



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Thursday, 21st November 2024

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Present:

Sir R. J. McMahon, Esq., Bailiff and Presiding Officer

Law Officers

M. M. E. Pullum, K.C. (H.M. Procureur)

People's Deputies

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

Representatives of the Island of Alderney

Alderney Representatives S. Roberts and E. A. J. Snowdon

The Clerk to the States of Deliberation

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

Absent at the Evocation

Deputy H. L. de Sausmarez (*relevée à 9h 35*);
Deputy A. C. Dudley-Owen (*relevée à 9h 35*); Deputy M. A. J. Helyar (*relevé à 10h 34*);
Deputy N. R. Inder (*indisposé*); Deputy J. P. Le Tocq (*relevé à 9h 54*);
Deputy A. D. S. Matthews (*relevé à 9h 35*); Deputy C. P. Meerveld (*relevé à 9h 35*);
Deputy R. G. Prow (*indisposé*)

Business transacted

| | |
|---|-------------|
| Evocation | 2083 |
| Billet d'État XX..... | 2083 |
| 7. Review of the implementation of NICE Technology Appraisal Drugs, Treatments and Devices, and Future Funding Options – Debate continued – Propositions carried | 2083 |
| 8. Health and Safety Licensing of certain work-related activities – Propositions carried | 2092 |
| 9. Schedule for Future States' Business – Proposition carried | 2103 |
| <i>The Assembly adjourned at 11.04 a.m.</i> | <i>2105</i> |

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States of Deliberation

The States met at 9.32 a.m.

[THE BAILIFF *in the Chair*]

PRAYERS

The States' Greffier

EVOCATION

Billet d'État XX

COMMITTEE FOR HEALTH & SOCIAL CARE

7. Review of the implementation of NICE Technology Appraisal Drugs, Treatments and Devices, and Future Funding Options – Debate continued – Propositions carried

The States' Greffier: Billet d'État XX, Article 7 – the continuation of the debate.

5 **The Bailiff:** Deputy Dudley-Owen and Deputy Meerveld, you both arrived during the roll call. Is it your wish to relevé?

Deputies Dudley-Owen and Meerveld: Yes, please, sir.

10 **Deputy Dyke:** Sir.

The Bailiff: You have already spoken, Deputy Dyke. What do you want?

15 **Deputy Dyke:** I was going to ask if we could have a short adjournment for me to bring an amendment to the Proposition, to enable us to split out 1(i) and 1(ii). I think there might be some demand for that.

The Bailiff: Well, how long are you asking for?

20 **Deputy Dyke:** Fifteen minutes.

The Bailiff: I will put a motion to the States. Members of the States, are you minded to adjourn for the requested 15 minutes? Those in favour; those against.

Members voted Contre

25 **The Bailiff:** I declare that lost.

Deputy Dyke: Recorded vote, sir, please.

The Bailiff: Before I turn to that, Deputy de Sausmarez, slightly bedraggled, and Deputy Matthews, also slightly bedraggled, (*Laughter*) do you both wish to be relevé so that you can vote?

30 **Deputies Matthews and de Sausmarez:** Yes, please, sir.

The Bailiff: Thank you very much. So I will invite the Greffier to open the voting on the request for a recorded vote on the motion to adjourn for 15 minutes.

35 *There was a recorded vote.*

Adjournment

Not carried – Pour 7, Contre 25, Ne vote pas 3, Did not vote 0, Absent 5

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

40 **The Bailiff:** So there voted in favour, 7; there voted against, 25 Members; 3 Members abstained; 5 Members did not participate in the vote. That is why the adjournment request has been lost. Who else wishes to speak? Deputy McKenna.

45 **Deputy McKenna:** Sir, I only rise because Deputy Ferbrache asked me this morning would I be making a lyrical speech or I think he said a miracle speech. I do not know. (*Laughter*) But it reminds me, four years ago, sir, when we were all on the election trail, we were at BBC Radio Guernsey, Oscar Pearson was interviewing all of us and the gentleman beside me was asked the question, 'Should the people of Guernsey have access to NICE drugs?', and he said, 'Absolutely, and they should have

nice cars and nice houses.' (*Laughter*) He only failed to get in by 600 votes, so I do wonder what things would have been like. I will tell Deputy Ferbrache who it was because we both know him.

50 Deputy Roffey said something very brilliant this morning to me. He said, 'You know, if you were needing NICE drugs, you would have already been receiving other medical treatment. So it is a net cost against what you would have already been incurring.' I thought that was a brilliant thing. I know that Deputy Brouard would agree. So the NICE TAs. I was in Kerry Ward last night, Actually, it was a friend of mine, served for 52 years. We went to Ker Maria Infant School that was run by the nuns. It is now a retirement home. We will probably both end up there, from where we started. But he is there. He has, unfortunately, got COPD, cardio obstructive pulmonary disease. He actually got that from vaping. He has got bronchiolitis obliterans, which is popcorn lung. It restricts the airways. He was a chronic vaper.

60 But I do know a couple of years ago when I mentioned this, the professor from Edinburgh University said that it was not proven. Yet in China, they can turn out fresh watermelon for like 0.2 of a pence. They refuse to sell it to any of the citizens of China, but they will sell it to the western world, calling it fresh watermelon vape liquid. They are quite happy to poison us, but not themselves. But I digress.

65 Years ago, while I was at Kent University, and it was called, it was called the Sorites paradox, the heap of sand. The heap of sand is, if you take one grain away, is it still a heap of sand? If you take two grains away ... So at what stage do you take away the heap? At what stage do you take away the grain of sand, where it no longer is a heap? The question I would say is, what price a life? Is it this? Is it that? It is the Sorites paradox. What price a life? At the moment we talk about money, it is all about money. So I say, when maybe you or your loved ones are facing death – what price life? I think we should support this because we are a caring community. We have always been a caring community. So what price a life? If we vote for the NICE TAs, Deputy Roffey said, 'We already have a cost, it is just a net cost.' Net cost of keeping one of our loved ones alive.

70 For some families in Guernsey, the devastation that is caused by losing a loved one. Could be a grandparent, could be a parent, could be a child. If it helps keep one of our loved ones alive please do not – sometimes in life you cannot talk about money.

75 There is a gentleman, Deputy Ferbrache would know, he owned Jackson's garage. I think he was worth over £800 million when he had blood cancer and the tide turned. No drug could save him. What would he have paid to be any one of us today? £800 million, he was worth. He would have given it all away just to be one of us today. So let's not concentrate on money. *Money*. This is about life. So let's just vote it through (**A Member:** Hear, hear.) then we will be done in 20 minutes and we can go back home to our life. There is a lot of people in the Foulon would love to be us today. (*Laughter*) So please, let's vote it through.

The Bailiff: Deputy Queripel.

85 **Deputy Queripel:** Thank you, sir.

I have made 553 speeches in this Chamber in my 12.5 years as a Deputy. Some better than others, that has to be said. (*Laughter*) But each one a gem in its own right. Not once have I begun a speech by saying, 'I did not intend to speak on this.' So this is the first time ever, I am going to say that I did not intend to speak on this. I had no intention whatsoever of speaking on this because I thought this would sail through. It just goes to prove how wrong one can be.

90 Several of my colleagues in their speeches yesterday said they were really struggling with this. Due to the fact it is a difficult decision to make bearing in mind the amount of money we are talking about here.

95 Deputy McKenna made that point, very profoundly, just a moment ago. I get that because we are custodians of the public purse, and as such, we want to be sure that taxpayers' money is being spent in areas that benefit the people of Guernsey. Ironically, of course, many of our fellow Islanders who need NICE drugs are taxpayers. I am sure they are more than willing for their taxes to be spent on the drugs they need to keep them alive. Yesterday, in her speech, Deputy Oliver said she takes

100 drugs to keep her alive. I am in the same situation as Deputy Oliver. I take certain drugs to keep me alive because I have got a major prostate problem.

But I had to try three different drugs to find the one that suits, because of the side effects. The only side effect I get from the drug I am on now is a watery left eye, which I have to deal with. But I have got a friend in the UK who really needs NICE drugs because the alternative is to take a drug that gives her absolutely horrendous side effects. So much so that she said she would rather put up with the ailment she suffers from, to not have to deal with these side effects. But, of course, the reality is the side effects would become absolutely unbearable. She really does need those NICE drugs.

That is a major issue for people who do need NICE drugs. The horrendous side effects from the alternative drugs they would have to take if NICE drugs were not available to them. But the truth of the matter is, when we are talking about alternatives to NICE drugs, in the words of a song by The Verve, which was a big hit in 1997, *The Drugs Don't Work*.

The Bailiff: Point of correction, Deputy Soulsby.

Deputy Soulsby: I did not want to intervene, but I do think it is important to correct Deputy Queripel, and to some extent, Deputy McKenna. This is not about either/or. NICE drugs are currently prescribed and have been for a very long time. It is just about the ICER level and the relative cost of those drugs. It is not that we have never prescribed NICE drugs. Quite the opposite.

There have been NICE drugs. It is just that they are drugs that the expense – or the cumulative cost – over an existing drug that is used, which might be a NICE drug. I think it is important just to get that across. It is not about Guernsey always using these other *worse* drugs. It is just that it is to do with the ICER level.

Thank you.

The Bailiff: Deputy Queripel to continue, please.

Deputy Queripel: I get that. But it is always still about money and it should not be about money. It should be about people, which is the point I am making. I ask everyone listening to my speech to pardon the pun, sir, but these drugs are not just 'nice to have's'. They are absolutely essential for those who need them. When my good friend, Deputy Ferbrache, spoke yesterday, he said the same thing as he said when he was Chief Minister. He made a speech on the top bench and he said it is not always about money.

He said the same thing yesterday when he said he was not looking at this exclusively from a financial point of view. He was looking at it from a humanitarian angle. I resonate with that wholeheartedly. Because the point I am making – and I will keep on making it until I make myself clear – it is not always about money. But it should always be about the people. One of our fellow Islanders was featured in *The Guernsey Press* recently in an article, which I have here, headed up, 'States' funded drugs allow me to live my normal life again.' In the article, Mr Tim Osborne said:

They work really well. I have had no side effects. I am able to work and spend time with my five-year-old son and live a normal life. My illness is treatable but not curable. So the NICE drugs are extremely important to me.

I ask colleagues, sir, to put themselves in a position of someone who needs NICE drugs to enable them to have a normal life. How would they feel if they were denied access to a normal life? With all of that in mind, sir, I do not see this as a difficult decision at all. Because, like my good friend, I am looking at this from a humanitarian angle. I urge colleagues who are looking at this from a purely financial angle to please change their approach.

I cannot remember who it was, who once said, 'It is all about the economy, stupid.' But if they had said that to me, I would have said, 'No, it is not. It is all about the people, stupid.' It is the people who put you where you are. It is the people who should always be your primary concern. They voted

for you in good faith. Put their trust and confidence in you to ensure their well-being. So just remember that, stupid.

150 Thank you, sir.

The Bailiff: Alderney Representative Roberts.

Alderney Representative Roberts: Thank you, sir, and good morning.

155 Speaking from experience, ask our good consultants at the marvellous Princess Elizabeth Hospital, sir, NICE drugs are not always nice to take. But they do save lives. I have always supported the NICE drug programme and this is the very pinnacle of what I would not cut. This is one of the reasons that I supported GST, because the last one to suffer from our sick lack of sourcing a viable tax plan should be our sick. Young and old, fighting for their lives. The cuts on savings of life are wrong. Cuts destroying communities is wrong. Get an agreed and acceptable tax plan.

160 It has been too long. Do not be a Scrooge. I was a member of CareWatch for a period of time. Do you not agree, we do not know the cost of saving a drug that is less effective than a new discovery. Our suffering population need to be protected. I am not listening to quarters saying it is unaffordable because this is a very moral issue. (**A Member:** Hear, hear.) Quote:

165 For every NICE TA treatment not used, a lesser cost efficient, inferior or subterminal treatment would have to be used in its place, to which there is also undoubtedly a cost. A cost with a higher probability of a poor outcome for the patient, their family, our community and our economy. Cost of a new versus cost of using old. What is the marginal difference? We do not have that data.

The Bailiwick people deserve the same latest, effective drugs as anywhere else. (**A Member:** Hear, hear.) Not because us, politicians, cannot even agree a tax plan that supports our most vulnerable. This message needs to be carried forward. Our suffering patients must come first. This is a very moral issue and should never be considered. To cut? Yes, I agree, Deputy McKenna, what price is life? What price do you put on life? We talk about cuts. How can you cut lives? What kind of community would we be?

170 Thank you, sir.

175 **Deputy Le Tocq:** May I be relevé, please, sir?

The Bailiff: Yes, of course you can, Deputy Le Tocq. As nobody else wishes to speak, I will turn to the President, Deputy Brouard, to reply to the debate.

180 **Deputy Brouard:** Thank you, sir.

It has been a very interesting debate. We have crossed the floor of the Assembly on the capitalist side to the more left side. I have got some red category Deputies, which I will highlight. I think the timing of this debate after the Budget debate has brought out quite a few issues with regard to the funding aspect. I must admit that this is where people will fall into my red category. It is rather very perverse, 'I am not going to vote for this because you did not vote for the Budget, but I really want the drugs for everybody else. But I want you to do the heavy lifting so I can preserve my principles.' (*Laughter*) Deputy Le Tocq, thank you for that.

185 Deputy Falla started us off, and I very much thank him for his story and for his support, I think his theme will run all the way through the debate that we have had. I thank him for that. Deputy Murray was next up and he was mentioning about the health reserve and the funding. I think he almost laid down the gauntlet a little bit. What would I prefer? Well, I would prefer both. But if you gave me the choice of whether I carry on with NICE drugs funding or get that hospital built, I would go for the hospital built every day of the week, on top of everything. Because that is going to be the key to your future.

195 I will not be here for that. But you will need it and you will regret not doing the Hospital modernisation. So I would take pain on NICE drugs. But to be fair, we have got to carry on with

NICE drugs, at the level that we have got now. I will talk more about that in a moment. Deputy Inder mentioned about where P&R's position is and I will drag that out. Some of them are in the slightly red category. Deputy Oliver, thank you very much indeed for your support. I think Deputy Le Tocq was next, 'We are not blindly walking into these things. Keep it at £40,000. It is a timing issue.' Yes, a timing issue. It is very unfortunate if it is your time to need them and the drugs are not there.

It is a timing issue if you turn up to A&E and we have a sign up saying it is closed. Yes, it is a timing issue. I think he was saying that he will not be voting for it. So what is he actually saying? Is he saying that actually, from 1st January 2025, we will stop treatment for all those people going through at the moment? We are going to have probably 600 people coming through using NICE drugs next year. Are we saying we are not going to do it? It is a bizarre position. We must at least continue with the status quo. Plus, of course, there will be some drugs that will be priced higher, which will fall out of the £40,000 ICER.

There will be some drugs that will probably reduce in price and come into it. But there will also be a lot of drugs that will be issued by pharmaceutical companies that will come in under the £40,000. So we will be expanding. The cost will be going up because we will have access to more drugs under £40,000, which our Islanders need and can have that quality of life. I think that is something that Deputy McKenna was talking on.

As I put Deputy Le Tocq in that red category, that bizarre thing, that, 'I can keep my principles but I hope everybody else votes instead to make sure that things carry on.' Deputy Dudley-Owen had concerns going forward and she wanted us to think of the good of the Island. Yes, for me, the £90 million that we have on the health reserve will be able to start the Phase 2 build for at least the next three years, before we would need further funding. So we do have this substantial fund there. Phase Two is absolutely essential.

Again, I say this to Deputy Dudley-Owen, I do not mean it in a cruel way, but if you gave me the choice of a school or a hospital, I will build that hospital every day of the week before I would do the school. The irony is, and we are all guilty to it, because we have known that we have got this issue with NICE drugs for many years, since we have started it and since Deputy Soulsby brought it to the States the funding has always been on sand. Because we were using a fund that would eventually run out, no matter what happens. But instead of letting it run out in a 'slow death' way, it would be really useful to use it as a real pillar for the future, i.e. putting it towards the Hospital modernisation.

But the NICE revenue funding of drugs, year in, year out, should be coming out of general revenue, not using this static fund. It is really our failure to keep up and to make sure that our budgets have that in place. I thank Deputy Leadbeater, my Vice-President, for his support and for the explanation to Deputy Oliver. Deputy Gollop did his, 'We are not in a bottomless pit.' He is slightly in the pink category because he wants the penny and the bun. P&R need a plan. Yes, they do. We all need a plan. GST was one of them. Again, what are you going to say to people?

From 1st January you are going to be saying to them, 'I am so sorry, you are going to have to sell your bungalow if you want to spend that money on those drugs.' That is it. You are taking us back to almost the days of pre-secondary health care. Where people needed a £30,000 or £40,000 operation, they would have to either pay for it themselves or not have it. Is that what you are signifying? Again, you want other people to do the heavy lifting and take the pressure of it but you can keep your sentiments or your principles intact. Deputy Roffey, thank you ever so much for your support. What we are offering is keeping the status quo and then slightly starting to look forward to 2026, where we may be able to introduce, budget allowing ...

This absolutely goes back to what Deputy Dyke was saying – we need to start looking at what we can do in the future and where we have got services that we can bring in some of the new drugs. Some of them are really complex, and it would take a lot of effort for us to bring them in on a very small community because we would need pathology, pharmacy, etc., to a much higher level than we have now. However, there are some that we may be able to bring in, from our point of view, at a relatively low cost. But they would still be higher than the £40,000. Deputy Bury, thank you very

much for your support. You have been through the pain of being on Health, so you understand the position, so thank you for that.

250 Deputy Ferbrache, fully in agreement. Thank you, again, very positive. But we still have that situation now. He was talking about two people in different beds in Southampton. We will have that position now. There will be one person there picking up the NHS NICE drugs, virtually unlimited. Our Guernsey person will be told, I am sorry if it is over £40,000 ICER, you are not going to have it. We have that now. We also have the strange one, which really annoys neighbours. It is that you
255 could have the same drug, but it has got a different ICER for different conditions. One person can have the drug for their condition because it is rated under the £40,000, but another neighbour cannot have the drug for a different condition because it is rated for that condition at a higher ICER.

It is not sustainable, going forward for the next 10 years. Deputy Soulsby will be positive and voting for it. Thank you for that. She mentioned that we will not be able to do any more increases
260 unless we have the funding sorted out in 2025, when we are looking forward to the new Budget. So that is going to be the decision for the new Assembly. Probably in October next year. You will decide whether or not you keep the status quo, as we are hopefully going to do today, or whether you are going to move up to the next level and start to introduce some further assistance for locals.

She also mentioned something which we hear quite often as the universal offer. We do have a
265 universal offer now. There are things that Islanders will have today, which is part of the universal offer. The way it is sometimes perceived in meetings that I go to is that this universal offer is somehow going to solve things. It will do, if you make the universal offer smaller. That is when people talk about the universal offer. They are not meaning that we are going to have more treatments. What it means is that we are going to have less of them or someone else is going to
270 pay. It may be yourself or we will be moving some things, that at the moment we provide for free, will no longer be free.

Some things that are charged at the moment may well be free in the future. So universal offer does not solve it. We will still have, unfortunately, the same health issues. It is just a matter of who pays, what the offering from the Government looks like. But when it is used, especially in the last
275 few years when it has been used, it has not really been used as a tool to increase the offering. It has been used as a tool to decrease the offering. To make the cost of health care more sustainable.

Deputy Soulsby: Point of correction, sir.

280 **The Bailiff:** Point of correction, Deputy Soulsby.

Deputy Soulsby: The idea of the universal offer is to make sure we are getting best value for money for the taxpayer and ensuring that the money we are providing makes the best sense within a restricted cost envelope.

285

The Bailiff: Deputy Brouard.

Deputy Brouard: Deputy Trott was talking about the capital programme. Again, my advice cannot be any clearer: push on with the capital programme. It is not going to be cheaper next year.
290 It is not going to be cheaper the year after that. It is not going to be cheaper the year after that. The more you delay, the more cost you are going to incur eventually.

Deputy McKenna, thank you for your support. 'What is the cost of a life?' I love the term about everybody in the Foulon cemetery would like to be here today. Very good. Deputy Queripel, in support. Thank you very much. Alderney Representative Roberts, not to be a Scrooge just before
295 Christmas.

Thank you all for the debate. We need to press on, I think, and this is a pragmatic – I think some people have said – way forward for NICE drugs. We could spend, quite happily, £13 million in a few years' time doing everything. We are just very slowly moving the envelope slightly by keeping it at £40,000, at the moment. For this year or for next year, treading water.

300 Allowing for some new drugs, obviously, that will be coming in. I think that is a pragmatic approach in the straitened times that we have. My other piece of advice is do not sacrifice the Hospital. We do have a good £90 million that we can put towards Phase 2. It will be essential for the next 20 to 30 years. So please vote for all the Propositions. Thank you to everybody who has taken part, whether for or against. In my red category or not.

305 Thank you very much for your contributions.

The Bailiff: Well, Members of the States, there are two Propositions. Does any Member wish to vote differently on the two Propositions? All right. Well, we will take Proposition 1 discretely first and then Proposition 2. I will invite the Greffier to open the voting on Proposition 1.

310 *There was a recorded vote.*

Proposition 1.

Carried – Pour 34, Contre 2, Ne vote pas 1, Did not vote 0, Absent 3

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

315 **The Bailiff:** In respect of Proposition 1, there voted in favour, 34 Members; 2 Members voted against; 1 Member abstained; 3 Members not participating. So I will declare Proposition 1 carried.

Now Proposition 2, taken separately. Once again, I will invite the Greffier to open the voting on Proposition 2, please.

320 *There was a recorded vote.*

Proposition 2.

Carried – Pour 37, Contre 0, Ne vote pas 0, Did not vote 0, Absent 3

| Pour | Contre | Ne vote pas | Did not vote | Absent |
|--------------------------|---------------|--------------------|---------------------|---------------|
| Aldwell, Sue | None | None | None | Helyar, Mark |
| Blin, Chris | | | | Inder, Neil |
| Brouard, Al | | | | Prow, Robert |
| 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 | | | | |
| 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 | | | | |
| Queripel, Lester | | | | |
| Roberts, Steve | | | | |
| Roffey, Peter | | | | |
| Snowdon, Alexander | | | | |
| Soulsby, Heidi | | | | |
| St Pier, Gavin | | | | |
| Taylor, Andrew | | | | |
| Trott, Lyndon | | | | |
| Vermeulen, Simon | | | | |

325 **The Bailiff:** That was quick and the results disappeared. So I think it was there voted in favour, 37 Members. That is what I think I saw, which means that no Member voted against; no Member abstained; and the 3 who are not participating did not participate. I will declare Proposition 2 carried.

COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY

**8. Health and Safety Licensing of certain work-related activities –
Propositions carried**

Article 8.

The States are asked to decide:

Whether, after consideration of the Policy Letter entitled 'Health and Safety Licensing of Certain Work-Related Activities', dated 7th October 2024, they are of the opinion:

1. To agree that the Health and Safety at Work (General) (Guernsey) Ordinance, 1987 be amended to give the Committee for Employment & Social Security the power by regulation to license certain work-related activities involving significant hazards, risk, or public concern, and to provide for breaches of any requirements or prohibitions stipulated in any such regulations to be an offence, where appropriate, as set out in section 4 of the Policy Letter.

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

The States' Greffier: Article 8, Committee for Employment & Social Security – Health and Safety Licensing of certain work-related activities.

The Bailiff: I will invite the President, Deputy Roffey, to open the debate, please.

Deputy Roffey: Nothing to add to the policy letter, sir.

The Bailiff: Deputy Haskins.

Deputy Haskins: Thank you, sir.

I am afraid that I cannot support this policy letter. To me, the main argument in here is that the general taxpayer should not be paying for the discretionary use of power to secure compliance and legal requirements. But to me, sir, I think that the general taxpayer has been happy with paying for the inspectors to make sure that our Island is safe. Well, actually, sir, in fact perhaps maybe they are not, because I cannot tell you how many times I have heard, 'It is health and safety gone mad.' I bet there are many members of the community that would cut the funding altogether.

My question is do Members think that the majority of the public would want Health and Safety to have more power to impose more proactive conditions and licensing on work-related activities? On the premise here that it is only involving significant risks, but it also says significant public concern. Members, I seem to remember a time where the colour of lampposts were of significant public concern. I think that that threshold is a little too high. The risk to me, Members, is overregulation. In my opinion, there is very little in the way of justification in this policy letter. If I saw examples, costs and impacts to businesses, I may have been more open.

But there is no mention of the quantum in this policy letter. How much the licences will be, how many licences are expected. The policy letter at 3.4 implies more conditions can be proactively imposed. But the why is not included. What is the argument for *why* from a Health and Safety point of view? What is wrong with now? So to me, sir, option 1 sounds fine to me.

My final point, sir, is that in August we agreed the prioritisation of legislation and this was not in there. Which one of the current priorities would we want to give up? Children's Law? Discrimination Law? Domestic Abuse Law? I am sorry, sir. This is an easy choice for me and I will not be supporting.

The Bailiff: Deputy Dyke.

Deputy Dyke: Thank you, sir.

I take the same view as Deputy Haskins. We are at a time of difficulties with our Budget. We have not got one at the moment. This is more regulation that nobody particularly has been screaming for. It will involve more civil servants, more imposts, more costs. You can license anything to protect the public. You can license anything. Should you require a licence to own a goldfish? (*Laughter*) You can go on and on. I think at this point, this is not the time to make more costs for the States. More costs for the people who have to be licensed, more invasion of ...

Deputy Roffey: Point of correction.

The Bailiff: Point of correction, Deputy Roffey.

Deputy Roffey: This will involve less cost for the States. These activities were already being regulated, but not licensed. Therefore, it is the taxpayer that is currently paying for that regulation, rather than the person carrying out the hazardous activity. This will relieve general revenue. Not a massive amount. It is not going to solve our problems. But it is actually going to save the taxpayer money.

The Bailiff: Deputy Dyke.

Deputy Dyke: I thank Deputy Roffey for his intervention. There will be costs for businesses, in terms of licensing. Some of them will not bother. Whenever you cause another cost on a business, it always has to be passed on to the customer. I just do not see the point of this and I just think we should stop.

Thank you.

The Bailiff: Deputy Leadbeater.

Deputy Leadbeater: Thank you, sir.

I share the concerns of Deputy Haskins and Deputy Dyke. I do not think you are going to need a licence to own a goldfish. I do not think that is what the policy letter is all about. But it is short on detail, I have got to admit. I do want some assurances from Deputy Roffey, when he sums up, before I support this. Because it does propose to widen the existing powers of the Committee to make regulations and also permit licensing certain work-related activities. I just do not want to see scaffolders having to wear harnesses whilst working on the ground, for example. If this is just to regulate, to formalise or to transfer the cost away from the States of stuff that is already regulated, I can see that.

But it is the widening of the regulation, which I share the concerns of Deputy Haskins and Deputy Dyke. Because when you read this initially, you think, well, they are going to introduce more regulation for things on construction sites. So that is more cost going onto construction, which is going to be passed on to the end user. So it is all adding cost onto the person at the end of the line. So I do share the concerns of the other two speakers about that. I would like some assurance from Deputy Roffey that is not going to be the case. But aside from that, I will support this brief policy letter.

Thank you.

The Bailiff: Deputy Gollop.

Deputy Gollop: I am listening to the concerns and the well-made points. A little bit of background here. Actually, I did keep goldfish. The two of them, Pinky and Perky, they died. Or was it Blackie and Goldie? After a day or two! I was not looking after them right. Unfortunately, their replacements lived a lot longer.

I sat on Employment & Social Security for a long while. I used to take an interest in Health and Safety. It is a bit of an outlier, perhaps, the ESS, because it belongs with Health. Or Economic Development, it used to be part of that. But we took it on and I volunteered to go and look at the pollutants, the pesticides and the explosives. I do not think they wanted me doing that.

But what I did do is I went along, whenever I could, to the Guernsey Occupational Safety and Health Association (GOSHA). They used to have lots of breakfasts in January that I enjoyed going to and other events. But more seriously, they would hire out a St Martin's hotel at 7 a.m. on a January morning and they would get buy in. There would be dozens of people, mostly men but also women, who would attend and listen day after day to talks on health and safety being given by professionals in their field. Not just the Health and Safety officers. There did seem to be support from the general construction and other industries. People attending there would be surveyors, architects, builders and other workers.

I think there are perhaps one or two flaws in this policy letter. Because I think it assumes a greater level of knowledge of all of us than is there. It is written in quite nuanced terms. Like Deputy Leadbeater, it is a bit short of examples. I am scratching my head to think of what it would apply to. Because it clearly would not be scaffolding because that is already covered. I suppose it might be ... He mentioned harnesses. I would be thinking about tools, equipment, welding. Possibly plumbing. Possibly use of heavy equipment, gases, canisters or holds. All sorts of things like that. I am guessing. There is a whole range of things here. If one looks at the policy letter in a more nuanced way.

I was on the Committee for a long time and we actually started looking at significant upgrades of legislation in conformity of best practice and best standards pre-COVID. Indeed, it has only been the limitation of resources that I think has fomented this coming earlier. Because it is not a sudden impulse, as implied, that comes after the Government Work Plan. It has been part of the conversation for much longer. My first instinct when listening to other Deputies was that it has to be proportionate to Guernsey. I think the middle option that is chosen, option 2, achieves just that. Moving beyond the pesticides and the risks, they said:

Regulations made by the Committee under this proposed new power would require licensees to proactively manage risks ...

Health and safety is not about being a policeman or being a financial drain. It is actually to prevent accidents. The point is clearly made at paragraph 1.5, it would not just manage risks in accordance with relevant industry good practice:

... it would impose conditions in relation to the operation of the relevant activity, or activities, while enabling the recovery of regulatory costs, currently borne by the taxpayer, through the charging of licence fees.

Now, move further on with this. Some of this legislation goes back to 1905 and 1924. There was a weird rule that women could not work in a quarry, I remember, amongst other things. It does need to be upgraded. The proposed introduction of licensing of certain work-related activities is divided into three options. Now, do nothing. I have sat on Committees too long, where I say, 'Let's do nothing. Let's kick the can down the road.' That is not really a very Statesmanlike position.

Option 3, which would enable the Committee to make regulations, including, but not limited to, licensing for work-related activities, protect the public from the risks. I am actually quite daunted because guess what? Do you know what that is? It not only shadows and follows the UK, but it clearly introduces – I love this – executive government, ministerial government. They put the parallel of how a nice Minister would actually decide, he or she, and not come to this Assembly. That would be great, but that is not what they are suggesting. They are suggesting option 2. I think option 3, would certainly be a bridge too far for many Members, at the moment.

Option 2 is a middle course. It would not just introduce licences, but it would have the benefit of setting clear expectations and standards. Unfortunately, the policy letter does not quite go into what those standards are. But I am sure we could do research on that ourselves or go to these lectures. It requires health and safety inspectors of businesses to navigate and interpret various

courses of actions. I do not believe in this there is any suggestion of a significant, or indeed any, increase in staff. (*Laughter*) I think there is demand that instead of the taxpayer ... We have had this discussion for ages.

Planning, I hear a Member of the DPA, sardonically chuckling, perhaps. Once upon a time, when I was young, the early IDC Committees, Island Development Committees, used to give planning permission for free. Even to big projects. (**A Member:** Yes.) We now charge for it. Deputy Ferbrache remembers. Probably Deputy Roffey does. I think, today, we know that much of planning is building capital. It is about development industry. It is commercial, in some respects. It adds on to property valuations. All the rest of it. We charge for it, rightly or wrongly. I do not think we would go back to offering it as a free service.

This is transferring the charging from the taxpayer to the user, to improve practice. I think it has the potential, if there is not a significant increase in staff, to make money for the States. It also clearly says that there is no intention to make a profit on it. I think sometimes we set our charges too low. Because when you look at the cost of staff time, that can be an issue. On balance, the devil will be in the detail. But I think the option suggested is not only a way of moving health and safety to the next level of prevention and best practice. Preventing judicial review, maybe, and unnecessary prosecutions, because things get better. It is also proportionate to our situation.

The Bailiff: Deputy Vermeulen.

Deputy Vermeulen: Thank you, sir.

Small businesses in Guernsey and big businesses, too, are probably struggling at the moment already. Secondary pensions have been forced on them. Large increases in Social Security on their way and constantly going up, year on year, and now GST. At what point do we say business has had enough and it cannot afford these fees being thrust on them? Time and time again. I am not minded to support this. Unless, there is a glimmer that Deputy Roffey can convince me that he has been in negotiation with the businesses that raise these concerns with me, sir, as Lead of construction and tourism and all the rest of it, and are struggling to employ numbers, are reducing the numbers that they employ. With these ever-increasing charges; these hurdles that are constantly being put in their way, which these businesses are struggling to get over. Another licence fee. There are no charges in here. But I would be very interested to hear who Deputy Roffey has consulted with and what the charges and fees might look like, bearing in mind all these increases they have already had thrust on them this term.

Thank you, sir.

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: When I originally read this, and in fact, until I heard Deputy Haskins' speech, I was going to read it through. Because anything that saves money seems to me to be a good idea. But I heard Deputy Haskins' excellent speech and the also reasonably good speech of Deputy Dyke. Therefore, they persuaded me that this is not, at the moment, a Proposition I can support.

Then I was persuaded a bit back by Deputy Leadbeater because, of course, he is a practical person. He is certainly not a bureaucrat and he, for example, spent a lot of his life working in the building industry. So he knows about rules and regulations and no doubt has cursed some of them for being imposed upon the building industry, in the past. I am sure that is the case. But the person who has convinced me to probably vote against these Propositions the most is the speech of Deputy Gollop. (*Laughter*) Because it causes me angst in relation to regulation, etc. Regulation is like topsy. It only grows. Although it may save the taxpayer a little bit we do not know how much.

Deputy Roffey has already said it is not going to take us to the Promised Land. If we introduce and give powers to introduce under option 2, which is the middle course, apparently, under section 36 of the relevant Ordinance. It is going to be more regulation. It is going to be more cost to business. It is going to be yet more bureaucracy. People say, 'Yes, we want to save money, but not

510 in our Department. Yes, we want less bureaucracy, but not in our Department. Yes, we want less regulation, but not in this Department.’ This might be a small step for freedom, but it is one I am going to take.

I always commend Deputy Roffey. I like Deputy Roffey’s speeches even when I disagree with them. They are always entertaining and they have got words I ... I am reading Boris Johnson’s book at the moment. I have got to look up a word every page because I do not understand some of the words and I think I have got a reasonable vocabulary. Deputy Roffey may be able to persuade me that I am wrong but I do not think he will, because this will mean more regulation. As the speaker before me, Deputy Vermeulen said, there is enough regulation.

520 **The Bailiff:** Deputy Gabriel.

Deputy Gabriel: Thank you, sir.

I am wondering if this is the thin end of the wedge. Some Members might know that I have an affiliation with an outdoor activity company. I speak with them regularly. For them to be licensed to operate and the costs recovered from them for the license fee seems a duplication of effort to start with. They are already not necessarily regulated, but taking advice from UK bodies. It is mentioned at 2.6 that for some sectors, the licensing will involve or the activity involves undertaking sector-specific nationally benchmarked audits.

530 These companies are already being audited by UK operators or UK-affiliated operators who come here to Guernsey. Of course, that does not come for free. Again, if they want to get anywhere or even buy any equipment from the UK, they have to be regulated or conforming to standards. Those standards are industry standards, not necessarily licensed standards by HSC. They are industry measures and they have to have industry affiliation. At a cost to them, they are sending their staff away on training which is at a certain level. Again, all regulated by their industry.

535 **Deputy de Sausmarez:** Point of correction.

The Bailiff: Point of correction, Deputy de Sausmarez.

540 **Deputy de Sausmarez:** I think I am right in saying that it is the States that funds for that, people who do that accreditation to come over. It is the taxpayer that funds that. Not the business.

The Bailiff: Deputy Gabriel.

545 **Deputy Gabriel:** To continue, their staff attend training. All at the cost of the business, so they can provide the service in Guernsey to an agreed standard. Certainly, outdoor activity providers, they have got people’s lives in their hands. They do that safely with the correct equipment, all day, every day. Based on industry standards, the training that they have undertaken, the experience that they have. And again, the industry standard audits.

550 So I wonder if this is a duplication of effort. I also wonder if the licence fee is only going to be based on cost recovery. If that is going to be the States’ level of cost recovery that is set. I am wondering whether I can support this because, again, as Deputy Haskins and Deputy Ferbrache have ably described, this is an increase in regulation. It is going to grow. As I said at the start of my speech, the thin end of the wedge.

555 Thank you.

The Bailiff: Deputy Soulsby.

Deputy Soulsby: Thank you, sir.

560 I feel like I have been living in a parallel universe, listening to some of the comments this morning. We had Deputy Dyke and Deputy Vermeulen speaking about how awful it was to put

more charges on businesses, but at the same ... Deputy Dyke and Deputy Vermeulen, I believe you were quite happy to increase company registry fees just two weeks ago. This to me, makes absolute sense. I do not see this massive regulation that is going to be coming through.

565 I will give way to Deputy Dyke.

Deputy Dyke: I thank Deputy Soulsby for giving way. But regarding the company registry fees, the proposal that I brought forward was for a sub-inflation increase that was something that had not been increased for about 20 years. That was what that was about. It was not imposing new obligations, it was simply raising a fee to halfway up the inflation level.

Deputy Soulsby: In my mind, that is an increase of cost to companies, if you are going to increase their fees. I think there is probably a misinterpretation of that in the policy letter. It is growing to becoming a fact that it is much more regulation. Whereas the reality is, it is a user-pays principle that people are doing this activity. They should be licensed and charged for it. Why should the taxpayer? To me, that makes complete sense. There are rules within the States, in response to Deputy Gabriel about not being able to profit from the work that is undertaken. I think this absolutely makes sense. There is a lot of correspondence going on about the need to raise more charges. This is probably one of the areas that makes the most sense. I will support it.

580

The Bailiff: Deputy Helyar, do you wish to be relevé? Thank you very much.
Deputy Oliver.

Deputy Oliver: Thank you, sir.

585 Most of you know that I was a surveyor. We had to go and listen to these health and safety lectures and, whenever you saw it come up in your diary, you were always just like, 'Oh, what is going to come up now?' I have to say that many of the health and safety experts have actually never been in that industry. You do wonder, what are they going to come up with next? It is just more bureaucracy. Some of the health and safety ... are really good. They are really sensible and they actually help. Some of it is just a load of codswallop, if I may say so. I think where a lot of people are getting ... As we always say, the devil is in the detail. Unfortunately, as much as we keep saying, 'Make sure we have shorter policy letters!' This one does lack a lot of detail.

I think it would have really helped if we had actually known what the health and safety regulations were that we were actually going to start charging for. But where it does worry me is that we just keep making things more expensive. I know this is just charging for something the States already pay for, but some of the legislation and the safety regulations, you just look at them. If you go out on site and actually try to do some of the things that you have to do ...

It reminds me of this advert and I cannot remember what the advert is actually for, but the child starts off walking in cotton wool and then he goes, 'Oh no, hold on, we should have a padded suit'. So he goes out in a padded suit and then he is actually in this air bubble. I just think sometimes we need to just take a step back with regulation, particularly health and safety. To go, 'Do we actually really need this?' If we do not, let's just get rid of it.

600 Thank you.

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

Deputy Dudley-Owen: Thank you, sir.

No more regulation. No more bureaucracy. Absolutely. Is it tying people up in knots? Possibly. But what we also know is that there are some areas which need significant improvement. It is interesting to hear Deputy Gabriel talk about an outdoor sports business that he is involved with. We know that every year there is a call for greater safety around water and outdoor activities. In fact, one incident happened this year which could have been very serious, resulting in a loss of life, through people who were not well-versed with our shores.

615 Going out in choppy weather where employees were less than well-versed in what the regulations and safety standards should be around letting people who do not know about the weather conditions in the sea, going out in kayaks. We also know that when we walk around, there are some businesses that do not pay as much heed to the health and safety of their employees as they should do. We know that there are instances of long-term consequences of injuries incurred through a lack of health and safety being implemented around some workers. I know of one case
620 where a young, fit, healthy person has been subjected to a significant back injury after having to use a kango hammer for an induced amount of time.

That starts to put an extra cost on Employment & Social Security for long-term injury and care. In one instance, I think that a person that has been in contact with some Deputies around a prolonged use of opioids, after a significant injury in the workplace. Not long ago, I saw someone
625 at a building firm catching scaffold poles on the west coast without wearing any helmet or safety goggles. There is a myriad of things that we see every so often. You think, maybe that person is pretty fit and healthy, but if something does go wrong, that cost then comes back on the taxpayer. That individual has a long-term injury that has to be supported by the taxpayer.

I will give way to Deputy Ferbrache.

630 **Deputy Ferbrache:** For just about every single example Deputy Dudley-Owen has given, the law already covers that. You have got to wear a hat. You have got to tie your scaffolding properly. You have got all those things already. So I am not quite sure when she is going to come to a point about things that are different.

635 **Deputy Dudley-Owen:** The point I was going to make to Deputy Ferbrache's point is that, actually, it is not happening. He is saying it has already happened, there is already law in place – I will give way to Deputy Haskins.

640 **Deputy Haskins:** Thank you.

The argument here is that this is just a formalisation, a licence of exactly what is happening now. It is not about increasing, do not worry. It is just about formalising, making a licence and paying for it.

645 **Deputy Dudley-Owen:** The point that I am trying to make, sir, is that it is not happening across the board. Because we see examples of this in everyday life, where members of the public have got in contact with me about various issues that they are very concerned about. Either issues where they have been involved in rescuing swimmers or people who have hired equipment going out on the sea. Or where they have witnessed things and they have told me that they have witnessed bad
650 practice. I, myself, have witnessed worrying practice through various trades. There are so many trades where things are happening really well so where things do not happen well, it stands out nowadays where risks are taken.

I think people do see it with gardening firms, certain of them. I do not know what companies they are. Where people are clearly ... where a cyclist might go past and a strimmer does not stop
655 strimming. Where they are not actually wearing visors, etc. It is clear where those really simple health and safety considerations are not being implemented in the workplace. If this allows for a licensing scheme which is at the user-pays level and it is not increasing burden on the taxpayer. I am very happy for this to happen, if it means that enforcement is going to be enforced and the extra burden of regulation is not to the point of tying businesses up in knots because I do not agree with that
660 whatsoever.

But I do agree that workers must be safe in their environment and so must members of the public. If this assists in that instance, and Deputy Roffey can assure me of that, I will be supportive of this measure. Because one of the reasons for me standing – I do not want to try and cast aspersions on business practice – but there is a pocket of business, where clearly across sectors, this
665 is not happening to the degree that it should be.

Because if it was happening, you would not see those instances that are concerning for members of the public or for me on a first-hand basis that I have seen where scaffold poles are being dropped from a height, where people are not even wearing helmets. I think that we do need some of that reassurance because clearly this conversation has gone off in all sorts of different directions. Possibly Deputy Roffey would have rued now not having made further of it in his introductory speech.

The Bailiff: Alderney Representative Roberts.

Alderney Representative Roberts: Thank you, sir.

I do not actually support this for Alderney for a number of reasons. Before health and safety arrived on our doorstep, I was almost killed twice by very close, dangerous accidents. If it was not for Lady Luck, I would not be here. That happened twice. Very close. It has got that bad now, you will need a tabard and scaffolding to go to the toilet. *(Laughter)* This is something that is growing too fast. It is growing and I am afraid I cannot support it. I cannot support it for Alderney, sir. Thank you.

The Bailiff: Deputy Matthews.

Deputy Matthews: Thank you, sir.

I have listened to the debate with interest. I do find it a little surprising that the Health and Safety executive reports into the Committee *for* Employment & Social Security. It does seem like an odd arrangement. You could make a very good case for it to be reporting to the Committee *for* Health & Social Care, the Committee *for* Economic Development, Environment & Infrastructure. In fact, almost any Committee of the States. You could make a good case for Health and Safety to be part of it. It does seem a bit of an oddball for it to be part of Employment & Social Security.

The reason why I mention that is because it is clear from this debate that there is a really wide variety of views in this Assembly about the value and appropriate applicability of health and safety rules. In the community, there will be a huge variety of rules as well. Some people will, as Deputy Dudley-Owen, very strongly support much more in the way of regulation, licensing and making sure that things are done properly. Whereas, other people will have exactly the opposite view and will say that it should not, it has gone too far.

Health and safety gone mad is a cliché, but it is one that you hear a lot. The reason why I mention that variety of views and the strangeness of Health and Safety reporting into ESS, is that reading the policy letter, it takes away the decision-making from this Assembly to ESS. Reading paragraph 3.2, it says:

The Committee envisages that licensing could be applied to any higher risk work-related activities, as deemed necessary and proportionate by the Committee.

I take it that it would be by regulation, but I take it would be the Committee that would make decisions about what higher risk activities need to be licensed and what do not. That does not sit well with me, in terms of where the decision ... It seems odd that this is in the Committee *for* Employment & Social Security in the first place. It seems odd that this would be a decision that would come to ESS rather than be debated in the Assembly. It seems to me, a more technocratic approach that I would not really be in favour of. I would prefer to see more detail about what exactly it is envisaged would be regulated or licensed. Because there are an awful lot of other costs as well.

A lot of people have mentioned about costs and whether this is a cost to the taxpayer or whether it is a cost to industry. Health and safety can impose an awful lot of unseen costs on industry. Especially in construction, as an example, where I am always hearing people say that, 'It was not many years ago that if you wanted to fix a loose slate on a roof, you could just go up on a ladder and do it. You could do it in an hour and it would be done.' Whereas, now you need a scaffolding

or a cherry picker to do it. The cost that this imposes can be very high. Much higher than the licensing cost or the taxpayer cost of the regulation or the licensing itself. I think that it is important that these do have –

I give way to Deputy Dudley-Owen.

Deputy Dudley-Owen: I thank Deputy Matthews for giving way.

I hope I am not going to pre-empt what he says next. But would he not agree with me that the cost of someone falling off a roof and breaking their back, actually the cost to the taxpayer, is a greater cost than hiring some scaffold? Though I do appreciate in the current climate that actually hiring a scaffold, which Members of the Committee for Education, Sport & Culture will know, can be excessively expensive. But the point is that the personal injury and the life opportunities lost and the cost to the taxpayer can be very high as well.

Deputy Matthews: I thank Deputy Dudley-Owen for her intervention and for making the case that proves the point that there is such a wide variety of views about the value of this type of activity. For me, it would be more appropriate for the Assembly to have a greater degree of transparency and oversight of these types of licensable activities. Rather than sort of hiving it off in ESS, where it does not seem like the right ... If we had a Committee for it and they were open meetings, perhaps you could make a case for it.

But for it to be just a small part of ESS, to me, does not really make a lot of sense. I would ask if Deputy Roffey can convince me and explain to me exactly what the process would be for a future Assembly. How would it come about that something would be licensed and the decision would be made? How would you object to it, if, as Deputy Dyke says, you objected to the idea of licences for goldfish, as an Assembly? How would that decision-making process happen? Unless I hear a good argument, I am not really inclined to vote for the Propositions. It just seems a little bit too vague and without enough detail to get my vote.

Thank you, sir.

The Bailiff: Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Thank you, sir.

I think this is a good case of a confused policy letter. One of the key problems is that it does not have enough details for us to judge what the problem is that we are trying to solve and the outcomes and intention of this policy letter. I think there has been confused narrative about what it is trying to do. Two narratives are around. Is it about cost recovery? So we are starting to charge for the activity that the Health executive is doing? Or is it about not better but more regulation? Off the back of that, the implication is that by having more regulation and licensing, you will enable better health outcomes.

The problem is that we do not have the details of either. If this is about cost recovery, there is no information about what activities you are talking about, what licensing fees are you talking about. If we talk about outdoor providers. As far as I understand, there are two outdoor providers. How much are you going to charge them; £100, £200, £1,000? From two providers, if you charge £100, you will get £200. I am not sure how far that does go to cost recover the activity you would have to undertake. In order to take licensing activity, surely you will have to provide the standards that they have to abide by to achieve their licences.

That means you will probably have to put more resources for the executive to actually regulate those activities. For them to be able to understand what the standards are that this activity should be abiding to, etc. To do regulation better, the implication is that you probably need more investment so that you can actually understand how to licence regulate those industries better. There is a complete lack of information, in terms of if this is about cost recovery. What are we talking about? What is the budget of the Health executive? Which activities? What is the amount of fees we are potentially talking about?

What is this actually going to achieve? Then, the second side of the argument, which I think Deputy Dudley-Owen has been trying to bring forward, is around the principle that potentially more licensing and more regulation achieves better outcomes. Again, I do not see any evidence or information that this kind of activity for better licensing will achieve better outcomes. I appreciate that Deputy Dudley-Owen gave some examples but they may not necessarily relate to the fact that there may be accidents. There is no causality that having a licensing regime will potentially reduce the types of incidences that Deputy Dudley-Owen is talking about. In absence of understanding what the problem is with lack of licensing and regulation ...

The problem is we do not even know what activities we are talking about. We do not have the information to understand whether this is required or whether this is more of a nice to have. The fact that Deputy Roffey did not even give a speech and that this policy letter is about eight pages long, I am not in a position to make a decision, unfortunately, on this policy direction. I think I would like to understand more detail about what the problem is that we are actually trying to solve. And the likely outcomes, both in terms of cost recovery – what that actually means – and both in terms of what will be the better outcomes that a licensing regime, to which industries will achieve.

Thank you.

The Bailiff: I will turn back to the President, Deputy Roffey, to reply to the debate, please.

Deputy Roffey: Blimey. This has been a very big mountain made out of a molehill, here. Which I do not really blame Members for. I am not in a rush to get back out into that weather either. *(Laughter)*

Our forefathers decided that for people engaging in hazardous activity that needed a degree of regulation, on a commercial basis, that they should cover the cost of that regulation rather than Mrs Le Page. At that time, the only activities that were deemed to fall into that particularly hazardous camp were explosives, petroleum and pesticides. Now, we are trying to put in place a really quite simple bit of legislation to last for many decades ahead.

We are going to follow that the ideas follow the same principle as our forefathers, i.e., to make sure that when people are, on a commercial basis, doing things that carry exceptional levels of hazard that needs to be regulated, that they should – that business ... Yes, Deputy Vermeulen, it is a business cost. Not particularly massive, but it is a business cost that should fall on the business. But some people have said, 'Which business?' We do not know, in 10 or 15-years' time. We do not want to have to be changing the law all the time. We want to have the ability by regulation to whoever.

I totally agree with Deputy Matthews. It is a bit odd that it is under ESS. I do not know how it came into our patch. It is a bit like Legal Aid. If any other Committees would really like to take it on, then feel free. But at the moment it is us. And as for why would the Committee make a judgement? I think wherever it sits, the Committee will make a judgement. But they would do it on the advice of the Health and Safety executive, who are the experts in this area. We have heard that tired old cliché from Deputy Haskins about health and safety gone mad. Well, I genuinely believe that Guernsey's Health and Safety executive is not an example of overzealous.

I know people will always have individual instances where they believe that they may have been, but by and large, I think that they are a very pragmatic and very sensible bunch of people. They already, under other powers, not licensing, under the Health and Safety Law do make sure, to the best of their ability, that those activities that carry extra hazard are regulated. They are not regulated through licensing, but they are regulated by the Health and Safety executive at the cost of the taxpayer. All they are saying is that by bringing in a simple licence system, not only will the regulated entity know exactly what they need to do, they will be paying for it rather than the taxpayer.

That seems to me to make absolute sense. If it does not for Members, I am not going to go and slit my wrist. It is a small way in which we can reduce what, I think, is a cost that wrongly falls on the taxpayer at the moment. A few individual comments. I can assure Members that goldfish are quite safe. *(Laughter)* There is no intention of going down that rule line.

But whichever Committee the Health and Safety executive sits under in the brave new world, if they make regulations, as I understand it, they need to be laid before the States. And if the States think that they have taken leave of their senses in what they are doing, they will simply not accept that regulation. I believe that is right, sir, I am looking to you for guidance. But, yes. So the ultimate political control, Deputy Matthews, still falls with this Assembly. But I disagree with you that it should be the Assembly ... (**Deputy Taylor:** Point of correction.) that does the donkey work and go –

The Bailiff: A point of what?

Deputy Taylor: A point of correction.

The Bailiff: Point of correction, Deputy Taylor.

Deputy Taylor: I think I am right because I have checked this with Madame Procureur, but the regulations made would not come back to the Assembly.

The Procureur: Sir, that is correct. This is one of those very rare examples where the 1987 Ordinance does not provide either for a power of annulment or for a power of approval. Therefore, the regulations would come into force as made. It is a rare incidence. But the ordinance would, of course, come back to the States in any event.

The Bailiff: But when the legislation, if this were approved came back, then that could be included.

The Procureur: That is absolutely right. The regulations themselves would not, but the Ordinance would. So that is correct.

Deputy Roffey: Then I am happy to give ... Just one minute. I am happy to give the assurance on behalf of my Committee, who I have not consulted. (*Laughter*) But I am happy to assure on their behalf, that if this is approved, when the legislation comes back to allow this to happen, we will seek to have built into the clause that all the regulations in future made under it should come back to this Assembly. Because I believe, as a matter of principle, that regulations under any piece of legislation should do that anyway. Otherwise, we are morphing towards executive Government. I know nobody in this Assembly wants to see us move in that direction. There has been some hyperbole here.

Alderney Representative Roberts, 'When are we going to need a licence to go to the toilet?' I was not altogether surprised because I remember Alderney actually resisting any form of health and safety regulation coming in at all. Until there was a really tragic accident with their harbour crane many years ago, when suddenly they realised that they needed to come into the modern world and do it. A bit like maybe crash helmets and seatbelts. I admire their piratical independence but there are some basic rules in life which I think they would find quite useful to adopt. But the point is here no more members of staff, no more cost. Stuff that is being done anyway. The cost of the taxpayer.

Sorry? I am not quite sure what my Vice-President is saying to me, but I am sure it is something deep and meaningful. (*Laughter*) But at the moment, under the powers – not licensed powers, other powers – these activities, quite rightly, and they do involve a whole range of things, like outdoor activities – and I believe they ought to be. I think the people of the Island and visitors ought to be assured that when they pay their money to a commercial business that the basic health and safety standards are being maintained. I do not apologise for that at all. It would be doubtless ... So there is no creep, there is no extension.

But I cannot say that there will not be in the future. People may start doing things in five years' time. New business activities that carry clear hazards with them that I cannot even conceive now. So that is why it is generic rather than in detail. But, basically, the main difference will be clarity for

870 the businesses of what they need to do. Rather than Health and Safety executive turning up and
using their other powers to say, 'Please stop doing this, do that instead.' Clarity for them. The cost.
We are not talking about massive costs here, but rightly falling on those that require that sort of
oversight, rather than ordinary Islanders. I am not going to die in the ditch but I think it is absolutely
the right thing to do. I am quite astonished that it has raised quite so many concerns this morning.

875 **The Bailiff:** Members of the States, there are two Propositions. They are interlinked. Therefore,
I am proposing to put them to you together. I will invite the Greffier to open the voting on both
Propositions.

There was a recorded vote.

880 *Propositions 1 and 2.*

Carried – Pour 20, Contre 17, Ne vote pas 1, Did not vote 0, Absent 2

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

The Bailiff: In respect of these two Propositions, there voted in favour, 20 Members; there voted
against, 17 Members; 1 Member abstained; 2 Members did not participate in that vote. I will declare
both Propositions carried.

POLICY & RESOURCES COMMITTEE

9. Schedule for Future States' Business – Proposition carried

Article 9.

The States are asked to decide:-

*Whether, after consideration of the attached Schedule for Future States' Business, which sets out
items for consideration at the Ordinary States Meeting on 11th December 2024, they are of the
opinion to approve the Schedule.*

885 **The States' Greffier:** Article 9, the Policy & Resources Committee – Schedule for Future States' Business.

The Bailiff: Deputy Trott, is there anything you wish to say?

890 **Deputy Trott:** Only to say, sir, I have nothing to add to the Schedule in front of States' Members.

The Bailiff: No amendments have been received, so the Schedule is put to you as it stands. Similarly, I will invite the Greffier to open the voting on the Schedule.

There was a recorded vote.

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

| Pour | Contre | Ne vote pas | Did not vote | Absent |
|--------------------------|---------------|--------------------|---------------------|---------------|
| Aldwell, Sue | None | None | None | Inder, Neil |
| Blin, Chris | | | | Prow, Robert |
| 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 | | | | |
| 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 | | | | |
| Queripel, Lester | | | | |
| Roberts, Steve | | | | |
| Roffey, Peter | | | | |
| Snowdon, Alexander | | | | |
| Soulsby, Heidi | | | | |
| St Pier, Gavin | | | | |
| Taylor, Andrew | | | | |
| Trott, Lyndon | | | | |
| Vermeulen, Simon | | | | |

The Bailiff: So in respect of the Schedule for the next Meeting, there voted in favour, 38 Members; no Members voted against; no Members abstained; 2 Members did not participate. Therefore, I will declare the Schedule duly carried, so you know what is coming for the next Meeting.

900 That concludes the business. I hope you do not get too wet going home. Can we close the Meeting, please, Greffier.

The Assembly adjourned at 11.04 a.m.