensible chaps and chapesses. We cannot ignore the impact on our, effectively, our national airline. And York Aviation has highlighted some key risks from Jersey and the Isle of Man's respective experience, in attracting low-cost carriers. And I want to highlight three of those as well. They are not easily quantified in pure numbers. They were material in the Committee's analysis. They relate to our strategic connectivity to Gatwick, service levels and fares.

Firstly, our strategic air connectivity to Gatwick would be more precarious. York Aviation advise that a low-cost carrier would only enter the Guernsey market if it was to establish a strong presence on the Gatwick route and to use it as its anchor route. Over time, the low-cost carriers would take 50% market share and displace around 330,000 of Aurigny's passengers. If Aurigny remained on the route, it would accumulate losses of £25 million per year. Therefore, Aurigny would have to withdraw from the route and refocus its business on UK regional routes.

So what happens when the low-cost carrier decides to reduce its capacity on Gatwick or to leave the route altogether? By then, Aurigny would have disposed of its excess aircraft and reduced its workforce. It would not be in a position to rescue the route, at least, not in the short term. This would pose a significant risk to the continuity of air services to our lifeline routes to Gatwick which has been agreed by this Assembly.

And therefore, to our economy. Who would risk that? Would we really be prepared to accept that risk? Well, I know I will not.

And, sir, Members, it is at this point, I need to speak about this concept of low-cost carriers. A jet with a low-cost carrier name emblazoned on the side is not a low-cost carrier. It is just a jet. A true low-cost carrier only works where there are large areas of passengers and at least two carriers are in competition with each other. This will not be a competitive route. If the States decided to carry on this route, it would just be a narrow-bodied jet with a sticker on the side. That is all it is ... That is not the low-cost carrier model. Under this model, Guernsey would be asking its main lifeline route to be given to a so-called low-cost carrier jet which would be subsidised to the tune of something, of £2.5 million per year, as referenced in the York Aviation Report. And that is important, Members. That is on Appendix 4, page 83, paragraph 7.29.

Secondly, service levels are likely to deteriorate. Unlike Guernsey-based airlines, these so-called low-cost carriers would almost certainly have aircraft and crews based off-Island overnight which would mean later morning departure times, early evening returns. This would reduce the length of a working day that can be achieved off-Island. And therefore, the utility of day return services to local travellers, particularly for those travelling for business purposes.

Furthermore, based on the experience of Jersey and the Isle of Man, low-cost carriers may also be more likely to cancel their services earlier than Guernsey based airlines when inclement weather is forecast or anticipated. They are also more likely to scale back service frequency during quieter

times of the year. All of this would impact the quality of our air links and we do not need to look too far to the Isle of Man where their experience has been quite sobering, post low-cost carrier entry.

Here is what York Aviation highlighted in their report about the local cost carrier model. A 55% reduction in annual flight frequencies overall between 2008 and 2019. That is not rumour, that is fact. The loss of a number of routes with a number of destinations with more than 1,500 annual passengers, falling from 18 to 10 between 2012 and 2019. The low-cost carrier model. Thirdly, fares may not remain low indefinitely. Apart from the fact we will be subsidising them to the tune of £2.5 million per year, they may not remain low indefinitely.

While the introduction of new carriers is likely to generate more competitive fares in the short to medium term, if existing airlines made way for an external dominant operator, any reductions in average fares are more than likely to be reversed in the long term. This is a standard economic theory, and we would be naïve to think otherwise.

And Members, I will conclude. This has not gone on as long as I thought it was. I must make mention of some of the responses we have had from, I think it is Members of the Guernsey Airport Action Group. And where they simply need to be disabused. I am afraid they do, Deputy Gollop.

And from, I believe it was, an email to all Deputies on Tuesday, 5th September. These have become statements of fact, and they are then trailed through the paper. We cannot respond because nothing we say is right. We are always up to something.

Now, Aurigny will, and this is what the Guernsey Airport Action Group said, Aurigny will always be able to guarantee connectivity to Gatwick, because even though it may lease its slots to another airline, it will always own them. Is it? Whilst the airline can lease its slots, it must retain its AOC to do so. If another airline operated those slots and then chose not to honour them, in full or in part, the slot co-ordinator at Gatwick could recover those unused slots and they would be lost. Anyone want to risk that today?

Something else from the Guernsey Airport Action Group. The EMAS recertification works in total will be circa £22 million – and in bold – not £79 million which has been padded out – *padded out* – the Guernsey Airport Action Group said. We, apparently, have padded out to include many items already included in the Airport Work Plan. And also £20 million on refurbishing the terminal building. Sir, again, we are all up to something.

Well, the policy letter makes it clear. Paragraph 8.13, that the £79 million cost estimate includes critical strengthening works that will enable unrestricted use of larger aircraft in conjunction with EMAS.

As previous emails to Deputies have indicated. Without the strengthening work there will be both weight, limiting and frequency and restrictions placed on large aircraft, given that the EMAS provision is only part of the overall investment to accommodate larger aircraft. People do not want to hear it, but it is a technical fact.

The policy letter also makes it clear that the £20 million terminal costs is not included in that figure. It is in the cost estimate provided by para 7.1 as I mentioned before. We had a figure of around £3 million for lane changes and the like.

They go on to say that these are all statements of fact. The runway strength is perfectly adequate for short haul flights to London using Boeing 737 or Airbus 300 Series aircraft – I can see Deputy Vermeulen nodding his head in furious agreement – as would have a low fuel load. We have witnessed an Airbus A300 Series flying out of Guernsey after the Island Games. So according to the Guernsey Airport Action Group, therefore, you can do it every day, all day, with maximum frequency. Not correct.

These aircraft were payload and weight limited to no more than 10% above the current pavement strength in Guernsey. Such movements are also capped at currently 800 per annum. That is only 800 movements per annum, with 10% over the loading. Whilst this works for more one-off events or charters, it does not provide a sound basis for regular services operated by such aircraft, and it would limit the economic opportunity presented to operators of such aircraft.

3185 So, just to recap on that. These aircraft were payload and weight limited to no more than 10% above the current pavement strength to Guernsey. My reading of that. That is not a full aircraft, full of passengers, full of their luggage, fully loaded. Our runway cannot do it.

It may be sensible to bring forward to runway resurfacing schedule in the Airport Work Plan in the next six of seven years to coincide with the EMAS installations at circa £8 million to £10 million. I cannot entirely disagree. However, the amendment indicates EMAS should be installed within a much shorter timeframe. So, if we were going to do this, we would do this all at the same time which is the point of our policy letter. I am not supposed to speak to the Members, sir. I do apologise. But I do have to, I am reflecting on an amendment which may or may not be laid. I am hoping it will not after this fantastic speech (**A Member:** Hear, hear.) No chance. Okay, fine.

3195 It may be sensible to bring forward a runway surfacing schedule to the Airport Work Plan in the next six to seven years to coincide with the EMAS installation. Well, that is not on the cards. Effectively, those are the responses.

3200 So, in conclusion, sir, Members, the cost benefit analysis of extending a runway at Guernsey Airport is somewhat positive with a net overall positive benefit of approximately £109 million. It is probably over a 40-year timescale. That is 40 years. That is not £109 million per year, that is over a 40-year timescale, probably starting in around year 12 of the process. I know where my money would be.

Nevertheless, an extended runway is, actually, it will probably be down at the Harbour to be perfectly frank with you, if I had kind of money or building houses. But there you go.

3205 Nevertheless, an extended runway is unlikely to attract new carriers without a significant shift in Guernsey's air connectivity policy for the London Gatwick routes and the role of Aurigny would need to be reconsidered as part of this. And I have mentioned the risks all through this speech.

Furthermore, a runway extension also involves significant capital and revenue expenditure to the States of Guernsey. And there are some substantial risks to the security of the Gatwick airlink future service levels and the long-term sustainability of any initial fares surveys.

3210 Having weighted up all of these costs, benefits and wider impacts carefully, and I mean carefully, we have been looking at this on and off for two years, the Committee has come to the conclusion that now is not the time to be spending significant amounts of public money on such a project. However, that does not necessarily mean that we should never look at it again. That is why the policy letter recommends the States should direct the States' Trading Supervisory Board to take account of the Committee's findings in advance of the next planned resurfacing of the runway at Guernsey Airport to take place, as we understand, in the next five, seven, 12, 10 years.

3220 But we understand through officers that the runway itself at the moment is holding up very well, as we understand it. But as a planned resurfacing in the next five to 10 years, I think we can reasonably expect that to be at the other end of 10 years, maybe even more. Or as part of the ongoing work on the Guernsey Airport Master Plan, which is interesting in itself, because if there was any criticism, whilst not expanding on it, we were always told, 'You should have extended the runway when you did it last time.' 'You should have extended the runway this time.' That is what we are advising. The next you consider it, give it to STSB.

3225 In terms of, for clarification, Members, I think that we have heard it said that STSB are not really policy givers. They are more policy receivers. They take direction. Really what we are looking at is a more commercialised Ports Board. At the moment, I cannot give direction to a Ports Board. All we can do is give it to STSB as construct.

3230 Even though it has been helpful working with STSB on the matter. And this is my personal opinion. I do not think this is a matter for Economic Development. I think it is a matter for a more commercialised Ports Board, in a different day, when they understand the whole holistic approach rather than one Committee deciding, based on the view of its members, that it wants to see if it can extend a runway in isolation of all other concerns.

So, Members, I commend this policy letter to the Assembly and encourage Members to support the Committee's Propositions.

3235 Thank you, sir, Members.

The Bailiff: Well, Deputy Vermeulen, you submitted an amendment some time ago now. Is it your wish to move that amendment now?

Deputy Vermeulen: It is, sir.

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

[Amendment 1](#)

To delete the Propositions and substitute therefor:

- 1. To direct the States' Trading Supervisory Board to prioritise the introduction of an Engineered Materials Arrestor System (EMAS) at Guernsey Airport within the current airport boundary using a phased approach with work on site commencing before June 2025 to achieve a runway length of 1623 metres.*
- 2. To agree that the initial phase of the EMAS and associated works is to be at the eastern end of the runway within the existing airport boundary and is to include consideration of whether the existing Instrument Landing System gantry can be reused (rather than replaced) and undertaking suitable modifications to the paved surfaces, instrument landing system, approach and ground lighting and associated ancillary work.*
- 3. To agree that only infrastructural works to be carried out shall be those that are necessary to enable the works described in the above Propositions to be completed.*
- 4. To agree that the capital costs of the works described in the above Propositions shall be taken from capital reserves and that those costs shall be re-couped by way of service charges and to direct the Committee for Economic Development to revert to the States by the end of the year with proposals for suitable service charges.*

Deputy Vermeulen: Thank you. Can the Greffier read out the amendment, perhaps, sir?

The Bailiff: Yes, of course.

The States' Greffier read out Amendment 1.

The Bailiff: Thank you.

Deputy Vermeulen.

Deputy Vermeulen: Thank you, sir.

We have been given a gift and you do not often hear that phrase in this Assembly. The gift is in the form of EMAS. A number of years ago, the only prospect of extending our runway was disrupting the upper parishes and using a whole lot of concrete and diggers and work. Fast forward to 2023, and the position is very different. Thanks to new technology, Guernsey can have the benefit of a longer runway without actually having to extend it outside the Airport's boundary.

The new EMAS technology, recently approved by the CAA for use in the UK, means Guernsey can enjoy a 1,623m runway inside the existing Airport boundary, inside the current Airport boundary. This provides an opportunity to future-proof our air connectivity to further improve safety to a standard we do not presently have and provide a stimulus for growth.

Now, in my opinion, there is no compromise to safety. It is not a 'nice to have', but an essential. You cannot put a price on safety.

When the EMAS opportunity presented itself during the cost benefit analysis process, this was too good an opportunity to miss and an ideal solution for Guernsey's runway.

I am amending the Economic Development policy letter because I believe that we have to move forward with this. The opportunity is too great to ignore, and we have promised action today and growth for our Island. This is truly an opportunity we cannot ignore and just kick down the road.

I think we all understand the States' current fiscal position and this opportunity comes at a time when finances are tight. Therefore, we are proposing a self-funding method for the enhancements, not too dissimilar, sir, to how our new Airport terminal is funded. I call it new, it was built 20 years ago.

The amendment intends to enhance our position, not hamper it. EMAS has recently been installed at London City and Northolt and is used extensively internationally. The cost of the London City EMAS project, including drainage, lights, ILS, totalled £18 million.

The Guernsey Hospitality Association, many of whom have a significant financial investment in Guernsey tourism and its success, the Guernsey Aviation Group and the Guernsey Tourism Partnership and its members fully support this amendment.

We have had unprecedented favour in support of EMAS. Eighty nine per cent of the Guernsey Hospitality Association's members said they thought the longer runway, using EMAS, would enhance their businesses. But more importantly, 67% of respondents said that were Guernsey to install EMAS, they would consider expansion plans. That is direct investment into our local Island economy.

I just wanted to share with you some of the comments from a recent survey they did on connectivity: Procrastination and standing still will eventually result in the further demise of this vital and important part of Guernsey's economy. Growth is not something to be afraid of, get on with it.

And another one: EMAS ticks all of the boxes, reducing States' spending from the original figure but then giving the Island the ability to introduce new carriers as well as using our own jet to its true potential. With every report that has been made over the last few years, the common denominator mentioned is that the Island will enjoy economic growth across the board. So, for £22 million, it is not a bad shout. Safety and resilience are critically important and EMAS would help that. The key for this runway would create opportunities for economic growth and much more impact than increasing the other runway in the Bailiwick. Those are the comments from the other people.

Now, sir, I believe that it is important to reiterate, the project would not impact on the funding of essential capital projects in the Government Work Plan and will be self-funded. We all hope an extension would provide the opportunity for more carriers to be attracted to Guernsey. Lower fares and more choice. A number of carriers have expressed an interest in coming to Guernsey if we did extend. There is also the opportunity for Guernsey's own Aurigny to have more options for its fleet. Much needed resilience and the ability to carry full loads on its European flights.

Sir, I like to think I am man true to my word. As you know, I have been passionate for a long time to see our runway extended and affordable air travel offered in Guernsey. This, sir, was a key promise in my manifesto.

The runway extension is a topic which has polarised views. But I am hopeful that this new technology and solution which is much more suited to Guernsey will unite these polarised views, particularly, sir, within this Assembly.

Now, the naysayers were first concerned about ruining the rural landscape. And then that no airlines would come. And then it was the cost, and now, sir, the PCN strength. That is the strength of the runway. And I just want to touch on this because this is one of the main barriers to support this Amendment.

There have been comments indicating that a PCN strength of 36 is weak. However, it was recently cleared to accommodate an A320 and A320neo operations. You can tailor weight to suit operations off the runway. And that is just what you would do with a short hop to London. You would not need a full fuel load to fly those short routes.

Only the weakest areas of the runway must be reported and some areas, the strength is thought to be a PCN of 90 plus, due to the massive thickness of the build-up provided by Langone. In addition, the planned and already budgeted, approved for resurfacing in two to three years will raise its strength further. And this timing would be perfect to fit in to the phased timing to coincide with the EMAS installation which is what this amendment allows for.

3320 Moving forward now, with the approval and planning to go ahead now provides excellent timing and combining of works with the end result seeing reductions in costs compared with each section of work being completed as separate contracts.

3325 A core test would need to be completed before work began. This is on strengthening the runway, and obviously adhere to the necessary safety measures. PCN is an important technicality but need not be a barrier to progress if measured correctly.

As the political lead for tourism, I would like to see more tour operator business and charter flights into the Island for sports tourism and special interest groups and we got a glimpse of that during this year's very successful Island Games. What is not to like?

3330 This amendment includes self-funding. It stems the losses at the Airport which are currently £4 million, through growth, which in turn, provides an additional £15 million per year over the next 40 years. Not my calculations, sir. Frontier Economics taking a high estimate view. So, it really does pay for itself. Sir, I would be very interested, who does not want growth and additional revenue?

3335 I would like to take a moment to pay tribute to our late colleague, Deputy Jan Kuttelwascher, as it was his original Requête, along with others, many sat amongst us, that got us here today. Jan was very passionate and keen to see our runway extended and the opportunities this brings secured. I would also like to thank everyone who has given me their expertise and time in helping me to lay this amendment.

In conclusion, sir, I ask Deputies to support this amendment. A vote for this amendment is a vote for our Island, a vote for growth, better safety and improved resilience.

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

Deputy Dyke: Yes, sir.

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The Bailiff: Thank you.

Deputy Dyke: Yes, sir. I am pleased to second the amendment. And may I speak now?

3350 **The Bailiff:** Well, let us just wait and see if anyone has got a procedural motion first. Is it a procedural motion, Deputy Queripel?

Deputy Queripel: No, sir, I was standing to speak.

3355 **The Bailiff:** Okay. Deputy Dyke can speak.

Deputy Gabriel: Rule 24(6), sir, was the procedural motion I was trying to make when I was standing.

3360 **The Bailiff:** Mr Comptroller, I think it probably does go further than the original Propositions because it deletes them and substitutes a new set of Propositions.

The Comptroller: Yes, sir.

3365 **The Bailiff:** Thank you very much. Is it your wish, therefore, Deputy Gabriel, that I put the motion that there be no debate on this amendment?

Deputy Gabriel: Yes, please, sir.

3370 **The Bailiff:** Thank you very much.

So, those in favour of there being no debate on the motion will get to vote first. Those in favour; those against.

Members voted Contre.

The Bailiff: I am going to declare that lost.
Is it still your wish to speak early, Deputy Dyke?

Deputy Dyke: Yes, please, sir.
Thank you.

The Bailiff: Thank you very much.

Deputy Dyke: I am pleased to support this amendment from Deputy Vermeulen, a Deputy with extensive business experience in the hostility sector, it might be noted. I feel my speech might be slightly longer than usually and I have had to write it down, so apologies for that.

For years now, we have been discussing extending the Guernsey runway. We have received report after report. Deputies who have read them will probably find their heads spinning with endless possible scenarios and projections and combinations thereof. Thousands of them if one multiplies together all of the possible outcomes. Frontier Economics have looked at the issue twice, with positive conclusions in both cases, and I will refer to that later.

But the first point I would like to deal with is the question on uncertainty. A couple of respected Deputies have said to me that they are not keen on this proposal because of the uncertainty, and that we cannot prove that this proposal will make us money. What I will try to show is that, whilst there are uncertainties, the uncertainties generated by not extending the runway, or adjusting the runway, are far more worrisome.

In terms of uncertainty, it is clear that we cannot know the future. I think Doris Day summed it up with:

Whatever will be, will be; The future's not ours to see; Que sera, sera

We cannot be certain of many things or, indeed, anything. We cannot be certain of the growth in our GDP, the growth in our finance section, given the pressure it is under, growth in our population and workforce, travel patterns, the price of fuel, the price of tarmac, the price of EMAS, the price of anything. The desire of other airlines to fly here, the success of our tourism product which I know Economic Development are working hard on.

We do not actually know whether, long-term, Gatwick will remain open to small turbo props. We know, or are pretty certain, that the scope for extending Heathrow seems to have ended and we are unlikely to get any new runways in the UK at all until the next Ice Age, with the possible exception of the Runway 2 at Gatwick if that every gets off the ground. We do not know whether it will or whether it will not.

At the moment, the UK government protects regional routes, such as our routes into the UK and routes around the UK and up to the Scottish Islands. They are quite well protected. Will that protection continue? Will that protection be withdrawn from the wicked Crown Dependencies, which are all tax havens? We will note that there is change of government coming up in the UK. We do not know what they will do.

So, we know we have concerns. We cannot have certainty. And if we insist on certainty, we will achieve absolutely nothing. It is simply to just to take all of these factors and then come to a certain result. Solomon himself could not do it. And to be honest, I do not see him here in this Assembly. Not even our dear leader, the Chief Minister. Although, obviously, he comes closest. Having supported, I am pleased to see that Kuttelwascher Requête in 2019, along with Deputies Leadbeater and Oliver.

And I would also congratulate, on this subject, I congratulate Deputy Moakes on his excellent article in the *Press* in May 2020. 'Now is the time to invest in Guernsey's future', covering the runway and other items. So, well done there, Deputy Moakes. (*Laughter*)

3420 So, we have uncertainties. To deal with uncertainty in the future, as a fact of life, we must have options. Some options are God-given, some we may have to pay for. In this case, the option will have a price, to extend the runway using the option of EMAS will have a cost, at a basic level, of approximately £22 million. And Deputy Vermeulen has worked with AECOM on those figures to come up with that basic £22 million. He has not just made it up. So that is the price of our option.

3425 And the option will give us flexibility and sustainability together with opportunities to grow the economy that will flow from this amendment. We do need this. I submit that we must have this security, otherwise we could find ourselves in very difficult circumstances when things change.

We have gone round and round in circles as to the simple point, as to whether we should give ourselves the basic capacity to land into the Island, the most common narrow-bodied jets used in Europe, namely the Boeing 737 and the Airbus 319 and Airbus 320 and the variations thereof. It is a flexibility that is already available to our competitors in Jersey and the Isle of Man and many other small jurisdictions.

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And I mentioned Jersey and the Isle of Man. In this context, the York Aviation Report, on page 40, gives an interesting comparison table, showing the relative performance of Jersey, Guernsey and Isle of Man Airports. That is page 40 of the York Aviation Report. Guernsey's does seem to be performing very badly in comparison. And I will just refer to this if I may.

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Taking 2009 as a base year, where all three Islands are rated as 100 in terms of performance. And then, we go to 2019. There are ups and downs all of the way. But we find that the Isle of Man gets to approximately 120, Jersey gets to approximately 118. So, all above 100. They have all gone broadly upwards. Whereas we, with a few wobbles and last-minute blip upwards for, during COVID, have got to 95. So relatively, Jersey and the Isle of Man are performing far better than us. They are up above 100 and we are down below it.

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Air passenger movements in the first seven months of this year are 85,000 down on the same period in 2019. And the States' Bulletin for Q2 seems to indicate that departing visitors, air and sea, show a 33% decrease, compared to 2019. So, all quite worrying directions of travel.

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I will mention the Frontier Reports that we have had to try and put it in context. We have had two Reports from Frontier, one before COVID, one after. And as Deputy Inder has mentioned, these were set up on the basis of a 1,700 m or a 1,740 m extension to the runway in the traditional manner, with no use of EMAS and running right outside the Airport boundary which would be quite unpopular, I think, with many local people. And they came up with a cost for this of £79 million to £84 million which they then amortised over 40 years.

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They broadly found that this would be economic over the period and that even on a worse case, break even scenario, we would need to generate only 8,200 to 9,900 passengers per annum. Even fewer if you use some of their happier assumptions. They do the figures with many different assumptions.

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Their mid-case scenario, in terms of growth, is 20,000 plus additional visitors, giving a net benefit to Guernsey of £109 million over 40 years. Using a 3.5% discount rate with a break even at Year 17. So, a break even at Year 17 based on their figures. Again, it is all quite speculative, but that is what they came up with.

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For that Report, which was positive, both Reports, first time round, second time round, suggested that the proposal was economic and beneficial to Guernsey over the 40-year period. The possible use of EMAS, the artificial arresting system, was not considered deeply in those Reports for reasons that are not entirely clear to me but, I think, link to the view that for some reason our Airport Authority or the CAA would not approve it. It has since become clear that the system can be installed and City Airport has, indeed, installed it. At a cost, my research has seen different figures, of between £6 million and £17 million. And they have done it at both ends of the City Airport runway. Our proposal is obviously just to do it at one end, taking our extension to 1,623 m, within the perimeter.

3465

Just as an aside, Deputy de Lisle mentioned to me that he had first raised the idea of EMAS back in 2008. So, we are not exactly quick on the uptake on this.

3470 So, the use of EMAS, to my mind, should be a game changer, both in terms of costing and needing to remove work outside the existing perimeter. It changes everything from the original proposals to extend the 1,700 m and go outside the perimeter.

We now have the further Reports from York Aviation and AECOM which to my mind muddled the waters somewhat as they begin to include aspects and upgrades that are not actually necessary from the outset.

3475 As I said, the figure that Deputy Vermeulen has come up with, in consultation with AECOM is £22 million. If you exclude things that do not have to be done at the outset. Upgrading the Airport, its security, resurfacing the entire runway etc. But even if you add up all those figures that are added in, you still come to a lower figure than Frontier were using for their extension outside of the Airport perimeter which still gave them a positive report. But I think we should work with the £22 million figure to do the basic job.

I am not naïve enough to take the view that installing this short runway extension with EMAS will be a *panacea* nor am I anti-Aurigny. I have attended pretty much all of Aurigny's management presentations since becoming a Deputy. I have great respect for their CEO and have no desire to terminate the airline, which I believe gives us important security in terms of slots and route maintenance.

3485 Their concern, clearly, is that competition from low-cost carriers would hollow out their business plan by diverting passengers. That may well be the case. It may not be the case. But we do retain licensing controls at the end of the day and Aurigny do own their slots right now. So, they have control over the deals that they would do with them if they choose to.

I think those worries colour Aurigny's attitude to this proposal. It may or may not make life more challenging for them. But the chances are it will make life more challenging. But challenges are there to be faced. Aurigny can and should operate as an enabler for Guernsey, not act as a lead weight on everything that we do in the future. (**A Member:** Hear, hear.) And I think the management would happily accept that view. Blue Islands, for example, operate in a competitive environment and survive.

3495 So, as against that, the concerns that Aurigny might have, a more flexible runway with its options in terms of payload and range would allow, for example, more charters from Europe. And it should be noted that the Frontier Report does reference the fact that larger airlines in Europe are moving away from ATRs to the jets we are discussing, the 737s and the Airbus A319s and A320s. Although, some are buying Embraers. But they are moving away from the ATRs.

3500 New routes may be possible, bringing in new clientele from other cities. We used to have more incoming charter airlines from Europe that seem to have evaporated in the last few years. We may encourage British Airways to come in, possibly to undertake triangular routes between Gatwick, Jersey, Guernsey and back again. They run triangular routes to the Caribbean quite routinely and they seem to be successful. A triangular route to two islands can be more economic than two separate routes.

3505 We have our Open Market; we try to attract people to come here. And these people that come here are very important. A lot of them bring with them their business skills, their expertise, their businesses, they set up new businesses. I could name people, but I will not in this Assembly. We have some excellent people who have moved here and have contributed hugely to the Island in terms of employment, marketing and all of those things.

3510 Now these people, when they move from places like the UK, compare many jurisdictions. They will be comparing Guernsey with Jersey. They will be comparing us with Cantons in Switzerland, with Monte Carlo, with the Cayman Islands. All sorts of places they will be looking at. And a set of decent airline connections is very important to them, especially when they have to fly abroad and interline to other jurisdictions. So, it is an important point from that point of view.

If we have new airlines, they will do their own marketing, adding to our own efforts and bringing visitors who might not otherwise have thought of Guernsey. I think easyJet mention that a lot of

3520 their client base flicks through easyJet destinations and chooses one from there. British Airways, I know, market a lot. A fantastic amount they do with their magazines and online emails to their frequent flyer cardholders.

On a subject of marketing as a side issue. It is not quite relevant to my flow. But just as an aside, note that the York Report does make a good suggestion that we could help ourselves if Aurigny rebranded as Air Guernsey which would raise our profile. That is slightly a side issue. We can do that anyway.

Carrying on with what we could do with a longer runway. Aurigny itself could have more flexibility in its special charters to Europe. At the moment, it is somewhat limited.

3530 Frontier mention the benefits for larger corporate jets. Apparently, even corporate jets cannot always land and take off here if the runway is wet. Some of them have to wait for it to dry.

New airlines would give more comfortable options for those that need it. The ATRs are quite difficult to access for the elderly, those with heavy bags, those with a broken leg and a pair of crutches and pregnant ladies. So, we would have different planes to choose from, possibly.

3535 The Frontier Report specifically mention the upgraded safety inherent in a longer runway, possibly improving reliability in fog.

Yes, one issue we had recently was with the Island Games which was actually quite embarrassing. We had a couple of countries that could not land their jets directly in Guernsey because of runway length and had to stop off en route and then come in. And at the end of the Games, we had the most embarrassing thing with the Faroes, whose plane was about to take off but could not because 3540 the air temperature had gone up which thins the air and took the runway capacity effectively down so far as their plane was concerned and they had to wait before they could take off for the temperature to go down. So that is quite important, and it is actually quite embarrassing. So that is another point.

3545 Now, there are issues that have been raised in the AECOM Report which I do think needs to be addressed. Deputy Inder and Deputy Vermeulen have alluded to it, which is the question of the strength of the runway and its PCN.

It is suggested that the PCN of the runway is not at least 50, and therefore, the A320s cannot land. Well, this is not actually the case. There are various issues here. Firstly, of all, the A320s are landing, and have landed, and hopefully will continue to do so. But what we do not know is how 3550 many are likely to come, how quickly we will build up sufficient additional flights as to make a difference to our runway surface.

3555 So, the point is, that it is not necessary at this stage, at the beginning stage, to change the rest of the runway. It is simply not necessary. And AECOM themselves point out in their comments re the current runway that their comments on the current runway are not based on intrusive surveys such as pavement coring to understand the existing strength of the runway.

Undertaking this exercise may reveal that a smaller overlay is required and as such, it may be more feasible to undertake any strengthening works that might be necessary at the time of the next routine servicing, whenever that may be. Five to 10 years seems to be the period. But the point is, it is not something that has to be done now. But the A320s can land, they do land. The position 3560 may have to be brought forward if we attract sufficient numbers of them, which would be a happy event. So, the alleged issue of the runway strength at the moment is a red herring.

There has also been pressure from Guernsey Ports to add in some routine maintenance rejected by AECOM, in particular. Guernsey Ports seem to have suggested to them that they should add in £15 million for the next Airport resurfacing which AECOM thought was an inappropriate matter to 3565 add into the cost base. So, we should not add that in.

Similarly, upgrading the Airport can wait. We currently do have two passenger security flows. We usually only use one. At least, every time I have been through in the last year, we have only been using one. If we need more airside space, that, in fact, is fairly easy to do. We can use the upstairs and connect it to the downstairs airside area, linking the two floors with a staircase and lifts or 3570 whatever.

Guernsey Harbours are running with substantial losses. I do not quite understand why they are not looking more positively at a growth option along with the sort of cost saving economies that Aurigny are currently achieving. So that is that.

3575 To turn the focus to growing the economy. This, in my view, is absolutely vital. We have spent a lot of time in this Assembly focused on social issues. We now need to spend time working out how to pay for it and growing the economy is the only way to do that. All of those knee replacements, NICE drugs, welfare benefits, do not pay for themselves.

3580 I have referred to the positive Frontier Report. If we do not generate growth, then we will end up on a downward spiral. We simply cannot just increase spending by piling on more taxes, year after year. The search for growth must be at the heart of what we do in terms of economics. (A Member: Hear, hear.)

Bear in mind that over recent years, Guernsey's rate of expenditure has been increasing at a faster rate than its rather low growth in GDP. This is simply not sustainable. This extension gives us many options to grow the economy.

3585 Now, turning to finances. There are various issues here. To start with, it appears that Runway Safe, the company that makes EMAS out of Sweden, does routinely organise with the Swedish Government, low interest loans to their clients as part of, I guess, a Swedish Government export, an attempt to assist Swedish exports. So that may be an option for the financing. Whether that covers all of it or part of it, I do not know. But working with £22 million. If, say, you took a loan out for 3590 £22 million and repaid it over 22 years. And if the interest rate was something like 4.5% which is a little bit more than UK gilts yield at the moment. They are on about 4.3%. then over the 22-year period, including capital and interest on the decreasing balance, gives about £1.5 million per annum to pay.

3595 And then there are two ways of looking at how we pay for that. The first is, the projections over the long-term are positive, so the thing would pay for itself over the long-term. Admittedly, 40 years is a long term to look forward to. But in addition, note that the Guernsey Hospitality Association have volunteered to a proposed tourism tax raising £2 million per annum which should more than cover this, ignoring the growth prospects that the Airport extensions should generate.

3600 I am not a fan of hypothecated taxes, but I think this does help make the point that this expenditure can be covered in the short-term and it shows the depth of feeling in the hospitality sector. That is most important. They are volunteering this extra tax to get them the runway they so desperately need.

I am just, as an aside, I see that Deputy Inder is determined to play the Grinch on this and take the tourism tax into general revenue. Well, I do not think –

3605 **Deputy Inder:** Point of correction, sir.

The Bailiff: Point of correction, Deputy Inder.

3610 **Deputy Inder:** I think Deputy Dyke was in the room when we voted for this as a Proposition, too. And he keeps, I am not entirely sure Deputy Dyke is a representative or a delegate. But it is not true that this is my decision. This is a decision of the Assembly to look at the consultation over a visitor levy in lieu of GST. And I do not know why he keeps repeating it and making like it is my idea. This is a decision by the Assembly. I really wish he would withdraw it because I am getting rather 3615 bored of it.

Deputy Dyke: Well, I am not quite sure that is a point of correction.

3620 Yes, I am aware that you have pointed out the Resolution to consider a tourist tax. Whether that tourist tax is hypothecated to the runway or not is not covered in the Resolution. You could look at it either way. But as I say, the point is that the hospitality industry has volunteered that and they are willing to absorb that cost because they need the runway so much, in their view. So that I think is an important point of itself, regardless of how we phrase the last Resolution on the subject.

So, this is eminently fundable and should more than pay for itself in the long run. And bear in mind again the very positive Frontier analysis for the even much more expensive option they were considering. That was £79 million to £84 million as opposed to the £22 million in play now. And they did their analysis twice.

Personally, I am very conservative with other people's money. I do not like spending the hard-earned money from our population unless I think it is absolutely necessary. But there are instances where spending for both security and growth is desirable and necessary. This is one of those instances. We must not be frozen into indecision, in terror of ever making a mistake. This is not how one gets ahead in the world.

The cost of £22 million is low, within the margin of error for some of our bigger projects. And good value compared to some others I am seeing out there. Seven to eight million pounds to refurbish the Uplands Road Office. What is that about? The Financial Crime Bureau may have to slum it with a slightly lower scheme of décor.

With £28 million the Civil Contingencies Committee has spent £28 million, more than £22 million, to finance the ferry for Condor. One million pounds, at a lower level, is even proposed just to review the Dairy, not to build anything. So those expenditures, to my mind, are very secondary in importance, compared to the £22 million we would spend initially on the runway extension.

So, to sum up, this proposal gives us valuable options that we must have to steer our way through an uncertain future. It also represents a path to growing our GDP. The business organisations in favour, especially the hospitality associations.

Do we want to stick with an inadequate runway, not competitive with our main competitors, not able to handle the aircraft currently most used in Europe which cannot even get the Faroe sports team back home when the weather warms up a bit. I mean, it is pathetic. There is no flexibility, no options for the future. Just stuck in the past with our ATRs and not much else as the world moves on. **(A Member: Hear, hear.)** When all we need to do is tinker with one end of our runway, within the existing Airport perimeter. Not to do it is akin to owning a car and not investing in that fourth wheel. *(Laughter)*

We need to focus on this one relatively inexpensive clear option. If this is amendment does not pass, my guess is that nothing will happen for another decade when another four reports will be ordered to add to our existing mountain. That would be madness, and in my view, a gross dereliction of duty.

We should not look for excuses to do nothing and lever ourselves in an uncompetitive position, *vis-à-vis* Jersey and the Isle of Man, both of whom have airports that can operate the larger planes.

All those potential years of Economic Development lost. And do remember that graph I showed you from page 40 of the York Aviation Report. You can look at it privately before you vote on this.

Do we really want to live up to the narrative that we are a useless geriatric States that achieves nothing? *(Laughter)* Do we want to manage decline like those deplorable governments in the UK in the 1960's and the 1970's of both stripes who were just happy to watch the UK economy slowly go down the pan? Does Deputy Inder want to be President for the Committee *for* Economic Deterioration? *(Laughter)* I think not.

We must give our people a plan for the future. We must not suffer from 'procrastinisation-ism' as I think our Chief Minister has said. I may have mispronounced that!

Action this day, as Deputy Vermeulen and I would always say.
Thank you.

The Bailiff: Deputy Queripel.

Deputy Queripel: Sir, thank you.

Once I have finished this speech, I will have made 500 speeches in this Chamber in 11 years. *(Interjection)* Some better than others, it has to be said. But every one a gem in its own right. And I have to thank you, sir, indirectly, for the quality of my speeches, because some years ago, you and

I were bidding for this book at Lé Viaër Marchi, (**The Bailiff:** That is true.) *Great Speeches That Have Shaped The World*. (*Laughter*) And I model a lot of my speeches off the speeches in this book, sir.

I am sure that you will recall, sir, that I bid £4 for the book. You bid £5, asking the stallholder not to sell it to me. But I bid £6. You were distracted momentarily. By the time you had dealt with the distraction, I had put the book in my bag –

I give way to Deputy Meerveld, sir.

Deputy Meerveld: I thank Deputy Queripel for giving way. I have previously suggested that he should have bid on the book, *Great Short Speeches That Influenced The World!* (*Laughter*)

Thank you.

Deputy Queripel: I am quite capable of making short speeches, sir. I have made many in my time. And it is quite ironic that my 500th speech comes at this time because it could not be more poignant actually because I am wholeheartedly opposed to this amendment. I am wholeheartedly opposed to extending the runway, unless it comes with a guarantee that it will be worth every penny of the investment that will be needed.

Now whilst I appreciate Deputy Vermeulen and Deputy Dyke *believe* that extending the runway will be an enormous benefit to the Island, they have no proof of that. No proof whatsoever. So, they are asking us to take a gamble. A gamble on a genuinely held belief.

So, if this goes ahead and the work gets done, that means we all sit back and wait and hope and pray that it pays off.

As much as I do not want to upset my good friend, Deputy Vermeulen – he is a lot bigger than me – as I have said in debates on extending the runway in the past, I am not a supporter of the ‘build it and they will come’ approach. So, I cannot support this amendment.

Now, if Deputy Vermeulen had produced a contract signed by some of the big airlines committing them to provide a service to and from Guernsey for the next 20 years, I would have supported this amendment because then we would have proof that doing this work is going to pay off. But we do not have that proof in front of us. So, we are being asked to support a belief and live in hope. And when I said that in a previous debate in a previous Assembly, one of my colleagues said, an airline is never going to sign that kind of contract, whereupon I said in response, which is why I will never support this kind of ‘build it and they will come’, live in hope kind of position.

I am a great believer in living in hope. I do it a lot in my personal life, but I do not believe in spending taxpayers’ money in living in hope. And as we all know, Deputies Vermeulen and Dyke are not the only Members of our community who believe that extending the runway will be of enormous benefit to the Island.

There was an article in *The Guernsey Press* on Wednesday 6th September, headed up, ‘Most hospitality firms surveyed want Airport extension’. And the subheading read, ‘Recent airlink survey shows majority *believe* the Island would benefit’. So that is the word ‘believe’ again. When what we need, in my view, is proof.

Now, I do have a question for Deputy Vermeulen which is, bearing in mind this is a gamble, what if we spend £22 million on this gamble and it does not pay off? What next? Does he have a plan B?

I do not think I am being pessimistic here. Totally the opposite, actually. Surely anyone willing to gamble £22 million of taxpayers’ money has to have a plan B in place in case plan A does not work. I am sure if he had a plan B in mind, then he would have told us about it in his opening speech. So, I suspect he does not. But I would like clarification and an answer to that question, please.

And also, how does he think the public are going to react if the gamble does not pay off and £22 million of their money has been spent unnecessarily.

Sir, Deputy Dyke referred to a Doris Day song in his speech. As we all know, Neil Diamond wrote a song that has become a massive crowd pleaser and is played at events all over the world, much to the amusement of the Chief Minister. The song, of course, is, *Sweet Caroline*. Well, I have come with a song also written by Neil Diamond. Suits this whole issue perfectly. It was a massive worldwide hit for The Monkees back in 1967. And it is called, *I’m A Believer*. (**A Member:** Can you sing it?)

Time is moving on. And there is also another Monkees' song that fits the bill perfectly and that one is called *Daydream Believer*. That was not written by Neil Diamond by the way, it was written by a guy named John Stewart. A member of a band called Kingston Trio, who had a number one song all over the world in 1958 called, *Hang Down Your Head, Tom Dooley*.

3730 And if this goes through and it does not succeed, surely those who voted in favour of it need to hang down their heads.

Now I am not saying any of this in an attempt to discredit or demean the generally held beliefs of those who believe extending the runway will be of enormous benefit to the Island. I am simply saying that either one of those songs would fit the bill perfectly and are much better than the one
3735 Deputy Dyke referred to when he spoke. Doris Day, *Whatever Will Be, Will Be (Que Sera, Sera)*. Yes, we will spend £22 million of taxpayers' money unnecessarily, but hey ho, whatever will be, will be.

Deputy Dyke: Point of correction.

3740 **The Bailiff:** Point of correction, Deputy Dyke.

Deputy Dyke: Yes, thank you, sir.

A slight point of correction. No doubt, accidentally. But Deputy Queripel is misquoting the context in which I quoted Doris Day. My quote was in the context of the things that might happen
3745 to Guernsey, not *que sera, sera* in terms of the Airport extension itself. My point was that the extension would give us options to deal with all of those things that might happen. So, the context was slightly different.

Thank you.

3750 **The Bailiff:** I do not think that was an inaccurate or misleading statement.
Deputy Queripel to continue, please.

Deputy Queripel: Thank you, sir.

The way that I interpreted it was, hey ho, whatever will be, will be. Colleagues have to be very
3755 careful when they quote song titles and lyrics and lines from poems in debate.

That aside, the words 'hope', 'if', 'possibly' and 'belief' were the words that featured heavily in both Deputy Vermeulen and Deputy Dyke's speeches. 'Hope', 'if', 'possibly' and 'belief'. Hardly the sort of words that instil confidence in people. That their idea, their belief will pay off.

Moving towards a close, sir. I just want to repeat. I am not trying in any way, shape or form to
3760 discredit or demean anyone who believes the 'build it and they will come', let us gamble with taxpayers' money and then live in hope approach is the right approach.

Deputy Vermeulen: Point of correction, sir.

3765 **The Bailiff:** Point of correction, Deputy Vermeulen.

Deputy Vermeulen: Sir, it is not the taxpayers' money. This is a visitor levy. Sir, this is holidaymakers coming to Guernsey, staying overnight in accommodation. Local taxpayers' money would not be used to pay for these works.

3770 And as for Deputy Dyke's beliefs and my beliefs. Yes, well, we have many beliefs. But, it is the Report that gives us, from Frontier Economic, who are highly regarded airport consultancy, a top consultancy. It is their belief. And it is from their experience.

And I am very sorry I had to interrupt your 500th speech.

3775 **The Bailiff:** Deputy Queripel to conclude, please.

Deputy Queripel: Thank you sir.

Proposition 4 reads as follows:

To agree that the capital costs of the works described in the above Propositions shall be taken from capital reserves ...

3780 It shall be taken from capital reserves. It is there in black and white. That is the taxpayer, taxpayers' money.

It goes on to say:

... those costs shall be re-couped by way of service charges and to direct the Committee for Economic Development to revert to the States by the end of the year with proposals for suitable service charges.

3785 Now, whatever happens, it is going to be funded from taxpayers' money initially. The £22 million bill, surely, has got to be paid ASAP. And it says quite clearly that it will be taken from capital reserves.

So if the intention is not to take it from capital reserves, why is that Proposition there? Why was it not taken out or why was it not amended? Why wasn't it amended to read, 'The capital costs will be covered by a levy, paid by the hospitality industry'? But why was that left as it is? That is the question I would like Deputy Vermeulen to answer when he responds, sir.

3790 We are being told in the amendment the costs will be recouped by service charges. Over what sort of time? And by the end of the year. By the end of what year? One cannot assume anything. All of these details should have been laid out. And there is no explanatory note to this amendment. All of that could have been explained.

3795 So, on that, actually, my questions are these. Who will be responsible for payment, year in, year out? Who will be responsible for the administration of the work that needs to be done until the final levy payment is made? And what will the cost of that administration actually be?

3800 And I truly believe that there should be another amendment laid to amend Proposition 4. Deputy Vermeulen and Dyke still have time to do that. I would urge them to do it so we are all clear. I do not think it is good enough to say in a speech what the intention of the amendment is. I think it should be laid out in an explanatory note.

Sir, as I was saying, I was moving to a close. I want to repeat. I am not trying to discredit or demean anyone who favours the build it and they will come, let us gamble with taxpayers' money and then live in hope approach. They have every right to favour that approach, just as I have every right to favour my approach.

3805 So I ask them all to please respect my approach as I respect theirs. Although, having made that request, I would not be surprised if somebody refers to me as a luddite at some stage in the future.

Thank you, sir.

3810 **The Bailiff:** Well, Deputy Queripel. Just by way of explanation, if this Amendment 1, proposed by Deputy Vermeulen, were to carry, then there are four substantive Propositions moving forwards. But it is open to any other Member to seek to amend any of those four substantive Propositions subsequently. It cannot be done within the context of the debate on this amendment.

And we look forward to the next 500 speeches.

We will now close the Meeting, please.

The Assembly adjourned at 5.30 p.m.