



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Wednesday, 29th March 2023

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Present:

Ms J E Roland, Deputy Bailiff and Deputy Presiding Officer

Law Officers

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

People's Deputies

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

Representatives of the Island of Alderney

The Clerk to the States of Deliberation

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

Absent at the Evocation

Deputy M. A. J. Helyar, and
Alderney Representatives S. Roberts and E. A. J. Snowdon (*relevé a 2h 30*)

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States of Deliberation

*The States met at 9.30 a.m. in the presence of
His Excellency Lt Gen Richard Cripwell
Lieutenant-Governor and Commander-in-Chief of the Bailiwick of Guernsey*

[THE DEPUTY BAILIFF *in the Chair*]

PRAYERS

The States' Greffier

EVOCAATION

CONVOCATION

The States' Greffier: Billet d'État IV and Billet d'État V 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, 29th March 2023 to consider the Items listed in this Billet d'État which have been submitted for debate and Billet d'État V is convened pursuant to the provisions of Rule 2(4) of the Rules of Procedure.

Statements

COMMITTEE FOR POLICY & RESOURCES

General update – Statement by the President of Policy & Resources

The Deputy Bailiff: Good morning, everybody.

The President of P&R has asked, and has been given, permission to make a slightly longer Statement this morning. As a consequence, there will be a longer period of questions of up to 40 minutes, if that is needed.

Deputy Ferbrache.

Deputy Ferbrache: Thank you very much, madam. Good to see you, and I am grateful for being given permission to make a longer Statement.

The idea is to provide a summary of the Committee's work since the Tax Review debate, as well as on the wider Committee business of P&R. We spent, as an Assembly, over two sessions – probably five and a half days or thereabouts – discussing the various proposals, so I do not intend, as there is little point, in revisiting the arguments, save for just a few comments which I believe set out the actualities, realities and challenges we face.

Irrespective of how we voted in that debate, the reality is that as an Assembly we need to accept that it is the job of all of us to take the steps we must take – and they are undoubtedly difficult – to

secure the Island's finances both now and as much into the future as we realistically can. This must not be a lame duck Assembly. It still has over two years to run. We cannot breathe a sigh of relief that we have put off the difficult positions that we fail to make and continue with beneficent largesse, dispensing public funds in the belief that decision day will never come – well, at least not on our watch.

Before substantively moving on, I just to give Members a quote or two from articles I have recently read. These relate to another jurisdiction, but they could equally apply to us. The first was by Matthew Syed, who wrote:

We are in favour of cheaper housing but against the reform of planning restrictions necessary to achieve it. Or take the polls that say we want better healthcare but not the higher taxes or reform ... that would make it possible.

He also wrote, and I smiled inwardly when I read it, as oh so true, and let's see what happens in our April debate:

It was the self-same people who wanted ... better healthcare and lower taxes, without noticing the contradiction between the two.

The second quote, madam, relates to the challenge that we face. Again, in an editorial comment relating to another jurisdiction, but also largely applies here, and the quote is:

Incomes have stagnated against a weakening economic backdrop. People born in the 1940s and 1950s roughly doubled their earnings in real terms between their late twenties and early fifties. Those born in the 1960s enjoyed a rise of about half. On present trends people born in the 1970s will get less than a quarter extra over these twenty five years. This decline in the power of income growth has coincided with a boom in the value of assets, helped by more than a decade of rock bottom interest rates and quantitative easing. Wealth inequality has yawned as housing equity has swollen. There are many more people who own their own home outright than there are paying a mortgage. Most of the former are over 65. Difficulty in getting onto the property ladder is the most immediate indicator of the intergenerational divide

Those are challenges that we need to address. We must all understand the financial position facing the Island. The numbers are clear. I am certain though that with the positive action we can turn this around. It will take time, energy, and I stress the next phrase, political courage. It means refocusing the priorities of Government, being clear on what we can and cannot deliver, and providing support and opportunity for growth across the community.

My Committee is up for the challenge. I fail to believe that anyone with the privilege of serving in public office in this Assembly could or should shrink from seeking to meet the challenges to be faced. So with that in mind, what are we doing? We are addressing squarely, and I am not referring to the Freemasons, the Resolutions passed by the States in the Tax Review debate.

We have set up a cost reduction subgroup and I am pleased to confirm that under the leadership of Deputy Mahoney, it will include Deputies Meerveld, Vermeulen, Kazantseva-Miller and Mr Dave Beausire. They will meet soon and will work with Principal Committees as well as the community to understand the now and what we can do differently in the future.

I believe this group, comprised of sensible people, will not be focused on achieving savings through salami-slicing of services or tinkering around the edges, but intend looking more fundamentally what we do and how we do it. A key element will be considering how we can work closely with the expertise existing throughout the Island. We as a Government cannot do it all.

We have asked that this group concludes its work by this term next year, earlier than set out in the Resolution. However, the group's work will not be able to report in time to inform the 2024 Budget-setting process. Therefore, the Committee has spent time considering the approach to cost-cutting to be adopted for that Budget, which Principal Committees will need to start to turn their attention to shortly. It is therefore important that we are clear on the reality of the situation.

As discussed with Committee Presidents just last week, and we will be writing imminently, the 2024 Budget will be developed on the basis that there will be no overall real-terms growth in Government expenditure. Given unavoidable cost pressures within HSC and elsewhere, and some new service developments which we cannot avoid funding, this will lead to Committees needing to

60 deliver real-term savings of between 2½% and 3%. We do not pretend that will be easy, but that is the reality of what is needed.

Separately we have set up a subgroup to progress the work regarding taxation. This will take advantage of, and build on, the work already undertaken and the views expressed in the Tax Review debate. It will be led by Deputy Helyar and supported by Deputies Moakes and Trott. Again, they
65 will meet shortly and consider the group's wider membership and will focus in the first instance on progressing proposals centred on corporate tax for consideration before the end of this year.

Further, additional work by officers to assess all schemes in the current capital portfolio is due to be presented to the Committee in the coming weeks. This will provide core information needed to allow engagement with Principal Committees during April. Some are saying we are processing
70 this with undue haste. I disagree. We have no time to waste. The Island's infrastructure is one of the great legacies left to future generations. It is thanks to the foresight of our predecessors that we have facilities such as our harbours and Hospital. Time does not stand still and we must act as responsible custodians, both for our Island's finances and our physical resources.

A number of funding decisions around infrastructure were paused in the months leading up to the tax debate and some are expected soon. We cannot in good faith, save for emergencies, consider anything other than small funding requests for critical work until such time as the States has agreed its revised priorities, nor can we allow the current uncertainty to continue for any longer than is necessary. That is why a review of the Capital Portfolio is seen as a leading priority and why we aim to report back to this Assembly in July. In doing so, we will work with Committees to, where
75 possible, reduce, re-phase and rationalise the current portfolio of projects to become more realistic and manageable.

That will be underpinned by three key considerations. Firstly, the strategic fit. What that means in English is does it provide what the community needs. Is it what we need to be doing, or what we would like to do? (**A Member:** Hear, hear.) Secondly, affordability. Can we manage it? Can we afford the ongoing revenue cost? Can we afford it having regard to the increasing cost of construction?
85 And thirdly, deliverability: do we have the resources to deliver it?

Funding is a significant limitation, but also we have to be realistic about the availability of resources generally. We do not have in this Island sufficient resources to progress lots of programmes of considerable complexity. We have, when addressing one, two and three that I have
90 just referred to, to be realistic. We intend, and should intend, only to commit to projects which we have the capacity to see through to conclusion. That said, we recognise the importance of our construction industry. We want to ensure that we give it reassurance that there will be a consistent pipeline of future projects that will enable it to survive and prosper.

We need more housing. This is one of our most serious, if not our most serious, goals and needs.
95 The Strategic Housing Indicator policy letter will be debated during this Assembly, and will provide opportunity to discuss the additional accommodation requirements in order to meet housing needs. From a P&R perspective, we continue to support cross-committee activity to increase the housing stock.

My view, which I have recently expressed – it is a personal view – is that we need to be radical.
100 Seeking to operate within existing structures and rules is now inadequate. I spoke before about the need to reframe and re-phase the work under the Capital Portfolio. The same is true of the Government Work Plan. It is now clear that the GWP as it stands is simply not deliverable in this term. The financial and human resources required to service its many workstreams simply cannot fully be met. Complex workstreams are difficult to deliver quickly in our Government structure, so
105 we only must do those that are achievable.

Deputy Murray and I wrote to all Committees in January, asking them to consider their responsibilities and assessing where work with duly critical, or when it could be paused or rescoped to reduce resource requirements. Every Committee responded promptly and I am grateful to them. What is clear is that there are no easy answers and further engagement is planned shortly with
110 Committees, as final proposals for the GWP are developed ahead of its debate in just a few months' time.

115 While the theme of this Statement may have been doing less in order to do it better, it is important to not lose sight of all the great work that is already beginning or happened. We continue to work towards the Moneyval inspection and I am grateful for the considerable continued cross-committee work to ensure that we are best prepared as we can be. I cannot stress how vitally important it is for our economic well-being that such resources as are needed are provided, so that we can be best prepared as reasonably possible.

120 The Reciprocal Health Agreement with the UK came into effect in January. We worked closely with the Committees for Home Affairs and Economic Development on complex and fast-paced negotiations for international trade agreements. Lots of work is being done in, and with, London and elsewhere to ensure our Bailiwick interests are understood and respected.

125 Also, Deputy Le Tocq and the External Relations team have supported Economic Development in extensive discussions with the EU, France and the UK to achieve as full information as possible of the fisheries provisions of the UK-EU Trade and Cooperation Agreement, helping our Bailiwick fulfil its obligations in post-Brexit Europe and enabling co-operation on other matters.

Our team has also negotiated the Bailiwick's participation in the UK-France Maritime Security Treaty, which is aimed to provide further security for passenger vessels crossing the Channel. The Committee for Home Affairs and the UK have agreed how the Treaty will operate within our waters, and that Treaty is due to come into force in May.

130 During the last six months the Island has formally reported to the UK and international bodies about how this Bailiwick achieves required standards for certain treaties in which we already participate. This allows us to demonstrate our commitments to international standards, and in some cases open doors to future economic relationships.

135 Finally, I am very pleased to be able to say that we have recently been advised that the nurses and other health professionals have now accepted the pay award. It was encouraging that the results of the further ballot showed a high level – in fact a very high level – of acceptance for it, as the Employer believes that offer was extremely fair, balancing as it does the need to recognise contributions of those across the public sector, while having regard to the realities of our financial situation.

140 Of course it is frustrating for all parties involved that it has taken so long, nearly a year, to reach the resolution, but the Committee is pleased that the ongoing uncertainty for healthcare staff is now at an end, allowing them, as they always do, to focus on providing critical services. And also, the fact is, in many instances, receive substantial sums by way of back pay. I have been given an example. Whilst of course all are different, depending on grade, hours worked and other factors, by way of illustration an experienced, qualified nurse can expect to receive a lump sum of about £4,000 in back pay.

145 This development also means that only teachers and lecturers are yet to accept pay offers, and although disappointing that they alone, among our many staff groups, have failed to recognise the clear merits of the offer, we look forward to this being resolved soon by an industrial tribunal.

150 In closing, I would like to reiterate my final sentence of my recent letter to *The Guernsey Press* and ask all States' Members to think the same. I am a States' Member because of what Guernsey has done for me and what I want it to do for so many in the future. This is a great place to live and work. We are not immune to the challenges facing countries and jurisdictions elsewhere, but it is within our gift to make Guernsey and continue in its place of being an opportunity for all.

155 Thank you very much, madam.

The Deputy Bailiff: Deputy Falla.

160 **Deputy Falla:** Thank you, madam, and I thank the President for his very comprehensive update. He talked of a radical approach to housing, and indeed in his recent *Guernsey Press* article mused on a taskforce of mixed skills, politicians and other professionals, to find appropriate land, build high-rises and create a public-private finance facility. A great idea and exactly the kind of thing that I had hoped would have come out of the Housing Action Group some time ago. Could he please

165 tell the Assembly why this has not happened before and how and when he proposes to move it forward?

The Deputy Bailiff: Deputy Ferbrache.

170 **Deputy Ferbrache:** I was a member of the Housing Action Group and very ably assisted by officers and my colleagues Deputies Roffey and de Sausmarez. We did what we could, but we had to do it with the parameters of the existing rules. What we are seeking to do, what I would be seeking to do, and I will be seeking to approach States' Members in the next two or three months and then go out beyond that, is to say let's bring proposals before the States, let's make them radical. I think it would probably need a policy letter or some public document being published, to say, 'These are our ideas.' And as Deputy Falla has said, it is not just simply to States' Members, it is a mixed bag of skills.

The Deputy Bailiff: Deputy Gollop.

180 **Deputy Gollop:** Thanking you.

Some of us read in *The Guernsey Press*, that also received a solid letter from a major representative of the construction industry who was worried that we might misplay the economic model and have a shortfall in investing in our infrastructure. Would Policy & Resources be prepared to consider an additional bond, or borrowing, prior to an election in order to pursue the infrastructure without having gaps and austerity measures?

The Deputy Bailiff: Deputy Ferbrache.

190 **Deputy Ferbrache:** That must be a matter for the States as a whole, not just for P&R. What I said in my Statement is that I would hope that we will give confidence to the construction industry that there will be a steady throughput of work for them. What we do not want to do is overheat the market and at the moment the construction industry is red hot. It needs to temper down a bit but it does not need to go cold as it was. I can remember, when as President of Economic Development some years ago, having construction members of the industry coming along and saying, 'We've got no work.' We do not want to go back to those days, but equally we do not want to be paying excessive prices.

The Deputy Bailiff: Deputy Matthews.

200 **Deputy Matthews:** Thank you, madam.

The President mentioned in his speech about where he quoted an article which talked about an asset boom, driven by low interest rates, that has led to housing equity being concentrated amongst those born in the 1960s and 1970s and earlier. That also corresponds with healthcare cost, which arises largely in the same group. Does the President agree with me that this points towards a refresh of our property taxation as a potential way to raise revenue in the absence of a sales tax? *(Interjections)*

The Deputy Bailiff: Deputy Ferbrache.

210 **Deputy Ferbrache:** I think that is a very fair point. Deputy Matthews is one of those who took up the challenges at the Tax Review debate to come up with some detailed proposals, and although I commended him at the time. I did not support them. But we have to look at that. We have this intergenerational thing that oldies like me and Deputy Trott, we have got properties that have increased in value, because that is the way that it is. I do not want Deputy Matthews's child or

215 children in due course to be in a position whereby he or they cannot afford to get on the housing ladder.

The Deputy Bailiff: Deputy Cameron.

220 **Deputy Cameron:** Thank you, madam.

Can the President provide an update on the steps being taken to address the persistent and frequent downtime of the Government website gov.gg? (**A Member:** Hear, hear.) The website has been inaccessible for over 27 hours this *month*, with a staggering total number of 195 downtime incidents, which is causing significant inconvenience to the public.

225 The website serves vital community functions and its stability is essential. Furthermore, it is concerning that users have not been notified of these outages, neither prior or during these incidents. This lack of communication is unacceptable and exacerbates the issue. Can the Chief Minister clarify what measures are being implemented to improve the website's stability and assure that users are promptly notified in the event of any future outages?

230 Thank you, madam.

The Deputy Bailiff: Deputy Ferbrache.

235 **Deputy Ferbrache:** I am grateful Deputy Cameron did have the courtesy of telling me that he was going to ask that kind of question yesterday. It falls into two parts ... [*Inaudible*] What happened over the November/January catastrophe, because it was a catastrophe, I met with the Head of the Public Service just last Friday with the people from PwC who are doing the report. It should be with the States in the next four or five weeks, perhaps before, but as soon as possible. It is going to address both what happened in November, December, etc., and what steps we can take going forward.

240 Deputy Cameron though makes the point: we have constant blips, and they are more than blips – I do not mean to undermine what he says in relation to that – and we have got to do better. What I am told is that we have got 114 IT projects that are under consideration. There is no way that either Guernsey or the States of Guernsey can satisfactorily progress 114 IT projects, but it should concentrate on the core services. So the only assurance I can give is that best endeavours should be done, as much as being done is possible within the time, but he raises a very good point. I am grateful for the question.

The Deputy Bailiff: Deputy St Pier.

250

Deputy St Pier: Madam, Article 72A of the Reform Law provides that where it is proposed that provision of a draft Act of the Parliament of the United Kingdom shall apply to Guernsey:

... the Policy and Resources Committee shall, unless that Committee considers it unnecessary, submit the proposal to the States of Deliberation, in order that the States may signify their views on it.

255 The UK Illegal Migration Bill, clauses 30 to 36, provide that those clauses, if they become sections, will have a direct effect in Guernsey. Can the President provide an assurance that, under those circumstances, that draft Act would be presented to this Assembly in order that this Assembly could express its views before it was submitted for registration before the Royal Court?

The Deputy Bailiff: Thank you.
Deputy Ferbrache.

260

Deputy Ferbrache: Thank you, madam.

I think all I can say ... It is a good point and I understand the point. Discussions are taking place, have taken place, through the good grace and expertise of Deputy Trott and others – Deputy Prow

265 has also I think been involved in relation to those considerations, I mentioned it in my speech – to look at the issues that Deputy St Pier has arisen. What I do not envisage happening – but of course it is not ultimately for me, it would be for the Assembly – is that we have a detailed debate on the treaty.

The Deputy Bailiff: Deputy Bury.

270

Deputy Bury: Thank you, madam.

In today's *Press* a story details that in 2017 under the STSB the lease for the tenants of Herm was extended to 2069. I believe that responsibility for the Herm lease now sits under P&R. Could the President give details of any leaders that are in place in that lease to tackle issues that arise in the running of Herm, as concerns about this have been raised with various Members in recent months?

275

The Deputy Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Thank you.

280

I was surprised to see the article in *The Guernsey Press* this morning as well, because it looks as though it is old news and it did not have much in their thing today. Perhaps they will have lots tomorrow. Because they have heard my speech, no doubt they will fill all 32 pages of *The Guernsey Press*. But in relation to that, it is old news, almost, because it quotes Deputy Parkinson when he was President of the relevant Committee, that the lease was extended then. I do not have to hand all the detailed provisions of the lease. It would no doubt have that the tenant must do this, that and the other, and also the States will have obligations.

285

I did see the lease years ago when I was in a position of presidency of the relevant Committee, but I was not involved in the extension of the lease. I am sure that it is a good and balanced lease. I cannot imagine that Deputy Parkinson would have allowed anything other than that.

290

The Deputy Bailiff: Deputy Roffey.

Deputy Roffey: Following the failure to realise any meaningful output from the recent tax debate, would the President of P&R agree with me that any attempt to balance our books in the medium term by revenue cuts in spending alone is doomed to failure; and therefore, however hard and frustrating it might be, we are obliged to look once again at ways of significantly increasing the States' revenue to cope with the demographic challenges that this Island faces?

295

Two Members: Hear, hear.

300

The Deputy Bailiff: Deputy Ferbrache.

Deputy Ferbrache: I absolutely agree. I commend again – and I have said it before and I do it again, and I will probably do it in the future – Deputy Roffey for his support in relation to the Tax Review proposals that were brought forward. (**Deputy Le Tocq:** Hear, hear.) He is absolutely right. We cannot sit round, as I said, and be a lame-duck Assembly for the next two years or so. P&R are addressing those. There will be proposals in the Budget, they have not been finalised yet, and we do invite any contributions from any States' Member.

305

The Deputy Bailiff: Deputy Burford.

310

Deputy Burford: Thank you, madam.

At the very start of Deputy Ferbrache's speech he referred to wealth inequality and quoted around that. I just want to ask the President as if what he is referring to is higher rates of tax for higher earners?

315

The Deputy Bailiff: Deputy Ferbrache.

320 **Deputy Ferbrache:** I think people who earn more, have got more, should contribute more. High earners ... I have got this hobbyhorse because I have never inherited anything and know other people that have, that perhaps they could make a greater contribution voluntarily. But turning back to the point in question, then I think also we have got to have a tax system that gets money from those that can realistically pay it to help those who realistically need it. How we achieve it is a difficult balance.

325 **The Deputy Bailiff:** Deputy Soulsby.

330 **Deputy Soulsby:** Can the President advise why the choice of the non-States' member on what he has described as the cost reduction subcommittee was by invitation only and not through an open and transparent process? Indeed, not the process generally accepted when seeking members of the public to sit on Committees.

The Deputy Bailiff: Deputy Ferbrache.

335 **Deputy Ferbrache:** We just wanted to get on with something, and we have confidence in our Members. Deputy Mahoney heads one group, Deputy Helyar will head the other. I have worked with those people for the last two and a half years or so, and though we have had the odd disagreement – no doubt we will have the odd disagreement going forward – we do work cohesively as a team and I have confidence in those particular people heading up those particular groups and picking their particular team.

340 In the old days – Deputy Trott and I would remember – there used to be a team of selectors that picked the England football team. The first one who was able to pick his own team was Alf Ramsey. He then won the World Cup three years after becoming the England manager. I am hoping that Deputy Mahoney and Deputy Helyar can take us towards the promised land, even if they cannot win the World Cup.

345

The Deputy Bailiff: Deputy Vermeulen.

Deputy Vermeulen: Thank you, madam, and I thank the President for his update.

350 So infrastructure spending potentially being cut. In P&R's view, what should remain as priority projects and why?

The Deputy Bailiff: Deputy Ferbrache.

355 **Deputy Ferbrache:** Deputy Vermeulen, if I have misunderstood, please will he correct me. We are looking at the capital projects. We are working as quickly as we can on that. Some are saying we are coming too quickly, but we are going to come back to the States in July and the States will decide what capital projects can be afforded, what should be re-scoped, what should be re-phased going forward. I am not going to express a personal view now. I have my own personal views, but I think it is a matter for the States in a few months' time.

360

The Deputy Bailiff: Deputy Gabriel.

Deputy Gabriel: Thank you, madam.

365 With regard to the services and savings subcommittee headed up by Deputy Mahoney, given that Health & Social Care is the largest spending Committee, could the President advise why there is no one from that Committee on the subcommittee, and also what the future governance arrangements will be for those subcommittees?

Thank you.

370 **The Deputy Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: Health & Social Care is the biggest spender of public money. Then we would have had, 'Why shouldn't there be somebody from Education?' which is number two and whatever. It is a matter of balance. We let Deputy Mahoney discuss it with P&R and pick his own team, but we were very much able to contribute towards the final resolution of that team. I think it is a good and balanced team. The proof of the pudding will be in the eating.

375
As for governance, I hear that word so much nowadays. Governance is important, substance is more important, getting things done is more important and I would rather they hit the ground running. They will work their own rules of governance, they will act properly and they will make sure that the best job that can be done is done.

380

The Deputy Bailiff: Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Thank you, madam.

385 At the recent P&R Scrutiny hearing, it was signalled that if the States wants to achieve the same level of return for the States' investment portfolio it will need to reallocate a significant portion of its portfolio to private equity investments, which is a much riskier and illiquid type of investment. Could Deputy Ferbrache confirm that this is being seriously considered by P&R, given that it is the Committee that sets investment mandate for the States' Investment Board?

390 Thank you.

The Deputy Bailiff: Deputy Ferbrache.

Deputy Ferbrache: A very good question; I am grateful it has been asked. We have an Investment Board, of which Deputy Helyar is a member and we have investment advisors. They are taking on board exactly the point that the Deputy has raised in relation, to make sure ... You have got to balance it. You cannot be too risky, but you have got to make sure that you get the best possible return that you can.

395

400 **The Deputy Bailiff:** Deputy Meerveld.

Deputy Meerveld: Thank you, madam.

Following the rejection of GST, obviously we have a revenue shortfall and Deputy Roffey questioned yourself about increasing taxes. You have invited Members to contribute, or Deputy Ferbrache has invited Members to contribute in trying to find ways. Obviously people like myself and Deputy Blin are working on things like seabed leasing that could bring in significant revenue.

405

But does Deputy Ferbrache agree with me that we also need to look at rationalising the size of Government and decide exactly what our Government should provide? So a combination of increasing revenues, but also working with the community to decide what size and style of Government we want going forward and, in my opinion, reducing the creep towards a woke Government?

410

Thank you, madam.

415 **The Deputy Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: I largely agree with Deputy Meerveld. The last sentence of course, I never try to use such pejorative or aggressive language in any of my speeches ever, but in relation to all of that, (*Interjections*) the serious point going forward is of course we have got to look at what we

420 can do. We are trying to do too much as a community. It would be wonderful if we had all the resources, but we are 63,000 people, add our good folks from Sark and Alderney we are 65,000, 66,000 people. We cannot do what 66 million people do. We just have not got the economies (A Member: Hear, hear.) of scale or the people to do it. But a good point, I am glad he has raised it.

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

Deputy de Lisle: Thank you, madam.

Much has been made of the pending financial crisis of the States of Guernsey by the Chief Minister in his deliverables. But as I understand the Budget of a few months ago in November, it showed a revenue surplus of £33 million, and the year before over £50 million surplus. Can the Chief Minister clearly make to Islanders the fact that the pending financial crisis is the result of all the monies that the States want to spend on capital projects, but not in terms of the revenue surplus that is currently held?

435 **The Deputy Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: I take out the word 'pending' financial crisis – we do have a financial crisis. We can still pay the bills, electricity bill will still be paid tomorrow, we will still have electricity on in this Assembly tomorrow, I hope. But in connection with that, I have got the provisional income and expenditure position for last year. So it is still provisional because it needs, as ex-Treasury Ministers and Chief Ministers will know, it takes a few months ? 10.04.41??? finalised.

Total revenue income was budgeted last year for £533 million; it ended up being £565 million. Expenditure was £528 million, nearly £529 million, against £525 million. But investment gain was budgeted last year to be £22.1 million. There was a loss of £46½ million. So therefore the revenue position, instead of having the budgeted surplus of £28.6 million, had a revenue deficit of £15.4 million. It was budgeted to spend £70 million on capital expenditure, £45 million was spent, so we had an actual total deficit, that means we have got less assets that we otherwise would have had, of £60,536,000. To me, that is of financial concern.

450 **The Deputy Bailiff:** Deputy Trott.

Deputy Trott: Thank you, madam.

Deputy Ferbrache may be surprised to hear that we have two things in common: our fevered support of Tottenham Hotspur Football Club and the fact that neither of us have ever inherited a penny.

Deputy Ferbrache's statement was very comprehensive and I am grateful to him for it, But he said, I think, in the preparation of the 2024 Budget there will be no overall real-terms increases, and went on to say that savings of circa 2½%, 2% to 3%, would be needed. My question is does overall mean in aggregate or with regard to individual departmental and service-wide allocations? I ask specifically because we all know that Health & Social Care costs are rising significantly, at a greater rate than the already high levels of retail inflation we see within the economy.

The Deputy Bailiff: Deputy Ferbrache.

465 **Deputy Ferbrache:** Again, I am grateful for the question. It is in aggregate. Health & Social Care will still go up and there are one or two other things that will go up. We are going to have to spend money on Moneyval, as Deputy Trott I know fully accepts. But in aggregate it will mean a reduction for just about every other Committee, assuming of course the States agrees – we can only lead the horse to water, we cannot make it drink – a 2.5% to 3% reduction.

470 **The Deputy Bailiff:** Deputy Haskins.

Deputy Haskins: Thank you, madam.

475 Given that the Policy & Resources Committee is responsible for bringing the policy letter for the Development Agency, after it is agreed by the Oversight Group, I would be grateful if the President can explain why this has not been lodged when it should have been lodged by 30th January; and if he could also outline any monies that have been spent thus far, given the board members have not been appointed or ratified by the States?

The Deputy Bailiff: Deputy Ferbrache.

480

Deputy Ferbrache: Thank you.

485 I believe it is to lodged May, probably June. It is a good point. The reason for the delay is that people had to be interviewed, there was other work that had to be done. I will get back to Deputy Haskins and Members with the amount of money that has been spent so far. I do not think it is considerable. I think it is probably less than £100,000, but I do not have the figure at my fingertips, so I will make sure that the States' Members are informed.

The Deputy Bailiff: Deputy Burford.

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Deputy Burford: Thank you, madam.

495 Following on really from Deputy Trott's question about budgets and Health & Social Care in particular, does the President consider, given the very large increases in this political term so far in Health & Social Care's budget, that at some point we are going to have to see if there is a way that we can actually do things smarter to arrest these costs, rather than just expecting the very small-spending Committees to keep funding above-inflation increases in the budget of Health & Social Care?

The Deputy Bailiff: Deputy Ferbrache.

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Deputy Ferbrache: I think, and I am joking, that Deputy Burford has been listening to Deputy Murray in P&R meetings, because that is the point he raises just about every time when we have a meeting. She makes an absolutely valid point: we cannot continue ratcheting up the initiatives. There has to be a serious consideration both by P&R and the States in general.

505

The Deputy Bailiff: Deputy Falla.

Deputy Falla: Madam, given the shortage of finance and resources in the public sector, could the President please say what level of focus there is on commissioning and outsourcing where value for money can be achieved?

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The Deputy Bailiff: Deputy Ferbrache.

515 **Deputy Ferbrache:** Again, a good question. That is always a consideration. That is a consideration going forward. I touched upon it in my Statement. I think we have to do more of it, because we simply do have the resources in house.

The Deputy Bailiff: Deputy Taylor.

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Deputy Taylor: Thank you, madam. I rise to seek a bit of clarification on the response to Deputy Haskins' question. Is it the position that Policy & Resources will be bringing one policy letter to both ratify the members of the board of the Development Agency and its Chair, and also ratify, or bring forward for debate, their

proposals in one policy letter? Or we will simply be ratifying the approval of the board members about a year after the first appointment was supposed to be made?

525 Thank you.

The Deputy Bailiff: Deputy Ferbrache.

530 **Deputy Ferbrache:** The point arose – not quite that point, but a similar point – at the Scrutiny hearing meeting recently. What will happen when the policy letter comes in May, more likely June – anyway, in the next few months – is it will be seeking to ratify who the people, the shadow members, whatever we call them, are, and that will be a decisions for this States, but also touch upon some other matters. And it will be one policy letter. But what it will not do is say that they are proposing – because they have been working gently behind the scenes as you would expect over the last few
535 months – that we should suddenly fill in Belle Grève Bay and we should suddenly build an office block on the North Beach carpark. Those are, if they ever come, for far in the future.

The Deputy Bailiff: Deputy Soulsby.

540 **Deputy Soulsby:** Just following on from Deputy Roffey's question, given the veracious desire since the tax debate to cut spending and bring forward the review on the capital portfolio, why is there not the same sense of urgency from P&R to bring back revenue-raising proposals, and work with Members across the States to make it would happen in July, rather than waiting until the Budget?
545

The Deputy Bailiff: Deputy Ferbrache.

Deputy Ferbrache: It is that word 'resources'. We have got to have priorities. Our priority is the one that I have already mentioned.
550

The Deputy Bailiff: Deputy St Pier.

Deputy St Pier: Madam, in the last couple of weeks we have had news that some third-sector partners have been defunded, if that is a word, (**A Member:** Yes.) the Dyslexia Day Centre being
555 one of those, and Headway being another. I do not expect the President to have details or knowledge of those particular decisions, but it is more the principle of working with the third sector in the context of the challenge which is being faced by P&R, led by Deputy Mahoney, to look at the most cost-effective working. And whether that raises any issues or concerns for the President and his Committee, because it does appear that we are saying one thing, but moving another direction
560 in certain areas and seeking to reconcile those two positions.

The Deputy Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Again, a good point, but those are generally for the individual Committees.
565 There is one that has received a lot of publicity, which was not a P&R decision. It was a decision of the individual Committees and they are responsible for their own budget. I am not going to go into that individual issue. I have spoken with the President who has given me a very clear explanation as to why that decision was made, and it perfectly satisfied me. But in connection with that, it is a difficult conundrum. We have got less assets, we have got lots of things that we want to do with
570 the money. It is going to be very difficult to stretch the money to satisfy everybody, but he raises a good point.

The Deputy Bailiff: Deputy Burford.

575 **Deputy Burford:** Thank you, madam.

Following on from my last question, and given the President's acknowledgement that there is concern in P&R about the Health & Social Care budget, will his Committee discuss the possibility of a full external spending review into Health & Social Care?

580 **The Deputy Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: It is always difficult to ... and I take the question in the constructive way that it has been posed, but it is always easy to say, it is a bit like ex-Presidents sometimes saying, 'Well, why isn't the Department run in exactly the same way as I ran it because I ran it wonderfully?' But things move on in connection with that. I am happy to sit down with P&R, with Education, all the big spenders – that sounds a song 'hey big spenders', but I do not want Deputy Queripel jumping up telling me who wrote it and when it was number one on the Hit Parade. *(Laughter)* But we sit down with those Committees and talk through practical ways of going forward, both in this Assembly and beyond this Assembly no doubt, as to managing the demands for services and money and assets with the capability provided.

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

Deputy Kazantseva-Miller: Thank you, madam.

595 Deputy Ferbrache talked about radical ideas for housing. One of the ideas I have come across is facilitating the establishment of mobile homes or caravan sites as temporary accommodation that can also support the tourism industry potentially. Would Deputy Ferbrache support for this idea to be investigated? *(Interjection)*

600 **The Deputy Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: I think that is a good question. It is more for the DPA than me, I would hasten to that. And of course the Deputy is a member of the DPA, so she is much more attuned to this than I am. But to me it is a good idea. We need thinking-out-the-box ideas. That is a thinking-out-the-box idea.

605 **The Deputy Bailiff:** Deputy Dyke.

Deputy Dyke: Thank you, madam.

610 I think it is fairly well agreed we do have a housing shortage in various parts of the market. A particular problem area is the part of the market where you have ordinary working families who want to buy a smallish or mid-size property for their families. We have a lot of difficulty there and it has recently got worse because of the rise in interest rates.

615 Is it possible for P&R to consider two things. First, I am aware that developers now are having difficulty with financing, given uncertainties in the interest rate market, the property prices and that sort of thing. Is there scope, and you may find this surprising coming from me, for P&R to engage in some innovative financing arrangements on one or more of these sites – I have got one in mind, but I do not think I should discuss names – by way of Government guarantees, Government agreement to purchase so many apartments on the site, that sort of thing? So innovative financing.

620 And secondly, we have, we the States, own a lot of properties which are still hanging around undeveloped. I am thinking of the –

The Deputy Bailiff: Deputy Dyke, you are running well over your minute.

625 **Deputy Dyke:** Okay. Could we release more of our own properties for development, possibly with private-public partnerships to develop them?

Thank you.

The Deputy Bailiff: Deputy Ferbrache.

630

Deputy Ferbrache: Thank you, madam.

We should always be innovative. If there was to be a significant guarantee, it would have to be for this Assembly to decide that we are going to guarantee X or Y, not P&R. P&R may come with a recommendation saying it is a good idea. And releasing properties, Deputy Mahoney he is 'in charge' of that and some properties have been sold. There are not a lot that could be sold, but there may be one or two more that could be sold.

635

But my view is the only way we are going to make a big dent in that is by building more properties. Because it is very difficult. Let's say that the average salary is £40,000. It is not, it is below that, but it is easy for my arithmetic. The price of an average Guernsey Local Market house is £680,000. That is a multiple of 17. When I bought – Queen Victoria had only just recently left the throne – my first property in England, the multiple was less than three. That was England admittedly, not Guernsey, but even in Guernsey in those areas it would probably have been four or five. The only way you are going to really reduce prices is by increasing supply.

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The Deputy Bailiff: Deputy St Pier.

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Deputy St Pier: Madam, I am going to rephrase my first and opening question, because I did not quite get the answer that I was looking for or expecting.

Deputy Ferbrache has been copied in with an exchange of correspondence I had with His Majesty's Comptroller, (**Deputy Ferbrache:** Yes.) in which HMC expressed his advice and view that Article 72A of the Reform Law is engaged by the Illegal Migration Bill as drafted, and if it became an Act that needed to be registered in Guernsey, then that provision would, in the ordinary course, lead to a debate on the floor of this Assembly as to whether to approve it or not, unless of course Policy & Resources Committee deemed that that were not necessary.

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The assurance I am looking for is that there are not circumstances in which the Committee would deem it to be unnecessary. In other words, an assurance that the matter will come to this Assembly if the legislation remains in its present form, which I accept is an important caveat.

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The Deputy Bailiff: Deputy Ferbrache.

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Deputy Ferbrache: I cannot give, because it has got that phrase that Deputy St Pier has indicated, that there may be circumstances where it is not possible – he has not used that phrase, but ? 10.18.35??? he has used. I cannot give an absolute categoric assurance.

The Deputy Bailiff: Deputy Inder.

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Deputy Inder: Just briefly, madam, there have been a number of circumspect questions around housing and Deputy Ferbrache will remember that he signed an amendment with myself to bring to the States, or at least publish – not to the States, to publish – a Housing Action Plan. It was supposed to be December. We are now into March and Policy & Resources, along with, when Deputy Soulsby was a member, have bought significant parcels of land. I do not think the Island or the industry actually has any indication right now what these parcels look like, how many houses are likely to be on that land, and what the long-term plan for those which we do control, which is land that you have already bought, is when are we going to see that indicative plan of how many sites, best guess at amount of houses and types of houses, and likely plan for the development of those areas.

670

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So again, not for the first time, I would encourage Deputy Ferbrache and Policy & Resources to publish, to control what we can control –

680 **The Deputy Bailiff:** Sorry, Deputy Inder, you have gone over your minute, I still do not know what the question is.

Deputy Inder: Would he agree? *(Laughter)*

685 **The Deputy Bailiff:** Thank you.

Deputy Ferbrache: Well, I do agree sometimes with Deputy Inder, as does this Assembly, occasionally. But in relation to the substance of his question, yes, we will come back as soon as possible. Because the main issue really for ordinary folk in Guernsey is whether they can rent a house or a flat at a reasonable cost or buy one. It is such an important issue and it needs to be
690 addressed. But there are not any easy answers. Again, we will come back as soon as we reasonably can.

The Deputy Bailiff: Deputy Burford.

695 **Deputy Burford:** Thank you, madam.

Following on really from Deputy Taylor's question, Resolution 1 of the Development Agency policy letter, which was debated a year ago, says:

To direct the Policy & Resources Committee, in consultation with the States' Trading Supervisory Board, to set-out the options for Guernsey's future operational harbour and commercial port infrastructure requirements for approval by the States.

Can the President confirm that when this forthcoming policy letter in a couple of months arrives, it will meet that Resolution?

700 Thank you.

The Deputy Bailiff: Deputy Ferbrache.

705 **Deputy Ferbrache:** I believe it will, because I have carried out research since Deputy Burford chaired the Scrutiny Management meeting last week and I have had further discussion. All I can say is I believe it will.

The Deputy Bailiff: Deputy Trott.

710 **Deputy Trott:** Thank you, madam.

Revenue-raising measures impacting on the corporate sector, should, in my view, be able to be determined during the second quarter of this year, with determination and a following wind, particularly bearing in mind much work has already been undertaken. So my question to the President is this: if that could be achieved, would that time frame allow such measures to inform
715 the 2024 Budget?

The Deputy Bailiff: Deputy Ferbrache.

720 **Deputy Ferbrache:** It depends on when they are received. Because if they are received, and I am being facetious, the day before, of course not. But if they are received sufficiently before, then they might. It really depends on the subgroup of which Deputy Trott will be a valued member, when they can report back.

725 **The Deputy Bailiff:** Deputy Gollop.

730 **Deputy Gollop:** [*Inaudible*] ... I, with reservations, voted for Deputy Parkinson's amendment a few weeks ago. So my question is actually, I hear Deputy Trott, Deputy Moakes and other people are on a panel to do with taxation, but surely one of the things we need to be clear on, my question is, are P&R and their associates actively working with key captains of industry in the offshore sector to look at what is feasible with growth in the industry, to raise from that industry? In other words, what is acceptable and what is a red line?

The Deputy Bailiff: Deputy Ferbrache.

735 **Deputy Ferbrache:** Exactly: the work has been done to a degree, as Deputy Gollop alluded to, in the Tax Review strategy. But that is what the subgroup, of which Deputy Trott, Deputy Moakes, led by Deputy Helyar, will be looking at. They will be discussing it not only with captains of industry, to use Deputy Gollop's phrase, but other jurisdictions and reporting back as soon as possible.

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

745 **Deputy Kazantseva-Miller:** The recent resignation of the Jersey States CEO and the subsequent statement by Ministers indicate possible significant cultural issues within Jersey States and the Civil Service. What measures, if any, does P&R, as the States' employer, lead on HR matters and the senior leadership Committee undertake to (a) be on the pulse of the States' culture and (b) to ensure we do not fall foul of potential similar issues?

Thank you.

The Deputy Bailiff: Deputy Ferbrache.

750 **Deputy Ferbrache:** I think, again, good points raised by the Deputy. In relation to that, working with Jersey – I hope I am within the bounds of her question – is a prime consideration in relation to we have started, we have a lot of ground to continue. It does seem to me that the new Jersey leadership team, and I am talking about politically, because we know that their Chief Executive is going soon, is of a mind to work more closely with Guernsey than has been my experience in the past. Bu the proof of that pudding will be in the eating.

The culture about working co-operatively that is the second part of her question, I think is again a good point that we are seeking to engender in our Civil Service.

760 **The Deputy Bailiff:** Deputy Gollop.

765 **Deputy Gollop:** Yes. I believe actually I saw in a media report that Deputy St Pier suggested that due to the current gap in the senior officer leadership in Jersey, the Channel Islands that could have a combined chief executive role. Has Policy & Resources given any thought to shared senior officers and the challenges and the opportunities that that might face?

The Deputy Bailiff: Deputy Ferbrache.

770 **Deputy Ferbrache:** I know that Deputy ... Because writes both in *The Guernsey Press* and *The Jersey Evening Post*, so he has got a lot of column to fill up regularly, has Deputy St Pier, much more than the rest of us. But in connection with that, of course we have considered it, but very briefly, because is it just not practical, at the moment. (*Interjection*)

775 **The Deputy Bailiff:** There are no further questions. We did not quite make 40 minutes. Thank you very much, Deputy Ferbrache.

COMMITTEE FOR ECONOMIC DEVELOPMENT

**General update –
Statement by the President for Economic Development**

The Deputy Bailiff: We now turn to the President of Economic Development to give his Statement.

780 **Deputy Inder:** Thank you, madam.

Members of the States, this is my fourth update as President of Economic Development, and as I do at every update, I would like to thank my team for all their work, including our NSMs.

785 Guernsey needs to remain competitive as a jurisdiction and to be an attractive location for investors and to do business. The Committee's focus is to ensure that businesses have access to the labour and capital that they need to grow and thrive, that the Island has excellent digital connectivity, and air and sea links, and that trade agreements are established that enable local businesses to sell their goods and services both on and off the Island. Taken together, these factors will ensure Guernsey is a good environment for inward investment and trade that can drive both innovation and economic growth.

790 But what does that actually mean to our Committee and what can we do as a Government? To answer the first question, it is education, skills and people. Educated, work-ready and the right people to drive the Island forward is something we all need to get behind. The Committee recognises the importance of access to labour for the success of local business and one of the key priorities within the Government Work Plan is the Human Capital Development Plan (HCDP).

795 Working with Education, we have agreed a draft policy framework. This will enable a comprehensive Human Capital Development Plan to be implemented to develop Islanders' skills and productivity. An immediate focus will be to deliver improved adult skills and lifelong learning opportunities, along with literacy. In order to deliver the outcomes of the policy framework, the Committee considers that this would be best done through a skills development body –
800 i.e., commissioning out – and that will be able to benefit from industry input and leadership. Proposals for this are being discussed and subject to an agreement to the proposals, and the required funding, the HCDP will be published by quarter 3 2023.

805 Madam and Members, there are elements of the Government Work Plan that are under scrutiny, if not under threat, and the pitch I am making today on behalf of the Committee, hopefully the Assembly and all Islanders, as I cannot imagine any Member of this Assembly would agree that a badly educated or unskilled workforce is good for the Island. We would expect the Human Capital Development Plan to survive any GWP review, if not cull, and the Committee will ask for support from the Assembly for that position.

810 To answer the second question, our growth and the sustainability of our main industry and the peripheries and our workforce, are dependent upon housing, housing and a little bit more housing. **(A Member:** Hear, hear.) That is what is required. If there is one legacy that this Government can leave to future Governments, it is a sustained and protracted plan for housing for key worker and social housing, because ultimately that is what we can control. At the moment, we do not really have much control over the private sector. But we need that plan, as I alluded to, in my question to
815 Deputy Ferbrache earlier.

The finance sector itself, I cannot not mention it, even though I am making a pitch for future work. The finance sector contributes, as we know, something like 40% of the Island's gross value add, and is a key engine of economic growth, if not the only engine. **(A Member:** Hear, hear.) The significant increase in funding for Guernsey Finance agreed by the Committee, in conjunction with
820 P&R, has produced tangible results: two new South African businesses establishing a domestic presence and a significant pipeline, including two new banking licences.

Guernsey is now the largest domicile for captive insurance in Europe. The fund sector has only shown solid growth over the last 12 months and the total net asset value of Guernsey green funds

825 increased to £5.6 billion at the end of September 2022. And Guernsey winning, without it knowing, Citywealth's International Finance Centre of the year has not been a bad end to 2022, and is a great start for 2023. So I commend our hardworking, quiet industry, maybe the captains and the captainesses of our industry, and the work that our well-funded, well-regarded and very well-working promotional agency is doing. (**A Member:** Hear, hear.)

830 And this is how, as a Government, we can really drive growth. Growth in our workforce by increased participation, by increasing the population – in line with the Population & Immigration Policy Review, agreed only last year – investing in our education and skills base to improve our productivity, and investment in our housing and construction sector, most of which may not be delivered in this term, but if the Assembly can look back and say that we as the Government of 2020-25 left a plan for the next two or three Governments, we will have done well. It may not look
835 great on the manifesto, but you will have done your jobs.

On matters of housekeeping and general updates, delivery of a skills programme has continued to be delivered, in any case, through the Digital Greenhouse. Over 90% of jobs now require digital skills, meaning digital skills are critical areas of skills development that underpin any new venture or career. As part of, again, the HDCP, the role of the Digital Greenhouse will come under review.
840 They are going to try and avoid duplication if we can. And the Committee has continued to support Guernsey's strong commitment to investing in entrepreneurship as part of its Economic Development initiatives. These have been delivered through the Digital Greenhouse in partnership with the industry.

In terms of developing entrepreneurship in the Island, we are focused on two priority areas:
845 considering proposals for the development of a Guernsey enterprise investment scheme and assessing the potential of enterprise zones. Proposals for a pilot project to trial a Guernsey Enterprise Investment Scheme are well advanced, and as I understand, there was a conversation with Policy & Resources on the matter in the last week or so.

Credit cards and banking products: really quite boring stuff, but really quite useful, because
850 without credit card and banking products we cannot trade, full stop. The Committee is aware there have been issues in relation to the provision of domestic credit cards. This issue is common across the Crown Dependencies and officers are working with other Crown Dependencies and the Association of Guernsey Banks, and progress has been made.

One of the areas which has been identified is the lack of an open domestic electronic electoral
855 roll, and I am grateful to Deputy Prow for the recent meeting we had on the matter. His main concern will be delivering an electronic electoral roll. Our concern is what we can do with it while the opportunity exists.

The Committee has been in dialogue with the credit reference agencies and the Committee *for*
860 Home Affairs regarding creation of an open electoral roll which can be used by credit reference agencies and which will be in place for the election of 2025. Complementing that work, I have had a very useful meeting with the Registrar of the Guernsey Registry, who understands the validation challenges and we will be meeting again shortly to establish where the Registry may be able to be ... So this is, Members, about validation. You apply for a banking product or a credit card electronically nowadays, Guernsey being a little bit different to other jurisdictions, that ability to check that you
865 are on an electoral roll, check that your company is registered elsewhere, is critical.

We have two opportunities. We are changing the Registry. We have got that project called the Guernsey Registry ... Well, it is called the 'GRIT' process. Anyway, we are about to spend a significant amount of money changing the Registry, the opportunity is today. Deputy Prow and his team are reimagining the actual role, so again the opportunity is today. While mentioning the Registry, we
870 have agreed a significant investment to upgrade the IT systems, which will enable the Island to meet its obligations in relation to the forthcoming Moneyval evaluation.

I will now turn to sea connectivity. The purchase by Condor of an additional roll-on/roll-off ferry is to be welcomed. An extra vessel to increase resilience and reflects the ability of Condor's fleet, which is clearly beneficial to our community as a whole, and I look forward to learning more about

875 Condor's plans for a new vessel and the positive impact I am sure it will have on the schedules in due course.

The Committee has implemented a new governance model to oversee the marketing and promotion of the Bailiwick of Guernsey as a destination. A new Tourism Management Board has been established. Twenty twenty-three is likely to be the first full tourism season uninterrupted by travel restrictions arising from the COVID-19 pandemic. I am pleased to report that the forward bookings for this season are looking quite positive.

880 Just on the matter of the review of the capital projects and the construction sector, as mentioned by Deputy Ferbrache, the Committee has noted the construction industry's concerns about the review of the States of Guernsey's capital projects recently announced by P&R. The construction industry needs a clear project pipeline, in order to be able to plan and resource for the delivery of States' projects, and the Committee hopes, as indicated by Deputy Ferbrache, that any review of the capital projects portfolio will be brought to a swift conclusion to provide certainty to the local construction industry.

890 Sir, Members that concludes my fourth update. I look forward to questions from the Members. Thank you – oh, madam. Sorry, not sir.

The Deputy Bailiff: Don't worry.
Deputy Haskins.

895 **Deputy Haskins:** Thank you madam.

Artificial intelligence is touted as being the biggest economic disrupter in our lifetime. It has the potential for radical economic growth. May I ask the President what his Committee is doing to seek to capitalise on this opportunity?

900 **The Deputy Bailiff:** Deputy Inder.

Deputy Inder: Seeking to capitalise is ... I would like to rephrase his question. The risks are not necessarily in Guernsey, because Guernsey ultimately is sales driven and businesses development. Where we believe the real threat, and this is coming mainly from the NSM board, is likely where ... Back-office operations is likely where the threat is more likely to be in the short term, and that appears not entirely to impact Guernsey in the short term.

The Deputy Bailiff: Deputy Gabriel.

910 **Deputy Gabriel:** Thank you, madam.

Due to reported delays, I understand that the Guernsey runway extension policy letter is now not to be debated until September and it is increasingly unlikely that to extend the runway will make the final Propositions. If the policy letter is that narrow and refers solely to a runway extension to attract low-cost carriers, why not apply to rescind the Resolutions of the Kuttelwascher requête and stop spending time, effort and money on it?

Thank you.

The Deputy Bailiff: Deputy Inder.

920 **Deputy Inder:** I thank you for the question, Deputy Gabriel.

The time, money and effort has already been spent. It is true that at the moment, by a majority of four to one, there will not be a recommendation to extend the Airport. However, we do not believe there will be a second proposition to direct the States to consider doing something at a later date, and it is more likely to be around when there is a resurfacing of the Airport runway as it is, to give it consideration some time before that. Rather than shutting the opportunity down at the

moment, we do not want to shut it down forever and allow some other future Committee to give that some consideration when appropriate.

The Deputy Bailiff: Deputy Dudley-Owen.

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Deputy Dudley-Owen: Thank you, madam.

Just stepping back to the topic that Deputy Haskins was asking about, I wonder whether the President feels that the risk actually could be more acute for Guernsey with the increase in reliance on AI, considering that a lot of the finance sector does actually outsource its work to jurisdictions which they deem are cheaper to provide labour than they can find within Guernsey, due to the cost of doing business in Guernsey for them?

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The Deputy Bailiff: Deputy Inder.

Deputy Inder: If I am understanding correctly the question, that was the response to the answer that I gave to Deputy Haskins. The risk to Guernsey, as we understand, is more for the back-office work, so not necessarily an initial risk to Guernsey, as a lot of its work is business development.

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The Deputy Bailiff: Deputy Matthews.

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Deputy Matthews: Thank you, madam.

The President mentioned in his speech about the purpose of Economic Development being to enable labour and capital to support local businesses to sell services on the Island. Given the pressure on Government Work Plan items, where in Economic Development's priority list would something like a business licencing or registration scheme fall, so-called 'white van man', similar to the Jersey scheme? Where would that sit in Economic Development's priority list?

950

The Deputy Bailiff: Deputy Inder.

Deputy Inder: It does not at all. I think we had this discussion some two years ago. The Committee did give it some consideration and I think it was unanimous. We thought it was inappropriate at that time. We have not had a conversation about it since and I cannot imagine that view has changed.

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The Deputy Bailiff: Deputy Kazantseva-Miller.

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Deputy Kazantseva-Miller: Thank you, madam.

On the question of artificial intelligence that was posed earlier, would the President agree with me there are actually a number of initiatives the Committee is undertaking? Through the Digital Greenhouse there has been ongoing educational and workshop seminars, and in fact just recently a course on generated AI has been opened for application with ??? (10.40.28)

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Secondly, with the Fintech Delivery Group, the industry is constantly looking at innovative solutions and AI would be part of them. We have a home-grown AI talent as well. NionNet, which won the Guernsey Venture Challenge last year, which actually uses AI code-generated technology to do AI for code development.

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The Deputy Bailiff: Deputy Inder.

Deputy Inder: Yes, I do agree with that. What I am agreeing with is that courses are being produced and the Committee is, or certainly the industry, rather, under the leadership of Deputy Kazantseva-Miller in the digital skills space is recognising that AI exists. But the point still

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remains the threat mainly, as we understand it, is likely to be at the more mundane processes of our finance industry which are not always in Guernsey.

So yes, I do agree with Deputy Kazantseva-Miller.

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The Deputy Bailiff: Deputy Trott.

Deputy Trott: Thank you, madam.

985

I ask through you, is the President aware that at the end of June a joint one-day seminar is due to be scheduled, or is scheduled, which is a joint initiative between Guernsey Finance and the Guernsey Financial Services Commission on the benefits and otherwise of AI? And would the President agree with me that a similar event would be of value to States' Members in helping Members understand both the risks and opportunities? If he did agree that such an event was of value, it could only be possible, it is only possible, because of the funding that Guernsey Finance has received from his Committee?

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The Deputy Bailiff: Deputy Inder.

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Deputy Inder: On both points I agree. I think what I will do is I will pick up with Deputy Trott and see if a potted version of that symposium could not be delivered for Guernsey States' Members, but of course, yes. And the very sensible funding that we did earlier in the term has obviously benefited the knowledge base within the Island and allowed the finance industry to consider the new and emerging technologies and threats.

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The Deputy Bailiff: Deputy Soulsby.

Deputy Soulsby: Thank you, madam.

1005

Herm is clearly an important part of the Bailiwick's tourist offering. Can the President advise whether any liaison has been had with tenants and staff to satisfy themselves about the tourist provision on that Island?

The Deputy Bailiff: Deputy Inder.

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Deputy Inder: I often wonder where these questions are coming from, because we have had two questions on the matter from the Committee. We have had one from Deputy Bury, we have now had one from Deputy Soulsby on the matter. So if between the four of them they have a significant concern, two are raised by our Committee members, and it was really back to the question about the length of the lease and what our role is.

1015

But as Economic Development, we do not run the lease. And the concerns expressed by, I think it was Deputy Falla, and mentioned by Deputy Kazantseva-Miller in the Committee, it was very difficult for us to work on hearsay. We just do not do hearsay, and we encouraged Deputy Falla when he reported it to us, and it is the same response to Deputy Soulsby, that we cannot work on 'because someone said something.' When we posed the question, to ask for the evidence, that was not wanted to be given. So I just cannot work of hearsay.

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The Deputy Bailiff: Deputy Gollop.

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Deputy Gollop: Yes, sometimes I wish I was a member of Economic Development – I could probe the whole business about the timeline construction model a bit. Because we have already heard from Deputy Ferbrache of the challenges in providing housing. Deputy Inder mentioned the same. Are Economic Development looking at increasing the capacity of the construction industry, both to expand the provision of housing and reduce the unit cost?

The Deputy Bailiff: Deputy Inder.

1030

Deputy Inder: I am not entirely sure that is on our mandate, and as I have said before, the Committee *for* Economic Development does not have all of the levers. The best thing we could do, without pursuing the same point again and again and again, is to have a sustained building plan that the industry needs.

1035

Guernsey has bought, under the auspices of Policy & Resources, of which Deputy Soulsby, again, was a member and voted for it, significant portions of this Island. What the construction industry needs is a plan, and I would encourage again Policy & Resources to publish that plan with the land that they bought to tell us how many houses are likely to have been specified for those areas, how long the planning is likely to take, and what the timescales are.

1040

The Deputy Bailiff: Deputy Dyke; and this is the last question.

Deputy Dyke: Thank you, madam.

1045

My question concerns the Airport runway. Recently some of us Deputies, or all of us now, have been contacted by one of the local businessmen, drawing our attention to the EMAS – the artificial system that can stop planes at the end of a runway without having to extend it too far. I think we were given figures that City Airport in London has it at both ends and a total cost of £6 million. Are we considering that sort of system for our runway, which does seem an awful lot cheaper than actually extending it a long way?

1050

Thank you.

The Deputy Bailiff: Deputy Inder.

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Deputy Inder: If you were not comparing a cat with a worm. What people have seen via blue3, and it is very simple, stick into Google somewhere, you will see a firm of consultants, I think they are called blu-3, who have claimed that they put EMAS at both ends of London City Airport and they have got a figure of £6 million. And it is fantastic, because we always hear what we want to hear. Because that is what we want to believe. But that, by indication – we will have a fuller report – is unlikely to be the full scope of the project.

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It is true that EMAS is a single dug bed with an amount of, I am going to use the word 'aggregate', with a top on it, of which a plane, aircraft, if it goes off the end of runway, will run into, a bit like a sand pit. But from what we understand, the quotes that Deputy Dyke has seen and has been promoted by the, I think it is Guernsey Airport Action Group, do not show the whole picture and when we come to the States with the full picture, the picture will be in front of you to make a decision. But I would not get too excited about the £6 million cost because that is not the cost of extending Guernsey's runway by any stretch of the imagination.

1065

The Deputy Bailiff: Thank you, Deputy Inder.

Questions for Oral Answer

EDUCATION, SPORT & CULTURE

Free childcare policy – Consultation and review; UK model

1070 **The Deputy Bailiff:** We now turn to the questions.
Deputy Gollop.

Deputy Gollop: Thank you very much, Madam Deputy President.

1075 I have two questions placed to the Deputy Dudley-Owen on behalf of Education, Sport & Culture.
Will Education, Sport & Culture be consulting with the Employment & Social Security (ESS),
Economic Development and Policy & Resources Committees to consider the future review and
implementation of affordable extensions to the States' free childcare policy as part of human
productivity workforce gains?

1080 **The Deputy Bailiff:** Deputy Dudley-Owen.

Deputy Dudley-Owen: Madam, I am grateful to Deputy Gollop for his question, not least of all
because it allows me to clear up any confusion.

1085 We, the States, do *not* have a free childcare policy. We have a free preschool education policy.
And this is a particularly important distinction to make. That said, as Members will no doubt recall,
in the context of the Tax Review debate which concluded last month, the States resolved:

To direct the Policy & Resources Committee jointly with the Committee for Employment & Social Security, in consultation
with the Principal Committees and relevant stakeholders: -

(a) to examine current unemployment and non-employment levels in Guernsey and Alderney and compile a report which
shall include proposals designed to help, and provide opportunities for, all who could be economically active to enter
into, or back into, employment, including proposals intended to remove obstacles that restrict those who wish to work
on a full-time basis from so participating in the workplace, and

(b) to report back to the States, by no later than the end of January 2024, with their conclusions and proposals and with
suitable recommendations for the States to consider.

I anticipate, although I have no detailed knowledge, as ESC is not leading on this, that early years
childcare provision will be examined as a potential obstacle as part of this workstream. And I expect
that ESC will be consulted by P&R and ESS, rather than it being the Committee doing the consulting.

1090 Thank you.

The Deputy Bailiff: Thank you.

Is this a supplementary question, Deputy Gollop? (**Deputy Gollop:** Yes.) Yes.

1095 **Deputy Gollop:** I thank Deputy Dudley-Owen for her answer and apologise for any confusion.

I think the confusion was partly linked to perhaps the media and not for the first time. But my
question, though, is will preschool education be considered for extension within the context of
Education? That is to say, expanding it perhaps through children below the age of four but on the
educational quality basis, rather than the childcare basis?

1100

The Deputy Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: I thank Deputy Gollop for his supplementary question, and of course, as
with any decision around policy changes, Committees have to rely on absolute surety in evidence

1105 base coming forward and advice from technical advisors, and that would be the case in this particular policy change, as with any others that the Committee considers.

The Deputy Bailiff: Deputy Matthews.

1110 **Deputy Matthews:** Thank you, madam.

I would like to ask the President if the Committee *for* Education, Sport & Culture believes that greater provision of early years schooling can assist in the development of children all the way through their educational career and into work?

Thank you.

1115

The Deputy Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you.

1120 The Committee is obviously convinced that there is educational benefit for children of the ages three to four and those younger children who are vulnerable of having education in the years before they enter into school. Whether or not there is an increase up to the 30 hours, which I think that Deputy Matthews is alluding to, would have to be evidenced to the Committee and obviously considered in the round.

1125 **The Deputy Bailiff:** Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, madam, and I thank the President also for her answer.

1130 I appreciate her clarification on the distinction between education and childcare, I think that is important to straighten out, but I wonder if she would further clarify my understanding – confirm or correct my understanding – that early years provision, all of it, including childcare, still falls under the mandate of ESC?

The Deputy Bailiff: Deputy Dudley-Owen.

1135 **Deputy Dudley-Owen:** Thank you, madam, and I thank Deputy de Sausmarez for her question.

1140 There is a line between the two and it is not a definitive line, because obviously we share early years provision between the Committee *for* Health & Social Care and the Committee *for* Education, Sport & Culture. Because we understand the importance of early years education, which includes into reception year within school, which is compulsory, and obviously the non-compulsory part which falls below that, we have felt that it is very important for that element of preschool and early years education, rather than childcare, to be incorporated into our mandate. Obviously that is shared with that of the Health & Social Care Committee.

The Deputy Bailiff: Thank you.

1145 If there are no more supplementary questions, Deputy Gollop, would you pose your second question?

Deputy Gollop: Thank you very much, Madam Deputy President.

1150 The UK government from 2025 will pay for free childcare for all working parents of children under the age of five and over nine months. Thirty hours doubles Guernsey's quota. Will Education, Sport & Culture consider how both employment and educational goals could be achieved with developing and monitoring this model of provision?

The Deputy Bailiff: Deputy Dudley-Owen.

1155

Deputy Dudley-Owen: Thank you, madam.

1160 The States has directed, as I quoted in my first response, that ESC, as one of the six Principal Committees, is consulted in connection with the workstream focused on barriers or obstacles to workforce participation. It is my contention that it falls within the mandate of other Committees to consider what employment goals could be achieved if research shows that the provision of free childcare locally would increase our rates of full-time employment.

1165 As the regulator of early years provision via the Early Years Quality Standards Framework, we have already set out the requirements placed on providers with a focus on raising and sustaining a consistent quality of early childhood education and care for all our children, with a view to ensuring that young children's care needs and their educational needs are met, so that they are well-prepared for compulsory education.

The Deputy Bailiff: Deputy Gollop, supplementary question.

1170 **Deputy Gollop:** Yes. Within the context of your existing workstream of regulating the Early Years Quality Standards Framework, could you envisage over time preschools, playschools, nursery schools, being facilitated with resources, or vouchers, to provide a quality environment of preschool learning which matches both possible educational goals and childcare goals as well?

1175 **The Deputy Bailiff:** Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, madam.

1180 Any changes to the position would require surety of both resourcing and that costs can be met within existing budgets, in addition to weighing up evidence-based benefits, such as do we know that we have an untapped source of non-working or underworking parents who want to enter the workforce? Will we be freeing grandparents from childcare to return to work? Do families actually want it? Is it needed and is it worth doing?

1185 So if the driver is to put more money into the pockets of young families, then this is one way of doing it, but in terms of increasing workforce participation, then there absolutely needs to be more evidence that this would be the result. It is evidence such as this, in consultation with other Committees where it falls within their mandate, around increasing employment goals, and our mandate in order the evidence the educational benefits. That work is being undertaken by the Resolution of the States falling out of the Tax Review. It is only once we have got that type of evidence and information that the Committee would be able to fulsomely consider this matter.

1190 **The Deputy Bailiff:** Deputy Matthews.

Deputy Matthews: Thank you, madam.

1195 I wondered if the President considered that the decision by the UK to increase the provision available there does to some extent place Guernsey at a competitive disadvantage in relation to the UK in terms of relocation or recruitment on the Island, especially for young people with families or those considering having families? And that would affect the ability to recruit for employers on the Island, including, for example, for ESC to recruit their own internal staff for teaching and other reasons. I wondered if the President had a view on that.

1200 **The Deputy Bailiff:** Deputy Dudley-Owen.

1205 **Deputy Dudley-Owen:** I do not think it is necessarily the case, to be honest, because the UK proposal, I understand, is an incremental increase and there has been some criticism of the proposal, in terms of being able to resource the proposal with suitably qualified individuals to actually deliver the provision that is being proposed. The increased offer for working parents for all two-year-olds and for children of nine months old to be able to return to work via the increased provision, is something that is under question.

1210 I had not put a huge amount of thought into that particular issue, but I do not think that this is
a silver-bullet solution for the UK, and nor should it be considered so for Guernsey. It is a much
more nuanced and complex matter than I think people might think it is on face value. It is not for
us, as the Committee for Education, Sport & Culture, just about providing preschool care for all. We
must absolutely be focused, as our priority, on the educational benefits of putting those little people
into a preschool environment before they enter compulsory education.

1215 **The Deputy Bailiff:** Deputy Gollop, your second supplementary question.

Deputy Gollop: Yes, I do appreciate the President's full answers and her reservations and issues,
because there may well be a choice between competitiveness and personal choice, etc. But my
1220 question is, given my first answer, there has been a Tax Review debate amendment to direct Policy
& Resources jointly with Principal Committees to examine these issues, will Education, Sport &
Culture be writing to Policy & Resources, and maybe ESS, to request them to look holistically at the
issue, which obviously includes educational provision, quality of provision, but also other issues,
such as evidence for childcare and employment? But will Education, Sport & Culture therefore
1225 actually encourage P&R to implement the Resolution of the States?

The Deputy Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, madam.

1230 I think that is a rather strange question. They are under Resolution to do it. I do not see why the
Committee needs to spend its time encouraging the Policy & Resources Committee to do it.
Certainly I think that it is quite clear. The Committee that Deputy Gollop sits on, ESS, is also involved
in this, and I am absolutely confident that each of the Committees will be actively involved in
pursuing the outcome of this Resolution. I hope that what is included in there is looking at
1235 businesses, because I think that there is a large area that could be looked at here in terms of
business policy and flexible working.

I think that that is often where the root cause of the barrier lies, as opposed to the States
evermore taking on the burden, or having the responsibility so-called, of childcare or early years
education, and actually the flexibility of working for a lot of parents unlocks a lot of barriers that
they may have.

1240 So this needs to be a holistic approach, but no, the Committee will not be writing to P&R to
remind them of what they already know, which is in the Resolution which I have just read out.

ELECTIONS AND APPOINTMENTS

Appointment of Ordinary Member of the Guernsey Competition and Regulatory Authority – Dr Philip Marsden appointed

*In accordance with section 1 (4A) of Schedule 1 to the Guernsey Competition and Regulatory
Authority Ordinance, 2012, as amended, the following appointment by the Committee for
Economic Development, to the Guernsey Competition and Regulatory Authority, is laid before the
States of Deliberation: Dr Philip Marsden as an ordinary member with effect from 12th January
2023.*

The Deputy Bailiff: If there are no further supplementary questions, States' Greffier, next piece
of business please.

1245

The States' Greffier: Yes.

The following appointment is laid before the States: the appointment of an Ordinary Member of the Guernsey Competition and Regulatory Authority.

1250

The Deputy Bailiff: I have received no motion to annul this appointment, therefore this appointment is duly laid.

Billet d'État V

1. Election of a Member of the Committee *for the Environment & Infrastructure* – Debate commenced

Article 1

The States are asked:

To elect a sitting Member of the States as a member of the Committee for the Environment & Infrastructure to complete the unexpired term of office, that is to the 30th June 2025, of Deputy S.P. Haskins, who has resigned from that office, and whose notice of resignation is appended hereto, in accordance with Rule 16 of The Rules of Procedure of the States of Deliberation and their Committees.

The Deputy Bailiff: States' Greffier.

1255

The States' Greffier: Billet d'État V, Article 1 – Election of a Member of the Committee *for the Environment & Infrastructure*.

The Deputy Bailiff: Yes. Thank you, States' Greffier.

I will first invite the President of Environment & Infrastructure to propose a Member for this role. Deputy de Sausmarez.

1260

Deputy de Sausmarez: Thank you, madam.

The Committee would like to propose Deputy Aidan Matthews for the role.

The Deputy Bailiff: And who is seconding that, Deputy de Sausmarez?

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Deputy Brouard: I am, madam.

The Deputy Bailiff: Is anybody else going to propose a Member for this role?

Deputy Ferbrache.

1270

Deputy Ferbrache: Madam, I would like to propose Deputy Le Tissier.

The Deputy Bailiff: Who is seconding that?

1275

Deputy Meerveld: I am, madam.

The Deputy Bailiff: Deputy Meerveld. Do any other Members wish to propose anyone for this role? No.

1280 We now have a contested appointment, so therefore I will ask each proposer to speak for three minutes, and then each candidate to speak for three minutes, and then we will go to the secret ballot.

So Deputy de Sausmarez.

1285 **Deputy de Sausmarez:** Madam, I would like to thank those colleagues that expressed an interest in serving on E&I, each of whom would have positives to bring to the Committee table, but I will now explain why we concluded, after careful consideration, that Deputy Matthews is the best person for the role.

1290 Deputy Matthews has been an active Member of the Assembly for the last two and a half years, so we are all aware of what he contributes and what he is capable of. We know that he has integrity, intelligence and independent thinking. His analytical skills are strong and, with his professional background in software development, he is particularly good at understanding the complexities of systems and thinking creatively about novel solutions, a very useful set of skills when considering infrastructure projects and environmental issues.

1295 Deputy Matthews is of course a diligent member of the Committee *for* Health & Social Care, and this is one of the ways in which we think he will bring additional value to Environment & Infrastructure's work. One of the strengths of our Committee system is cross-pollination between them, bringing more joined-up thinking across the States, which can only be a good thing. The mandates of HSC and E&I dovetail in some important respects, such as in environmental health and pollution regulation, public health, health promotion and extra care housing. The two Committees also share responsibility for a joint project on the must-do list of capital projects around animal and clinical waste, in which Deputy Matthews' dual understanding would be very useful.

1300 Housing is of course a major priority for E&I, and Deputy Matthews' ideas and input will be welcome as this highly important policy area develops. I have every confidence that he will be able to hit the ground running with this and other important areas of focus. For example, the electricity strategy and the infrastructure projects required to support the economy and the States' strategic population objective.

1310 Many of the infrastructural and environmental issues that my Committee deal with week in and week out are inherently long term, and Deputy Matthews, who has a seven-year-old child, has shown that he naturally looks beyond the short-term political horizon at that bigger picture and the legacy that we are building for the generations to come. There is already a healthy range of perspectives and level of respectful challenge around the E&I Committee table, which I firmly believe makes for better decisions.

1315 Deputy Matthews, we know, will bring his own perspective and will not be afraid to challenge as he sees fit. He took, for example, a very different position to E&I, and HSC for that matter, in seconding the PFAS amendment to the Water Pollution Ordinance, yet engaged constructively with us throughout.

1320 I do not feel the need to pad Deputy Matthews' nomination with substantiation of his Guernseyness or which lanes he likes to wander down on a Sunday, or details of where the toilet was in his childhood home, because these merits stand very much on their own legs and need no such padding, fascinating though I am sure those details would be.

I am sure Members recognise the value that Deputy Matthews would bring to E&I and so I warmly encourage the Assembly to elect him to that role.

Thank you.

1325 **The Deputy Bailiff:** Deputy Ferbrache, would you like to speak on Deputy Le Tissier, who you have proposed?

1330 **Deputy Ferbrache:** I will indeed, madam. I have great pleasure in putting forward Deputy Le Tissier. Although Deputy Le Tissier and I took different views in relation to the recent Tax Review debate, I was impressed by his depth of thought. He was one of those people who just did not say

'I disagree.' He came up with alternatives. And he is a person who is underused. I do not think that in itself is a reason to vote for somebody, but he is underused and that is a great waste of his considerable talents in relation to the Committee.

1335 Environment & Infrastructure is a Committee that has got my absolute support, but I think it does need a bit more focus on infrastructure and I believe that with Deputy Le Tissier's considerable experience he would bring, although supporting the environmental aspects of the Environment & Infrastructure Committee, a different perspective and different viewpoint in relation to infrastructure. So I think he would have a great contribution there and of course he was on the DPA previously and he will have that link between the two. He will have his knowledge and experience

1340 from that.

I think that he is a wise person, he is a forward-looking person, who would bring just a fresh view to a Committee and, in a way, it is always good that partway through the States, there is a fresh series of thought. So he is a constructive thinker, he is willing to listen, he does not bear acrimony, and he is a person who can debate issues and assimilate information very quickly and efficiently.

1345 Therefore I commend his candidature to the States.

The Deputy Bailiff: Thank you, Deputy Ferbrache.

Deputy Matthews, you now have three minutes to speak on this matter.

1350 **Deputy Matthews:** Thank you, Madam Deputy Bailiff.

I would like to start, if I may, by thanking Deputy de Sausmarez for her nomination. We have often exchange views on subjects relating to Environment & Infrastructure, sometimes at the school gate for St Martin's School, as we both drop off and pick up there. Members may know that the car park and fields there were the subject of a recent planning decision to build 26 houses, unfortunately without affordable housing there. I mention it because in microcosm that decision almost represents and touched upon many of the larger challenges our Island faces.

1355 If you zoom out and look at the big picture view, when viewed in wide angle, that is the heart of the E&I Mandate. We live on a small Island and balancing the needs of development, progress and population growth against the desire to preserve the Island's natural environment is one of our biggest challenges. The Island faces a housing crisis. At the same time, we would like to preserve green spaces and the traditional village atmosphere Guernsey has been known for, and our biodiversity.

1360 The demographic challenge is real, but there is a real need to ensure that our land use and infrastructure supports everyone and, importantly, making transport work efficiently. And keeping traffic flowing along our tiny roads is increasingly difficult. I will bring some challenge, because I would like to see our road network perform better for all road users. I walk a lot myself, and I cycle, but I also drive a car. That is a BMW 330, which is petrol – that is the three-litre flat-six engine, for those who are interested, (**A Member:** Hear, hear.) and if you put your foot down it will throw out quite a lot of carbon, which of course I would never do in Guernsey. I am looking over my shoulder to Deputy Prow to reassure him that I would never do that.

1370 But I think some balance is needed. People need to get around by car effectively. Vehicles are needed for work. I do not want to see people shamed for driving a car. The carrot is always more effective than the stick.

1375 I will say a few words about myself. I will be brief, as I am in favour of keeping speeches concise. I have had an almost 30-year career as a software developer, up until very recently. I worked in technology alongside my role as a Deputy and some time ago I took the decision, quite difficult in some ways, to focus entirely on the challenges our Island faces in the States, so I have no external commitments on my time.

1380 Politically, I consider myself a centrist and a pragmatist. I brought that view to the Committee for Health & Social Care as a member and there are many potential linkages from HSC to E&I. There is the PH campus itself and there is a desire from Public Health to ensure that health is incorporated

in all policies. I hope I can play a part in helping to facilitate these objectives on Environment & Infrastructure.

Thank you, madam.

1385

The Deputy Bailiff: Thank you, Deputy Matthews.
Deputy Le Tissier.

Deputy Le Tissier: Thank you, madam.

1390

I would like to start off by thanking Deputy Ferbrache and Deputy Meerveld for proposing and seconding me. As Deputy Ferbrache mentioned, I am underutilised at the moment. I feel that, and I feel I have more to give. A role on E&I as a Principal Committee of the States would enable me to do that in the remaining two years of this Assembly. I do not have any other tasks or Committees to take priority and I could devote 100% of my time to E&I.

1395

E&I: arguably they should be looked at by separate Committees, as one can sometimes negatively influence the other, but it is a balance, one which I think I can bring my experience to the Committee. A balance between what we would like and what we can reasonably afford. It is no good having the latest whiz-bang environmental policy if it trashes the economy. We are in a deepening crisis, with the black hole looming, and creative thinking is needed. Just when we need the economy to be powering ahead, we need to take that into consideration.

1400

So I would like to see some more emphasis on improving the infrastructure as well as the environment, important though it is. Take for example sea defences. (**A Member:** Hear, hear.) It is just one of a number of important matters that Islanders care about. Let me declare an interest here: I live barely above the spring tide high water mark.

1405

Traffic flow: there is another issue that is a subject of interest, being a road user. I do cycle, I walk and I have just bought a hybrid, so I do have an interest in that. We all need it to work well – in three minutes I cannot really cover this subject, but it is essential for the economy. Make no mistake, I am interested in promoting good and sustainable policies in that regard.

1410

Another matter is energy, something we all need. I take a great interest in resilience. We need it, both as members of the public, and the finance industry as a world-class centre. But we need comprehensive and sustainable policies. And let's not forget the water that we drink and the air we breathe. We need to look at that and is the water we drink is a priority for me.

With that, I would just like to say that I can work with the Committee, even though I was not their first choice, so I hope that you will consider voting for me.

1415

Thank you.

The Deputy Bailiff: Thank you very much, Deputy Le Tissier.

As you will know, it is a secret ballot. So the Sheriff is going to come round with his slightly larger envelope than last time to collect your ballot papers. Please write one name on the ballot paper and insert it into the envelope.

1420

A secret ballot took place.

The Deputy Bailiff: I will now ask the Sheriff and Deputy Greffier Atkinson to withdraw to count the votes. Rather than waiting, I think we should carry on to the next Item of business.

Billet d'État IV

COMMITTEE FOR HOME AFFAIRS

1. Re-appointments to the Data Protection Authority – Propositions carried

Article 1

The States are asked to decide:-

Whether, after consideration of the Policy Letter entitled 'Re-appointments to the Data Protection Authority' dated 9th January 2023, they are of the opinion:-

- 1. To re-appoint with effect from 25th May 2023 Mr Richard Thomas CBE as the Chairman of the Data Protection Authority until 24th May 2027;*
- 2. To re-appoint with effect from 25th May 2023 Mr John Curran as a voting member of the Data Protection Authority until 24th May 2027;*
- 3. To re-appoint with effect from 25th May 2023 Mr Simon Entwistle as a voting member of the Data Protection Authority until 24th May 2027.*

The Deputy Bailiff: So I will ... Sorry, States' Greffier, after you.

1425

The States' Greffier: Billet d'État IV, Article 1, the Committee for Home Affairs – Re-appointments to the Data Protection Authority.

The Deputy Bailiff: Just before I ask Deputy Prow to put forward his Proposition, I should say that I have a conflict of interest here, as one of the people being put forward is my husband.
Deputy Prow.

1430

Deputy Prow: Thank you, madam.

The Committee wishes to reappoint the Chairman and two voting members of the Data Protection Authority as established under the Data Protection (Bailiwick of Guernsey) Law, 2017.

1435

There are currently six voting members of the Authority, including two whose terms of office expire on 24th May 2023. The Committee for Home Affairs is seeking the reappointment of Mr Richard Thomas CBE as Chairman for a period of four years, with effect from 25th May 2023. The Committee is also seeking the reappointment of Mr John Curran and Mr Simon Entwistle for a period of four years with effect from 25th May 2023. Madam, may I take this opportunity to thank the Authority for all its important work.

1440

Thank you, madam.

The Deputy Bailiff: Thank you.
Yes, Deputy Leadbeater.

1445

Deputy Leadbeater: Thank you, madam.

I just have one question for Deputy Prow. It is just the small policy letter mentions that Mr Thomas, Mr Curran and Mr Entwistle plan on stepping down before the end of the four year term. I just wanted to know why that was.

1450

Thank you.

The Deputy Bailiff: Yes. Sorry, Deputy Prow, I will just wait and see if anybody else actually going to say anything else in debate?

1455

Deputy Prow, your opportunity to reply, then.

Deputy Prow: Thank you, madam, and I thank Deputy Leadbeater for his question.

In the Committee's discussions on this matter, it was made clear that those members he has referred to may not sit for the whole period, but we will be given adequate notice in order to reappoint, but I thank you for his question.

1460 Thank you, madam.

The Deputy Bailiff: This matter has been set as three separate Propositions, but unless anybody is going to say otherwise, I am going to suggest we vote for all three as one Proposition. Does anybody object to that methodology? I hope everybody is signed on to their SEV. *(Interjections)*

1465 If everyone is signed on ... *(Interjections)* We are without our normal helpers.

Deputy Inder: Well, I'm ready.

The Deputy Bailiff: Thank you, Deputy Inder.

1470

Deputy Inder: It's all that matters!

The Deputy Bailiff: We will just have a short pause while technology catches up with us.

I think everybody is now signed on to SEV. I think perhaps it would be useful if people try and sign on a little earlier than the first vote.

1475

States' Greffier, would you start the voting please?

There was a recorded vote.

Carried – Pour 36, Contre 0, Ne vote pas 0, Did not vote 1, Absent 3

POUR	CONTRE	NE VOTE PAS	DID NOT VOTE	ABSENT
Aldwell, Sue	None	None	Murray, Bob	Helyar, Mark
Blin, Chris				Roberts, Steve
Brouard, Al				Snowdon, Alexander
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				
Inder, Neil				
Kazantseva-Miller, Sasha				
Le Tissier, Chris				
Le Tocq, Jonathan				
Leadbeater, Marc				
Mahoney, David				
Matthews, Aidan				
McKenna, Liam				
Meerveld, Carl				
Moakes, Nick				
Oliver, Victoria				
Parkinson, Charles				
Prow, Robert				
Queripel, Lester				
Roffey, Peter				
Soulsby, Heidi				

St Pier, Gavin
Taylor, Andrew
Trott, Lyndon
Vermeulen, Simon

The Deputy Bailiff: There voted *Pour* 36; 1 Member did not vote; and there are 3 absentees. I therefore declare the motions and Propositions are passed.
Thank you very much.

Billet d'État V

Election of a Member of the Committee *for the Environment & Infrastructure* – Deputy Matthews elected

1480 **The Deputy Bailiff:** The result of the ballot, the election of a member of the Committee *for the Environment & Infrastructure* is as follows: there were 37 eligible voting Members; 18 voted for Deputy Aidan Matthews and 17 voted for Deputy Le Tissier. I therefore declare that Deputy Matthews is the new member of Environment & Infrastructure.
Thank you. (*Applause*)

Billet d'État IV

POLICY & RESOURCES COMMITTEE

2. Election of Ordinary Members of the Guernsey Financial Services Commission – Propositions carried

Article 2

The States are asked to decide: -

Whether, after consideration of the Policy Letter dated 30th January, 2023, of the Policy & Resources Committee, they are of the opinion:-

- 1. To appoint John Aspden as an ordinary member of the Guernsey Financial Services Commission for a three year term with effect from 3rd April 2023.*
- 2. To appoint Philip Middleton as an ordinary member of the Guernsey Financial Services Commission for a three year term with effect from 3rd April 2023.*

1485 **The States' Greffier:** Article 2, Policy & Resources Committee – Election of Ordinary Members of the Guernsey Financial Services Commission.

The Deputy Bailiff: Deputy Ferbrache.

1490 **Deputy Ferbrache:** Madam, to ask for two members to in fact be reappointed from the next 3rd April for a three-year session. They both have been members since April 2017, that is Mr John Aspden and Mr Philip Middleton.

The Deputy Bailiff: Deputy Trott.

1495 **Deputy Trott:** Thank you, madam.

I rise really to make the point of just how fortunate we are to have Commissioners of the quality of Mr Aspden and Mr Middleton. During my time as Deputy Chief Minister, I had responsibility for regulatory matters, or the relationship between the States and the regulator, and I was fortunate enough to sit on the selection panel for these two gentlemen. I thought they would be good, but the truth is they have been absolutely exceptional.

1500

The main point of rising is to just advise the States, really: do not underestimate how important the quality of the Commissioners are to a Moneyval inspector. They will look at that group of people, who are to a man and woman of the highest standard, and that in itself will give them a very good overview of the state of the regulatory environment in this community. So I commend their names to the Assembly.

1505

The Deputy Bailiff: Thank you.

Do you wish to reply, Deputy Ferbrache?

1510 **Deputy Ferbrache:** No, madam.

The Deputy Bailiff: Members, I have just asked, unless anybody is going to object to this, for there to be one single Proposition in relation to the two Members, and that has just been dealt with on SEV.

1515

States' Greffier, if it is too difficult, we can ...

The States' Greffier: No, they are early there, madam.

Would you like me to start the voting, madam?

1520

The Deputy Bailiff: Yes, please. We will start the voting on the Proposition. That should be before you on SEV.

There was a recorded vote.

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				Roberts, Steve
Brouard, Al				Snowdon, Alexander
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				
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
Roffey, Peter
Soulsby, Heidi
St Pier, Gavin
Taylor, Andrew
Trott, Lyndon
Vermeulen, Simon

The Deputy Bailiff: I can declare the result is there voted 37 *Pour* and there are 3 absentees. So therefore I declare the outcome as passed.

Thank you very much.

**Procedural –
Order of Business**

1525 **The States Greffier:** Article 3, the Development & Planning Authority –

The Deputy Bailiff: I am terribly sorry to interrupt you, States' Greffier, but Deputy Taylor has risen.

1530 **Deputy Taylor:** Sorry madam. I just want to see if it would be possible to put a proposition to the States that we rearrange the Order of Business, so that we consider the amendment to the Exemptions Ordinance, as it is a workstream that is pretty much completed, it just needs signing off and I would hate to see it get knocked back for another few months.

Thank you.

1535

The Deputy Bailiff: So the motion is to move what is currently at Article 7 of the Order Paper, the Review of the Land Planning and Development (Exemptions) Ordinance, 2007, though I should mention there is an amendment in relation to that Proposition, to move that up the order so that comes and is debated now, ahead of the what is currently Article 3, 'Proposals for Provisions to Address Land Which is Affecting the Amenity of an Area'. We will do it *aux voix*. So those who vote for the motions, say *Pour*; those against, say *Contre*?

1540

Members voted Pour

The Deputy Bailiff: I declare the *Pour* has passed, so therefore it will be moved up and we will now deal – (*Interjection by Deputy Queripel*)

1545 **Deputy Queripel:** Recorded vote, please, madam. (Interjections)

The Deputy Bailiff: Thank you, Deputy Queripel.

There has been a request for an SEV vote please, States' Greffier, so when you have managed to articulate that on the SEV, we will go to vote.

1550

The States' Greffier: That is completed, madam.

The Deputy Bailiff: Thank you very much, States' Greffier.

So you will see on your SEV the motion to reorder business to take Article 7 as the next Item of Business. Please start the voting, States' Greffier.

There was a recorded vote.

Carried – Pour 25, Contre 7, Ne vote pas 4, Did not vote 1, Absent 3

POUR

Aldwell, Sue
Blin, Chris
Burford, Yvonne
De Lisle, David
De Sausmarez, Lindsay
Dyke, John
Fairclough, Simon
Falla, Steve
Gollop, John
Haskins, Sam
Inder, Neil
Le Tissier, Chris
Le Tocq, Jonathan
Leadbeater, Marc
Matthews, Aidan
McKenna, Liam
Moakes, Nick
Murray, Bob
Oliver, Victoria
Parkinson, Charles
Soulsby, Heidi
St Pier, Gavin
Taylor, Andrew
Trott, Lyndon
Vermeulen, Simon

CONTRE

Bury, Tina
Dudley-Owen, Andrea
Gabriel, Adrian
Kazantseva-Miller, Sasha
Meerveld, Carl
Queripel, Lester
Roffey, Peter

NE VOTE PAS

Cameron, Andy
Ferbrache, Peter
Mahoney, David
Prow, Robert

DID NOT VOTE

Brouard, Al

ABSENT

Helyar, Mark
Roberts, Steve
Snowdon, Alexander

1555 **The Deputy Bailiff:** In relation to the motion to move the order of business, there voted *Pour* 25; *Contre* 7; there were 4 abstentions; 1 Member of the States did not vote; and there were 3 absences. So therefore, I declare the motion is passed.

DEVELOPMENT & PLANNING AUTHORITY

**7. The Review of the Land Planning
and Development (Exemptions) Ordinance, 2007 –
Propositions carried**

Article 7

The States are asked to decide:-

Whether, after consideration of the Policy Letter entitled 'Review of the Land Planning and Development (Exemptions) Ordinance, 2007' dated 3rd January, 2023, they are of the opinion:-

1. To approve the changes proposed to policy, approved by the States of Deliberation in December 2021, relating to exemptions from the requirement to obtain planning permission for development, as set out in section 2 of the Policy Letter.

2. To agree that the Development & Planning Authority should have a power to amend Schedule 1 to the Land Planning and Development (Exemptions) Ordinance, 2007 for the purpose of

amending, substituting, omitting or adding any proviso/condition to an exemption within the Schedule through the making of Regulations, as set out in section 3 of the Policy Letter.

3. To note the minor changes in relation to the land planning and development exemptions and their provisos/conditions, as set out in Appendix 1 to the Policy Letter.

4. To approve the Ordinance entitled 'The Land Planning and Development (Exemptions) Ordinance, 2023', as set out in Appendix 2 to the Policy Letter, and to direct that the same shall have effect as an Ordinance of the States, subject to Propositions 1 and 2 being approved.

The Deputy Bailiff: We will now go straight to what is currently Article 7, and I will ask Deputy Oliver to commence the debate on her Propositions.

1560 Thank you.

Deputy Oliver: Thank you, madam.

1565 As States' Members will remember, the review of the Land Planning and Development (Exemptions) Ordinance, 2007 was first brought to the States of Deliberation in December 2021. At the Meeting, the States resolved to approve proposed new exemptions and amend existing exemptions that are currently set out in the Land Planning and Development (Exemptions) Ordinance, 2007.

1570 The 2021 policy letter set out the proposed changes and additions to the policy principles only, noting that points of detail and exact wording and numbering of classes would be subject to legal drafting. During the legislation drafting process, several amendments to the agreed policy principles have been identified which are needed to enhance the policy consistency and the new amended exemptions, better aligning them with the current planning policies and prevent certain unintended consequences.

1575 Some of these changes to the original policy principles therefore required approval of the States. These are set out in the Land and Planning Development (Exemptions) Ordinance, 2023 in Appendix 2 to the Committee's policy letter. However, most of them are simply making changes to points of detail to the agreed 2021 amendments, and these are really minor changes. But they have been set out in Appendix 1 to the Committee's policy letter.

1580 The policy intentions of the proposed amendments remain as stated in 2021, these being better to reflect the current policies, to ensure the exemptions legislation remains fit for purpose and to allow for development to be carried out more easily throughout the Island.

1585 As a result of these Ordinances, which contain 132 exemptions spread over 13 classes, this will replace the existing 64 over 12 classes to provide greater flexibility going forward, and an additional provision is proposed within section 1(7) of the Exemptions Ordinance, which provides the Authority the ability to amend the exemptions for the purpose of amending, substituting, omitting or adding any condition to the exemption within the Schedule by making regulation.

1590 The inclusion of this provision would allow changes to the exemptions to be made relatively quickly, enabling the Authority to react to changes more effectively than currently, thus allowing a degree of futureproofing. This is particularly critical within areas where new technologies, design, materials or products are fast developing, such as, for instance, the renewable energy sector. However, it is important to note that the inclusion of this provision would not permit the Authority to create new exemptions or remove existing ones without the approval of the States.

1595 In addition, matters which have been raised by the parish Constables following the publication of the policy letter and Appendix, relates to the inclusion of the reference to the requirement of bornement for certain forms of development that now may be exempt. In this respect I am happy to confirm that the DPA will provide signposting and a possible requirement of the bornement within its published guidelines concerning that exemption.

1600 My Committee and I believe that these exemptions represent a further important step to approving the land use policy for our communities, by making it more proportionate and streamlining the circumstances where planning permission will be required. I look forward to the

debate on the policy letter, and I commend these Propositions to the Assembly for the approval by the States.

The Deputy Bailiff: Thank you, Deputy Oliver.

1605 Can I just check that everybody has got a copy of the amendment that has been lately filed? It is now going to be distributed.

Yes, Deputy Queripel, would you wish the States' Greffier to read your amendment?

1610 **Deputy Queripel:** Yes please, madam, because colleagues will probably get fed up of hearing my voice in the next day or two.

The Deputy Bailiff: Thank you.

The States' Greffier read out the amendment.

The Deputy Bailiff: Yes, Deputy Queripel.

Amendment:

After Proposition 4 insert the following proposition:-

"5. To direct the Development & Planning Authority, in conjunction with the Policy & Resources Committee, to review the provisions of the Land Planning and Development (Guernsey) Law, 2005 which limit the application of

(a) Part V (Enforcement) of the Law to enforcement, in respect of matters affecting land owned by the States, against persons other than the States, committees of the States and their officers, servants and agents, and

(b) Part VI (Appeals) of the Law only to appeals in respect of matters affecting land owned by the States, when they are at the instance of persons other than the States, committees of the States and their officers, servants and agents, and to report back to the States by 31st December 2023, as to whether such limitations should continue to remain in force and, if not, with appropriate recommendations for amendment of the Law and any other relevant legislation ."

Deputy Queripel: Thank you, madam.

1615 I will start by apologising to colleagues for not getting the final version of this amendment to them until this morning. Unfortunately, it took a little longer to compile the final version than I envisaged. However, I did send a draft of this amendment via email to colleagues a couple of weeks ago now, and I asked them to feedback their views to me, so they have had time to consider the intention behind the amendment.

1620 It is a simple amendment, madam. It is calling for a review of the provisions of the exemptions. It is not asking the Assembly to agree to rewriting the whole Ordinance itself. It is calling for a review of section 76 of the Land Planning Law, 2005, which reflects a policy which was agreed by the States over 20 years ago. That policy, to a certain extent, seeks to protect the States and Deputy Haskins and I are of the view that those provisions need to be reviewed, to establish whether or not the
1625 Assembly feel the policy and the provisions are appropriate for this day and age, when we all say everyone should be treated as equal.

We did not feel the need to ask for funds to undertake the review, madam, because we believe it is a simple review and it can be undertaken as part of the day job for officers of the DPA, P&R and our Law Officers. And of course it could be argued, whilst they are doing this work, they are not
1630 getting on with all the other work they have to do. But surely that could be said of every piece of work that is laid in front of them.

If we took notice of that approach, we would not agree to giving them any more work to do for the next two and a quarter years, because they already have more than enough to do. And if that is the argument some of my colleagues are going to base their opposition on, madam, then surely

1635 they will have to say in their speeches they will not be agreeing to give any officers in any Department any more work to do for the next two and a quarter years, because they already have enough to do.

1640 Surely it is not appropriate to adopt a 'when it suits' type of approach, whereby whenever colleagues feel a piece of work needs to be done, they now gladly hand that on to officers to do; when they do not want it done, then they do not agree to it. Then they adopt a completely different approach. Why would any Member of this Assembly vote against this Amendment, when all it is ultimately seeking to do is attain parity? A level playing field for all, one rule for all. A piece of legislation that is fair and equitable and does not seek to protect anyone.

1645 The questions my colleagues need to ask themselves, madam, are the simple questions. Do they want this review to take place or not? If they do not, then they need to tell us why they do not. Are they happy, are they content, are they satisfied with the Propositions the DPA are proposing, which do limit enforcement against the States, thereby protecting the States? And if they are happy with that, then they need to tell us why they are in favour of that.

1650 In this modern day, when we often say everyone should be treated as equal, and surely we are all sincere when we say that. Surely we do not say those words because they make us look and sound good. I guess the vote will establish once and for all which Members of the Assembly are genuinely behind that mantra and which ones are not. As the Chief Minister often says in his speeches, madam, it cannot be just words. They have to be meaningful words, not empty words.

1655 Madam, moving towards a close, as I have already said, it is a simple amendment. Colleagues have to ask themselves a handful of simple questions. Obviously my response to any questions colleagues may have is going to be extremely limited, because I will not have the answers, which is exactly why Deputy Haskins and I are calling for the review: in order that the questions will be asked and the questions will be answered. The report that results from the review will be laid in front of the States by the end of December 2023 and then we can all decide, once and for all, when the evidence is laid in front of us, whether or not the provisions are appropriate for this modern day and age.

1660 Thank you, madam.

1665 **The Deputy Bailiff:** Is that formally seconded by you, Deputy Haskins? (**Deputy Haskins:** Yes, madam.) Thank you.

Deputy Oliver.

Deputy Oliver: Can I invoke Rule 24 please? I believe it goes further than the Propositions.

1670 **The Deputy Bailiff:** Which part of Rule 24? Rule 24(6)? (**Deputy Oliver:** Yes.)

So Deputy Oliver has asked for ruling on 24(6). That is, for those who do not have the rules to the tips of their fingers:

An amendment which goes further than the original proposition shall not, on that account, be ruled out of order, but a motion that the amendment be not debated and no vote be taken thereon may be laid –

– and this is the right time in accordance with that Rule. I can confirm that it is my view that this does go further than the original Proposition, and therefore a Rule 24(6) vote can be taken.

1675 As this is a motion it will be *aux voix*, so those who support the motion that this Amendment be not debated and no vote be taken on, please say *Pour*; those against?

Some Members voted Pour, others voted Contre.

The Deputy Bailiff: I am going to ask for an SEV vote on this please, States' Greffier. So just a few moments while this Proposition is put up – this motion, rather. So the motion at Rule 24(6), please open the voting.

There was a recorded vote.

Carried – Pour 15, Contre 14, Ne vote pas 3, Did not vote 5, Absent 3

POUR	CONTRE	NE VOTE PAS	DID NOT VOTE	ABSENT
Aldwell, Sue	Bury, Tina	De Sausmarez, Lindsay	Brouard, Al	Helyar, Mark
Blin, Chris	De Lisle, David	Inder, Neil	Le Tocq, Jonathan	Roberts, Steve
Burford, Yvonne	Dyke, John	Prow, Robert	Roffey, Peter	Snowdon, Alexander
Cameron, Andy	Ferbrache, Peter		Soulsby, Heidi	
Dudley-Owen, Andrea	Gabriel, Adrian		St Pier, Gavin	
Fairclough, Simon	Gollop, John			
Falla, Steve	Haskins, Sam			
Kazantseva-Miller, Sasha	Le Tissier, Chris			
Mahoney, David	Leadbeater, Marc			
McKenna, Liam	Matthews, Aidan			
Moakes, Nick	Meerveld, Carl			
Murray, Bob	Queripel, Lester			
Oliver, Victoria	Taylor, Andrew			
Parkinson, Charles	Vermeulen, Simon			
Trott, Lyndon				

1680 **The Deputy Bailiff:** So the motion that the amendment not be debated and there be no vote, there voted *Pour* 15; there voted against, 14; there were 3 abstentions; 5 were not in the Chamber to vote; and there were 3 absentees. Therefore, I declare the motion has been passed. Therefore there will be no debate and no vote on this matter.

1685 **Deputy Taylor:** Madam, I forget the Rule number, but could that be double-checked, with a second vote? I cannot remember the number.

1690 **The Deputy Bailiff:** If a vote was retaken, ? 11.45.23??? those people who were not at the time in the Chamber to vote are not going to get the opportunity to vote now. The vote is the vote. I am not going to redo the vote simply to catch more people who have now entered the Chamber. On that basis, Deputy Taylor, do you still consider that it is appropriate to ask for a recasting of the vote?

1695 **Deputy Taylor:** Well, it feels a little bit pointless.

The Deputy Bailiff: Yes, I think it does. Thank you, Deputy Taylor. (*Laughter*) (**Deputy Taylor:** No.) Quite.

We will now go back then to the debate on the main Proposition, that amendment having failed. Who wishes to speak first in this debate?

1700 Deputy Inder.

Deputy Inder: Only briefly. I would just like to commend the DP for the work. It is a long time coming. It has happened quicker than I thought it would. The Ordinance will be ready in February 2023 and I just hope we get on with it.

1705 **The Deputy Bailiff:** Deputy Moakes.

Deputy Moakes: Thank you, madam.

1710 I welcome this policy letter. I think it will remove a lot of red tape, (**A Member:** Hear, hear.) and also a lot of barriers that cause delays when people want to make what are relatively straightforward home improvements. That in turn, I hope, will result in less resources being used up, less people having to run around looking at how big a shed is going to be, or whatever it might be, and that

those people, those resources, can then be focused on the really big, the really important things that will really make a difference.

1715 I also love the fact that this policy letter, because it gives exceptions not only covering solar panels, but goes further than that, it is looking to the future rather than just the present. And so it adds in new exceptions for other energy-saving equipment too. So we can all see the development of some of this equipment, how it will benefit people, how it will save electricity, etc., and that is terrific as well.

1720 The other part I like about this policy letter is the fact that it talks about the conversion of empty office space above shops, it talks about potentially building in offices as well, making that easier, and this is one of the things that I think we have all spoken about. If we can turn our town centres away from being simply retail-centric town centres into live, work and play areas, where people can live, they can shop, they can eat out, I think that that is a good step in the right direction as well.

1725 Thank you.

The Deputy Bailiff: Thank you.
Deputy Falla.

1730 **Deputy Falla:** Thank you, madam.

I broadly also am for this. I have had some contact from a couple of the Douzaines and I think they feel that there is slightly more onus on them now to be very alert to what might be happening within their parish jurisdictions. And also particularly I did hear, Deputy Oliver made reference to bornement, but that also is of course one of the roles which the Douzaines have managed to hold on to, although in many other ways they have been somewhat emasculated. So it is really just I would like clarification as to exactly how the DPA will be publicising these in terms of ensuring that they are readily visible to those people who need to know.

Thank you.

1740 **The Deputy Bailiff:** Thank you.

Nobody else appears to be standing to take part in this debate, is that clear?
Yes, Deputy Oliver.

Deputy Oliver: Thank you, madam.

1745 Thank you to Deputy Inder. Yes, it has come forward quite quickly. It has come forward just over a year, which is quite good for legislation, so I do thank the Law Officers for that.

Deputy Moakes, I completely agree in what you are saying. It is going to really free up the time for the all planners for really minor things. (**A Member:** Hear, hear.) That hopefully will concentrate on bigger applications and hopefully we will see times – *hopefully* – come down a little bit in getting applications out.

1750 Publicising the Ordinance, Deputy Falla, it will be publicised in the normal way. We have done a number of media releases already to let people know that this is coming. There is another one on the way to say that, if the States approve this, what this means and it will also be on the website, as all the current exemptions are. Many of the architects and the developers and also a lot of the societies have been made aware – for instance, some of the environmental societies as well as the developers – to make sure they are aware of this coming forward and what this means for them.

1755 The Douzaines, if they do not understand it, we have already spent a number of hours with the Douzaines speaking about what we were proposing, if they feel they need to understand the exemptions better, we would be happy to see them and to talk them through what exemptions are new now. I just hope that everybody votes for this.

The Deputy Bailiff: Thank you.

Well, Members, you should have before you the Proposition on SEV, which sets out the four elements to the Proposition. I am now going to ask the States' Greffier to start the voting.

1765

The States' Greffier: Will that be on all four Propositions, madam, or one?

The Deputy Bailiff: There has been no suggestion that they need to be separated, so unless somebody is going to put their hand up very quickly now? No, we will deal with them all four together, please, States' Greffier.

There was a recorded vote.

Carried – Pour 35, Contre 0, Ne vote pas 1, Did not vote 1, Absent 3

POUR	CONTRE	NE VOTE PAS	DID NOT VOTE	ABSENT
Aldwell, Sue	None	Queripel, Lester	Brouard, Al	Helyar, Mark
Blin, Chris				Roberts, Steve
Burford, Yvonne				Snowdon, Alexander
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				
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				
Roffey, Peter				
Soulsby, Heidi				
St Pier, Gavin				
Taylor, Andrew				
Trott, Lyndon				
Vermeulen, Simon				

1770

The Deputy Bailiff: In relation to these Propositions, there voted *Pour* 35, there were no votes against the Propositions, there was 1 abstention, there was 1 Member who was not in the Chamber at the time of the vote and there are 3 absences. I therefore declare the vote has passed these Propositions.

DEVELOPMENT & PLANNING AUTHORITY

**3. Proposals for provisions to address land
which is affecting the amenity of an area –
Debate commenced**

Article 3.

The States are asked to decide:-

Whether, after consideration of the Policy Letter entitled "Proposal for Provisions to Address Land Which is Affecting the Amenity of an Area" they are of the opinion:-

1. To agree to give the Development & Planning Authority a power to serve civil notices on owners and occupiers of land, requiring the owner and occupiers to take steps to remedy the condition of their land, other than in relation to certain redundant glasshouses and related structures, where the Authority considers the condition of that land is adversely affecting the amenity of the area; and to agree to make the following related provision for-

a) appeals to the Planning Tribunal against the service of such a notice;

b) offences in relation to a contravention of a requirement of such a notice;

c) the Development & Planning Authority to have powers to enter land and to carry out required steps where a requirement of a notice is not met; and

d) the Development & Planning Authority to have powers to recover costs and apply to the Royal Court for a charge over the land similar to those which currently apply in relation to compliance notices under planning legislation,

as further detailed in section 5 of that Policy Letter and to provide for all necessary related provisions as set out in that section.

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

1775 **The Deputy Bailiff:** So Deputy Oliver, in relation to the next Propositions, States' Greffier, if you would read the heading please.

The States' Greffier: Yes, madam.

1780 Article 3, the Development & Planning Authority – 'Proposals for Provisions to Address Land Which is Affecting the Amenity of an Area'.

The Deputy Bailiff: Deputy Oliver.

Deputy Oliver: Sorry, madam. It through me, with it coming first.

1785

The Deputy Bailiff: Yes, fair enough.

1790 **Deputy Oliver:** Section 46 of the 2005 Planning and Development Law in 2005 provides the States may provide, by Ordinance, to control matters connected with the impairment of amenity in locality, including land and unsightly conditions. In this concept, land does include buildings.

The DPA believes that it is **expedient? 11.53.29???** for the States to enact such an Ordinance now, to provide powers which are largely absent to enable to Authority to tackle known eyesores in our urban centres and rural areas, thereby to support the Government Work Plan.

1795 It has been suggested that this might be a sledgehammer to crack a nut. However, in response to this I would say that it is simply providing the necessary powers, which exist elsewhere and have done so for some time, to fill a significant gap in the Guernsey legislation as was envisaged at the time that the 2005 Law was approved.

Example of these matters could be addressed through powers provided by the Ordinance under the section 46 include derelict premises within Town. For example, some of the Old Quarter or

1800 unsightly visitor accommodation establishments. Another example is the graveyard in St Andrew's, which is an unsightly blot on the otherwise beautiful rural landscape. In such cases, the appearance of the dereliction may inhibit potential investment and negatively impact on the reputation of the Island.

1805 Why would someone want to invest significantly in a site where the property next door is falling down and there is nothing that can be done about it? Such powers would play an important part in securing the vitalisation and act as a deterrent to prevent future creation of eyesores through allowing dereliction and neglect.

1810 I would really emphasise the role of the proposals in supporting the economy and the economic development. Recent discussions about the future of tourism, for example, have underlined the importance of our attractive environment when promoting Guernsey as a premium destination. These powers will help that by for the first time providing the means to do something about the significant eyesores that detract from the attractiveness of our Island.

1815 We started this work last term, but COVID stopped its progression. The DPA consulted with the Island Douzaines in 2018 and the overall response was supportive. Further consultation with Douzaines was undertaken in September 2022 on the draft proposals contained in this policy letter. The DPA has consulted with the Policy & Resources Committee regarding the draft policy letter, the Committee *for the Environment & Infrastructure* in relation to matters relevant to the appeal processes and in relation to the Environmental Health policy and legislation. In regards to the latter aspect, the proposals were also shared with the Committee *for Health & Social Care*.

1820 The main provisions of the proposed Ordinance under section 46 are set out detailed in the policy letter, so I will not repeat them. I would, however, point out that similar powers to those already exist. We are not leading in this policy letter, we are lagging rather behind from other jurisdictions. For example, England and Wales, under section 215 of the Town and Country Planning Act 1990; in Jersey under the Planning and Building (Jersey) Law 2002; and even with Alderney, under the Bailiwick in sections 18 and 19 Building and Development Control (Alderney) Law 2002.

1825 By proposing this Ordinance, we are therefore not reinventing wheel, but simply seeking to achieve similar benefits here to those where they exist elsewhere. The DPA believe expenditure and ongoing resourcement required to operate this proposed system will be minimal in the context of existing work in the DPA and the Planning Panel, and opportunities of savings benefit the States exist through tackling eyesore cases early through the proposed powers.

1830 States' services currently must rely largely on negotiation to tackle these sorts of issues the Ordinance will deal with. This is expensive, time-consuming and generally unsuccessful. Although there could be cost to the States in the event of non-compliance with the notice, it should be possible to minimise the States' expenditure in this rare event that directs the action required to resolve significant impairment of the amenity. For example, by using the States' controlled labour, such as via States Works, and use established cost-recovery mechanisms.

1835 I am grateful for several States' Members for having approached me directly concerning some of the aspects of this proposal. I am pleased to be able to say that our thinking is now clearer about those aspects and I hope these comments will help.

1840 The exemption for the States and its Committees. Firstly, there have been questions why the proposal to exempt the States or individual Committees in respect of States-owned and/or occupied land. The main issue here relates to ensuring consistency with the existing provisions of the 2005 Planning Law, which exempts the States and its Committees from enforcement and the appeals process.

1845 Although this is no absolute legal bar to the States deciding not to exempt States' buildings subject to the proposed Ordinance powers, to do so would be inconsistent with the enforcement appeals provision in primary legislation and necessitate amendment to appeal provisions. Therefore, to be consistent with the provisions of the Law 2005 and to avoid situations where one States' Committee is issuing civil notices against another, the DPA has included an exemption for the States and its Committees, in accordance with legal advice which we have received at the time of drafting this policy letter.

1855 I would also add that in my view it is totally inappropriate that the taxpayer should be footing a bill for formal action to be taken over something which should be easily sorted out between States' Committees without the need for such action. (**A Member:** Hear, hear.) I hope, nevertheless, that this situation would never actually arise.

1860 The exclusion for redundant glasshouse sites. In summary, issues connected with redundant glasshouse sites are generally complex and go well beyond the scope of spatial land use planning or affects the amenity. It would be impossible for the DPA to deal with the issues of this magnitude under the proposed powers with anything like existing resources. There is existing policy provision within the DPA to encourage clearance of redundant glasshouses through proportionate development opportunities, and this has been deemed to be so far as the land planning can legitimately go.

1865 There are also more effective and equitable potential ways of dealing with redundant glasshouse sites through physical measures, as was discussed at the Budget debate. For these reasons, the DPA does not propose to include derelict glasshouses within the scope of the provision. As an overriding principle, we wish the additional powers to be sought simple, direct and effective. To include redundant glasshouse sites would not achieve this and would practically make it impossible for us to succeed in dealing with important areas where eyesores do exist.

1870 How the powers would be applied to sites' owners who have limited resources. This query has been raised as a position regarding people who cannot afford to pay for the rectification work to be done. I do understand this, and I can really empathise with these concerns here, as I did have them myself. However, I can assure States' Members that before any action was taken under these provisions' power, the DPA would carefully consider the detailed circumstances of the case, including the proposition of property owners, if relevant, and balance these with public interest in determining whether to pursue this particular course of action.

1875 I quote from the policy letter:

In exercising the proposed powers, care would be taken by the D&PA to ensure that it did so in an objective and ... [conscientious] way, but having regard to the particular facts of the case, and that any relevant issues were considered ...

1880 The proposed process explained in this policy letter will be robust, proportionate and fair. It will also include the rights of appeal on various grounds, as set out in the policy letter, including the ground of appeal that the requirement of the notice is excessive or period specific is unreasonable.

1885 Lastly, the consideration on the impact on ecology and wildlife. Similar to what I have just been saying concerning the owner's position, any relevant matters, such as impact on proposed action on the ecology or wildlife would be considered by the DPA before committing to action. As a responsible States, the DPA would clearly not wish to cause adverse effect on other areas as regards to ecology and wildlife when exercising powers to redress amenity issues. There is already a requirement for the States to consider ecology and wildlife generally through the Strategy for Nature and the Animal Welfare Ordinance, which reflect in consideration by the DPA of any specific case.

1890 To ensure that this policy commitment to consider ecology or wildlife this is documented transparently to the public domain, the DPA will include a statement within its published guidelines on the proposed provision to confirm that an impact on ecology or wildlife will be considered, where relevant, by the DPA when considering and deciding whether to take action under the provisions of the Ordinance.

1895 I do hope that these clarifications and commitments to inform provided within this policy letter are sufficient to enable Members to support the policy Propositions today. Apart from Deputy Taylor, who does not support the Propositions, the DPA is keen to progress with this Ordinance and gain adequate powers to tackle known eyesores in urban centres and rural areas, and thereby support the Government Work Plan.

1900 **The Deputy Bailiff:** Thank you.
Deputy Inder, you have put forward an amendment to this.

Deputy Inder: I have, madam.

The Deputy Bailiff: Do you wish the States' Greffier to read out your amendment?

1905 **Deputy Inder:** Yes, it's a shorty –

The Deputy Bailiff: States' Greffier, if you would read out the amendment.

The States' Greffier read out the amendment.

1910 **The Deputy Bailiff:** Deputy Inder.

[Amendment 1:](#)

In Proposition 1 immediately after "other than in relation to", insert "land forming part of a dwelling house or its domestic curtilage and"

Deputy Inder: Thank you, madam, Members.

I was expecting to hear from Deputy Oliver, to help us shorten the speech, that her Committee had supported this amendment, but it was not clear from her opening speech that that was the case. I am happy to give way to shorten the speech up somewhat.

1915

The Deputy Bailiff: Deputy Oliver.

Deputy Oliver: I can confirm that the DPA will be supporting this amendment.

1920 **Deputy Inder:** That's great.

The Deputy Bailiff: Thank you.

Deputy Inder: Thank you. That makes things a little bit easier.

1925

Members, listening to – and I am going to talk to the amendment – I think it is important to understand, when you look through the policy letter, it is not entirely clear what the policy letter is trying to achieve in terms of economic benefit to the Island. I honestly believe there is a clear separation between looking at areas of regeneration, commercial property, and popping over the hedge of someone's house and deciding what their garden looks like.

1930

The problem this Assembly will have, or it may not be a problem, should this amendment fail, I simply will not be able to support this policy letter, it is as simple as that. I will give some reasons why, but I will start with a brief story.

1935

Those of us who have walked through the parish itself on elections, when we did have parish voting, it had become a bit of an advantage, really, because as you drive around hundreds of houses you have always wanted to go and have a look in the back garden, and you have actually got the one excuse. You can pop around and go round the back in the Guernsey way.

1940

There was one, and I will be very circumspect, where the house was of a certain age, you could even, looking at it, look like it was actually derelict from the front. To be perfectly frank with you, when I went and knocked on the door, even though there was a dot on the map that said somebody lived there, it was not clear to me that somebody lived there. I walked round the back, up the drive, bushes were hanging over, you could tell it was probably a greenhouse site once. There were a couple of knackered broken houses at the back, about 400 foot of it.

1945

Knocked on the back door, door opened – took a while. A person came out and they explained that their partner had died. We got talking about various things regarding my manifesto. She was not actually that interested, she just wanted a chat, which was fine by me, and we got talking about

the glass at the back of the land, what she used to do, what they used to grow there, all that kind of stuff, and actually, she ended up getting quite upset.

1950 She was a proud lady. Ten years ago her husband died and she did not like what had happened to her back garden. She had seen the glass collapse, the frames had collapsed, the glass had fallen out of the back window, the stone troughs had been covered over, and I saw a lady who had been upset at the way that her life had changed.

1955 She was not the proud grower any more. She was the retired 77-year-old, who had lost her father, who did not have the same means that they had in a previous life and this policy letter, if you looked at the front of her house, knowing nothing about her circumstances, that house could potentially, in an entirely subjective way, affect the amenity of the area.

1960 What that means, without having any knowledge of the lady's circumstances, the next neighbour decides they do not like the look of the house. Wrong colour, wrong shape, bit of growth in the front garden, tractor stuck in a shed at the top of the garden, and a report gets given. What happens next? This lady knows nothing about it, she gets a fairly officious letter from the DPA reminding her of her rights and responsibilities. We know, and I am not being unkind, there is no bedside manner here. The Law says this, these are the circumstances, the DPA as individuals, if not officers, determine that a case has be met and the process starts. The letter gets sent.

1965 The lady receives it, I have told you the story about her background and her lack of wealth, and day 1 she gets a letter that says you will make amends now because Government said so. What a load of nonsense. And I am really surprised this has got anywhere near this Assembly. We are not talking about the great suburbs of Manchester where they were selling houses for £1 on tenements that were never ... We are talking about odd individuals dotted around the Island, with different types of lifestyle, that are going to have the weight of Government bearing down on them, and I am sure I will hear from lawyers who can tell me what this actually means, because it is not obvious.

1970 The letter comes, next thing there is a response, then there will be an appeal ... Please, I am asking Members to fully support this.

1975 I have not really written much of a speech, as you can probably tell, but I note looking at the responses from the various parishes, that the Vale wanted all land to be encapsulated. And they are probably right, but we will move on to another amendment later on. Effectively, they said there are areas of concern, I think probably they were talking domestics, I have got an indication of what they are talking about, but they actually said some of the worst offenders are actually the States of Guernsey. But that is for another amendment.

Castel supported clearing up of glasshouses but the DPA have told us it is now not in there.

1980 St Saviour's wanted notification before issuing of any civil notes, and they particularly had concerns over means of an owner, as I described earlier. What does it actually mean of an individual owner, when you do not like the amenity value or the look of a house? What does it mean?

St Sampson's were concerned about vineries – no surprise there. They were particularly critical of States-owned land. But again, that is not in there.

1985 Vale were concerned about encapsulated land, but apparently States' land is not in the policy letter, Castel supported glasshouse clearance, but *that* is not in the policy letter. St Saviour's wanted notification before they were issued, that is unlikely to happen, and they had particularly concerns over means of an owner, in which the original policy letter, now supported by the DPA, did not appear to be too worried about. And St Sampson's were concerned about vineries which is not in the policy letter.

1990 **The Deputy Bailiff:** Deputy Inder, I am loathe to interrupt, but can you ensure that you are talking about your amendment, rather than general debate.

Thank you.

1995 **Deputy Inder:** Yes, madam, I am going to get there. I am happy to forsake general debate on the matter.

The Deputy Bailiff: Still, at this point, it is about your amendment.

2000 **Deputy Inder:** Understood, madam.

Strangely enough, we went to a meeting some weeks ago, and I think it was Deputy Blin as a Douzenier mentioned concerns they had over certain areas of regeneration of Guernsey, but interestingly enough, we have actually had nothing from St Peter Port. There has been no response from St Peter Port at all.

2005 And if you look through the policy letter itself, I think it is important here, what the DPA want, they want to talk about regeneration. I think they want to talk about Enterprise Zones really – that is where the win is. I do not really think that that is explained within the policy letter. So the signatories of the amendment do not feel it is the business of Government or authorities or elected representatives to interfere in the private lives of landowners – genuinely do not. I honestly believe
2010 it is a fundamental right, as does Deputy Gabriel, and I thank him for his support on this, the right of everyone in the Island to live how they please on their own property.

It has merit, the policy letter, in areas where derelict commercial properties may hamper or hinder development of certain areas of our Island, particularly St Peter Port and the Bridge. But there is a distinct difference between a commercial premises that may have been derelict for a
2015 number of years and whose effect has brought down a retail area, for example, along with the surrounding, I am not going to use the word ‘amenity’, ‘opportunities’ if anything, to interfering in the life of an individual where the neighbours dislike the look of the property or take a dim view on an individual’s lifestyle, and encouraging Islanders to report them to the Authority.

In matters of owner-occupied properties, the amenity element is contentious and entirely
2020 subjective. It is *entirely* subjective. And the signatories do not want Government to create a snoopers’ charter, where Douzaines and Islanders are encouraged to seek out errant householders on an ill-defined amenity argument.

The power of social media cannot be ignored. In small jurisdictions, it is not impossible that
2025 Islanders with alternative lifestyles, disabilities or simply limited funds become the targets of social media. And I did not go searching for headline yesterday, I laid the amendment in and we got the headline ‘Inder against snoopers’ charter’. That went on *The Guernsey Press* site within about half an hour. Within 20 minutes of that being published, already an address, which most people know we are talking about was already identified as the one they wanted to target. And I was not going to mention, I was being fairly circumspect: within *20 minutes*, that person had been ... He probably
2030 does not even know they are talking about him, because he is probably working today. Within 20 minutes, it has already been identified.

Please, Members. Deputy Murray, I think it was, he was a signatory to this originally, he actually said let’s keep out of taxpayers’ pockets. I am asking you to keep out of their gardens.

Thank you.

2035

The Deputy Bailiff: Deputy Gabriel, do you formally second this?

Deputy Gabriel: Yes please, madam. Am I able to speak –?

2040 **The Deputy Bailiff:** Thank you. Do you wish to speak now?

Deputy Gabriel: I would like to speak now, yes, (*Interjection by the Deputy Bailiff*) thank you.

So firstly, when I look at a policy letter, I try and look at what problem we are trying to address. Is there really a blight of derelict houses, vehicles or domestic land across our Island? Not
2045 everywhere I look, certainly. And if so, do we need new legislation to tackle this seemingly widespread problem? It should not be the job of Government to oversee every aspect of Islanders’ lives.

For some, they may be property rich but cash poor, and unable to invest in their property, or even maintain it. Should they have to make that choice in either their early years of owning a

2050 property or even advancing years, whether to paint it or heat it? For some, they may have a liking
for living in a certain way. There are many who like to have certain things around them. They may
like the security of having things just so, or items they have accumulated around them. They may
like to collect historic items. They may have a special connection to the items that they have around
them. And if they overspill into the garden, or even choose to keep them in the garden or their
2055 domestic curtilage, then so be it.

What happened to an Englishman's home is his castle'? In 1763 the British Prime Minister William
Pitt the Elder stated:

The poorest man may in his cottage bid defiance to all the forces of the Crown. It may be frail—its roof may shake—the
wind may blow through it—the storm may enter—the rain may enter—but the King of England cannot enter!

If this legislation is introduced with residential properties included, many who have properties
that may be deemed unsightly could unwittingly be pushed further into a negative state by any
2060 well-meaning actions of the Development & Planning Authority. Remember that one of the
consequences of not dealing with a civil enforcement notice is a criminal record. Who would want
the threat of that hanging over them, just because a bit of paint has not been updated on their
property?

Mind, the mental health charity, lists advice for dealing with hoarding. One of their key points
2065 when supporting someone with a hoarding disorder is:

Not everyone is ready to admit that they have problems with hoarding. If someone [you know or] close to you is in this
position, try to:

- Be gentle – you can't force someone to change their behaviour. Don't try to persuade, trick or force someone
into clearing up or throwing things away. This is unlikely to help them change in the long-term ...

I will repeat that last bit: do not try to force them to change; exactly what this legislation is trying
to do.

The Town and Country Planning Act 1990 describes that the scope of works that can be required
in civil notices is wide, and includes planting, clearance, tidying, enclosure demolition, rebuilding,
2070 external repairs and repainting. For me, this goes much too far and we should not be imposing this
on our Islanders; *our* citizens. This proposed Ordinance goes too far, is far too subjective, is a huge
sledgehammer to crack some very small nuts.

Thank you.

2075 **The Deputy Bailiff:** Deputy Falla.

Deputy Falla: Thank you, madam.

Like Deputy Inder, I did take the opportunity to have a little look at some houses on the election
trail back in October 2020. But unlike him, I tended to choose the big, posh houses and go down
2080 the long driveways, just to see how the other half lives. And I had to weigh up whether that was
worth my time, because I could have visited more houses on ? 12.20.19??? It was very interesting.
But I have got concerns about this policy letter, and now these amendments coming in.

I actually think that, like some of the abandoned vehicles, the wheels are coming off of this policy
letter, because we have had so much delay, seven months delay now, when this would have been,
2085 the Agenda was pushed back, and this would have been debated and perhaps it would not have
attracted so much attention. We have had longer to think about it and while I was one of the
Members who consulted the DPA on some of the matters that Deputy Oliver referred to, I have had
longer to think about it now.

I was going to bring amendments myself, which I decided against, but I think my biggest
2090 problem is hearing Deputy Oliver this morning saying 'Well, don't worry, because we'll consider
everything on a case-by-case basis.' If that is true, then there is no level playing field and we are
actually discriminating against the people who can afford to deal with (**Deputy Queripel:** Hear,
hear.) their unsightly property. So I am now confused about that, and the same goes for the ecology

2095 and wildlife issue. There has to be a level playing field if we are going to have some sort of legal action that can be taken.

So I think that increasingly this proposed policy is being undermined and while I am concerned, and upset to a degree, by some of the miserable state of certain properties and one very near me where I live, and I have had lots of people in my neighbourhood talk to me about it, I actually am more encouraged to support this particular amendment. I am still slightly on the fence, but I think I am getting towards supporting it.

Thank you.

The Deputy Bailiff: Deputy Queripel.

2105 **Deputy Queripel:** Thank you, madam.

This is a well-intended amendment. It is an attempt to sweeten what is an extremely bitter pill, an extremely bitter pill being the DPA proposals.

I am in need of a clarification, though, from Deputy Inder, because the amendment reads:

In Proposition 1 immediately after "other than in relation to", insert "land forming part of a dwelling house or its domestic curtilage ...

2110 I am going to ask what could be considered to be a silly question, but as former Deputy Michelle Le Clerc used to say, you should never be afraid to ask what other people may consider to be silly questions, just ask them. So where it says 'land forming part of a dwelling house' does that also mean the dwelling house itself? In the policy letter, in paragraph 1, it says that "'land" includes buildings'. So I am sure that is Deputy Inder's and Deputy Gabriel's understanding, but I would just like clarification of that please.

2115 I give way to Deputy Inder.

The Deputy Bailiff: Deputy Inder.

Deputy Inder: Thank you, Deputy Queripel.

2120 I did not write this without taking some soundings from planning officers. We explained via email exactly what we are trying to achieve. It includes the houses and domestic curtilage. So if this is successful, the wording was changed by planning officers to ensure it included a house and its domestic curtilage. That is what we are attempted to exempt out. So the officers of the Planning Office at the DPA understand entirely the intent of this, which hopefully helps him in some way.

2125

The Deputy Bailiff: Deputy Queripel.

Deputy Queripel: I thank Deputy Inder for that clarification, madam.

2130 So that is meant by the wording in the amendment, and if this succeeds, what other buildings and land are left?

We all know the DPA proposition seeks to exempt the States, which raises concerns about protectionism and discrimination, but that is a debate for another time. But looking around the Island at the condition of some of our warehouses, it concerns me that owners of those warehouses might be told to 'Get your act together or else.' And what about sports clubs and sports facilities? And what about charities that have got buildings and facilities that might be considered to be unsightly that are not used as residential properties? They will still fall under the powers of the Ordinance.

2140 So I would like to hear Deputy Inder's views on that issue, madam, when he responds, please. Because although I resonate completely with what we are told in the explanatory note, where it states that the amenity element is contentious and entirely subjective. Because after all, beauty is in the eye of the beholder. So consequently what is unsightly to some will be pleasing on the eye to others.

2145 As I said, it is a well-intended amendment, but I am concerned that the snoopers' charter that is referred to in the last paragraph of the explanatory note, although it would be watered down, if this amendment succeeds, it will still exist where all of the other properties that are not exempt are concerned, such as sports clubs and their facilities and buildings that belong to charities and associations, whose funds are extremely limited. Because the owners of those buildings, who do have limited funds, will still be a target for snoopers. I need clarification on that point please, madam.

2150 My final question for Deputy Inder is this: does this amendment cover social housing provided by the GHA via their partial-ownership scheme?

Madam, in closing, I want to make it clear to everyone I have given Deputy Inder advanced notice of my questions.

Thank you.

2155

The Deputy Bailiff: Thank you, Deputy Queripel.

Deputy Burford.

Deputy Burford: Thank you, madam.

2160 I was not intending to speak on this amendment, or possibly even the policy letter, but I just really wanted to stand up to try and provide what might be a little bit of balance, because there does seem to be almost a hysteria being whipped up here, which I just really do not think that this policy letter merits.

2165 In terms of the amendment, I am fairly agnostic about the amendment. I probably would not have supported it, but I think the issue is if the DPA have decided to support it, and I suspect that is far more for strategic reasons than the fact that they really believe in it, the likelihood is that it will sail through the Assembly, so hopefully we do not need to spend too much time on it. (**A Member:** Hear, hear.) But I will be supporting the policy letter because it is in place in other places, and I do actually think that it is just a sensible backstop for cases that are needed. I just do not think that this tabloid hysteria that seems to be emanating now has got any justification.

2170 In response to Deputy Falla, I think the case-by-case issue actually helps the people that he might want to help, rather than hinders them, because their circumstances and such can be taken into account.

2175 So really that is all I wanted to say in this minute or two before lunch, but I just wanted to provide a little bit of a counterbalance to the general narrative we have had so far.

Thank you.

The Deputy Bailiff: Thank you, Deputy Burford.

2180 As Deputy Burford has alluded to lunch, I think now is an appropriate time for us to adjourn, as it is 12.29 and three seconds, and we will meet again at 2.30.

*The Assembly adjourned at 12.29 p.m.
and resumed its sitting at 2.30 p.m.*

**Proposals for provisions to address land
which is affecting the amenity of an area –
Debate continued**

The States' Greffier: Article 3, madam, the continuation of the debate.

2185 **Deputy Bailiff:** Just before we start the debate, Deputy Roffey, I note that the Alderney Representatives have made it across the ocean now. Do you wish to be relevé now, Alderney Representative Snowden and Alderney Representative Roberts?

2190 **Alderney Representatives Snowden and Roberts:** Yes please, madam.

Deputy Bailiff: Thank you.
And, Deputy Helyar, do you wish to be relevé?

2195 **Deputy Helyar:** Yes please, madam.

The Deputy Bailiff: Thank you.
Deputy Inder has rather pre-empted me, but if Members do wish to take off their jackets (*Laughter*) please feel free to.
Deputy Roffey.

2200 **Deputy Roffey:** Thank you Madam Deputy Bailiff.
I am wondering if I should start with a declaration of interest, and I say that because I live quite close to Deputy Falla, and listening to his speech this morning saying there was a property near to his house (*Laughter*) that the whole neighbourhood was up in arms over, did take me back slightly, just in case.

2205 However, there was something else that Deputy Falla said that struck a chord with me; he said maybe nobody reacted to this policy letter when it first came out. I have to say I did, I reacted to this the very instant it came out several months ago, and maybe because I have been through a very similar debate over those similar issues quite a few years ago and therefore I was warmed up and had predilections in this regard.

2210 I have to say my first two phrases – and I apologise to Deputy Burford if this sounds very, what was it, tabloid, but the first phrases – that came into my mind were 'control freakery' and 'do as I say and not as I do'. The second one we will come on to with the next amendment.

2215 But I do worry about control freakery. Deputy Queripel said that beauty is in the eye of the beholder. Well, so is ugliness, and when I read this policy letter it talks about things that are going to reduce the 'pleasantness of the area'. I mean that is so incredibly subjective. (**Several Members:** Hear, hear.) I know I am an old fuddy-duddy but when I look at some of the brand spanking new millionaires' houses that are going up, with permission presumably from the DPA, that look like huge wooden square boxes with whole walls of glazing, I think they are as ugly as sin. I think they really detract from the pleasantness of the area. But I am sure that is probably not what the DPA have in mind in putting these orders forward.

2220 By contrast, I think some dereliction is incredibly attractive. I mean there was a lot of mention about biodiversity this morning. I have to say a lot of dereliction is incredibly positive for the biodiversity of Guernsey. (**A Member:** Hear, hear.) One of the reasons we are losing species like owls etc. is because we are so blasted tidy these days, and we have got green jungles of mowed lawns everywhere instead of a little bit of wildness. So it is really hard to argue against when people say 'Oh, we are talking about Bon Port and we are talking about Mill Street.' It is very hard to argue against that, but I do really worry about mission creep. I think once this sort of legislation is in place then mission creep is almost inevitable.

2230 A bit like – we do not often sing from the same hymn sheet, but a bit like – Deputy Inder this morning, I am worried about ... my libertarian side is coming out, I suppose. We have some eccentric people in Guernsey who live in ways that the rest of us find odd. We have not just elderly who cannot manage their property. People have just got slightly strange ideas of how to live, and their neighbours look askance and say something ought to be done about that, but I am not sure that
2235 anything ought to be done about that. I just think people need a bit of freedom to live in the way that they see fit.

So I am going to focus on this amendment. I think I will vote for it, but I will vote for it as a mitigating measure rather than I think that it solves the whole of the problem. I think a problem in my mind will still exist but I will vote for this. I will try to keep an open mind, but until I hear general debate
2240 ... and this, to me, I put in the same category as stopping hobby anglers selling fish to the enablers. I just think is interfering in bits of ... that is where I will probably depart from Deputy Inder, just unnecessary Government (**Several Members:** Hear, hear.) nose-prodding into areas of people's lives where we should just be keeping out and being a little bit more libertarian.

2245 **A Member:** Hear, hear.

The Deputy Bailiff: Deputy Gollop.

Deputy Gollop: Yes, it makes me think if there was an Eisteddfod trophy or cup for dereliction
2250 maybe I would be in the running. But no, I have been listening to what Deputy Roffey and other eminent speakers, Deputy Inder, have said and maybe me or my family or people would be in that sort of eccentric hoarding kind of character, and I want to keep and keep everything, and then I lose everything because all the good stuff gets mixed up with the old. And then of course, I remember a case when I actually received an offer on a property and I suspect the offer was because the
2255 developer wanted to move me on about a decade ago, but that is another story.

But, yes, I can see that this could be used or misused and certainly I, myself, have had fairly robust conversations with planning and implementers as well. But I have also, on another level, sat on the Environment Committee that Deputy Burford ably chaired as Minister, and was President of the DPA myself when Deputy Oliver was a Member. So I do see both sides of this, and certainly the
2260 officers have had ineffective tools in their toolboxes for dealing with problems, and just as we have had a plethora of people who are outraged libertarians supporting Deputy Inder and Deputy Gabriel ... because he is their hero in a way, Deputy Inder, but we have also over the years have had many people who say, 'I do not like that, that is awful, that is a blot on the landscape. How is it that hotel, or that shop or that house has been left in that state? Shouldn't we do something about derelict
2265 houses?'

There is a balance here, and Deputy Burford, I think, tried to put forward that balance. Let me put things another way. I believe in the 1940s Guernsey first developed a Natural Beauties' Committee and that mutated into the Island Development Committee in the 1960s. And some people remember the late Conseiller Ogier who was a strong President of that committee for many
2270 years. There were other politicians who followed him. But Guernsey had one of its great cultural change movements when it went from being in some ways an ultra-libertarian place where people could build bungalows anywhere they wanted if they owned the land, to a place of a very rigorous planning system. And perhaps we spent the last 10 years trying to row back a bit with these exemptions that we passed earlier this morning and the more policy-based system.

Because I do remember – I was almost part of it, Deputy Matthew's father was part of it – you had nine States' Members who went around on a bus and they spent two and a half days a week with civil servants who were not always qualified planners, debating whether somebody should be able to change a window or a door. It took up a lot of work. It was a lot of expense for the taxpayer who were probably paying for the architecture and building professions, but at the time there was
2280 a kind of populist consensus that planning needed to be controlled by the community.

Because, I do not want to get ideological here, but when you think about it the very nature of any planning laws has a slightly authoritarian statist, even socialistic quality, to it. Because it tells an individual who has, he or she, worked hard to purchase land or inherit the land or property, it actually tells them what they can and cannot do on that property, whether it be putting in a swimming pool – that might be exempted now – extending it, putting a house behind for the grandchildren, restructuring it, taking out material from a conserved property and so on. So the nature of planning is actually about the community –

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I will give way to Deputy Roffey.

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The Deputy Bailiff: Yes, Deputy Roffey.

Deputy Roffey: I thank Deputy Gollop for giving way.

I want to ask him whether he can see a qualitative difference between planning constraints to tell you what you can and cannot do, and ones being talked about today which tell you what you must do?

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The Deputy Bailiff: Deputy Gollop.

Deputy Gollop: Yes, I can see that point because it is not clear from this policy letter or legislation what the 'must' is because, as Deputy Inder and others have said, planning is subjectivity to a degree. And I suppose we have evolved from delegating it from the nine good people in the bus, who were mostly lay people, to the DPA Committee, but they are supported by highly trained officers.

2300

Now another strand in this conversation, that Deputy Inder raised, is the role of Douzaines. And we are always saying – I think most Members of the States have said this, certainly P&R did, certainly there was a theme in the Island-wide election – that would it not be a good idea to delegate more functions to the Douzaines and stop centralising everything? Well, as soon as Douzaines remonstrate about properties in their area, they are kind of told, 'Oh, well, you should not interfere with that; let people have the freedom of their lifestyle.' So, yes, there is a difference in saying what you can and cannot do, and what you must do; but it is a fine balance. I do not think this should be necessarily applied to people with houses who choose to paint them colours. It certainly should not apply really to biodiversity, and I personally, like Deputy Gabriel I expect, sometimes like the classic cars and that kind of thing.

2305

And actually, I am minded to vote for this amendment because not only are the DPA supporting it, possibly reluctantly, but also because I think it is a gradualist way of seeing how this works through and how it is implemented, if we want any more. But if the impact of this policy letter as amended is to sort out the sundry derelict, semi-derelict, abandoned hotels, guest houses, shops in Town, then I am all in favour of that, and I am also in favour of borderline commercial areas.

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As regard to the houses, I do take on board the point that it could be seen, without more knowledge as to how it would be implemented, as not only an anti-libertarian move but something that may affect people with mental health or other conditions.

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So I am prepared to support the amendment. I think if I had been on the DPA in the last term I would have supported the whole policy letter unamended. I did! (*Laughter*) I remember now. Well, of course we did because, well we never got it to the Chamber – that was unfortunate perhaps! But the whole point is we know how much political heartache we have had with letters of complaint from individuals and Douzaines, from discussions with lawyers and officers and experts, and the difficulty sometimes in working for practical managed solutions and sometimes actually a flaw in this amendment, in a way, is there is not always a very clear distinction between personal houses and commercial sites. I could think of an area which is maybe part residential, part tourism.

2325

So, yes, because I have listened to the feedback I will support Deputy Inder's amendment. But if Deputy Inder's amendment fails I will vote for the whole policy letter unamended.

2330

The Deputy Bailiff: Thank you.
Deputy de Sausmarez.

2335

Deputy de Sausmarez: Thank you, madam.

I have to say the issue of ecology, biodiversity, wildlife is one that the whole E&I Committee were very interested in and originally concerned about when the DPA, or certainly its President, kindly came to talk with us about this policy letter, but we were reassured on that point and indeed the President addressed it in her opening speech. It is also referred to in the policy letter in paragraph 5.11, so I am not overly concerned about that because I do think that the DPA will take that aspect into very serious consideration and will not be directing the tidying up of fantastically biodiverse areas.

2340

That really brings me on to the essential point, which is about proportionality. Now I understand that the spirit of this amendment probably hinges in a way on proportionality and the argument that Deputy Inder is making is that while you can see a case for the big high-profile eyesores to be addressed then maybe the domestic properties are less proportionate.

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I have to say I am kind of on the fence about that argument because I think there probably are potentially, or could potentially be, some domestic cases which really cannot be tackled in any other way. The way I read the policy letter, and certainly the way it was explained to me when I spoke with the President of the DPA, was really this is about providing the DPA with a tool that actually all other jurisdictions have, I think including Alderney. So this is basically, this is something that has kind of fallen through the slats in our own legislative suite, and this is really just providing the DPA with the tools to tackle things that all other jurisdictions would be able to tackle.

2350

Now coming back to the issue of proportionality, frankly, having worked in the States for the last however long, six, seven years or so, I have no concerns over proportionality because we simply do not have the resources within the States, and certainly not within the DPA, to go chasing anything minor. So I am not concerned in the way that Deputy Roffey is about mission creep and I, frankly, cannot see any conceivable point in the future, where even if there were a will to overstep that mandate, there would not be the capability of it.

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So I have to say I am not concerned in any realistic way. I understand the theoretical argument, I am not concerned in any practical way about the risk of mission creep. I am yet to be persuaded about whether there is a hard cast-iron case to take domestic property out of the scope of what this is trying to do, given what this whole policy letter is attempting to achieve in its *raison d'être*, but I am certainly open to argument and I will listen to the rest of debate before making up my mind on that.

2365

Thank you.

The Deputy Bailiff: Deputy Kazantseva-Miller.

2370

Deputy Kazantseva-Miller: Thank you, madam.

We had a very interesting presentation by Critical Economics, comparing different Island jurisdictions and it identified that land availability was one of the key constraints for Guernsey now and going forward. We just do not have enough of it. And so the ability to use land and brownfield sites most efficiently is of critical importance to us, so we just cannot afford going forward to have dereliction, which is basically unproductive for all intents and purposes land that could be developed.

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The type of land that we are talking about will be brownfield sites, so these are prime examples where something economically productive could be developed, could happen. And what happens is that right now we have literally no tools as Government to actually do something about it. And I do stand to be corrected but we simply do not. We do not have any tools to do something about, for example, derelict hotels. So this is very much a tool in the box.

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2385 I originally came into this when thinking very much, as Deputy Inder said, about some of the regeneration zones we have identified as the States, and one of them is Mill Street. And the States of Guernsey –

Deputy Inder: Point of order, madam.

2390 **The Deputy Bailiff:** Yes, Deputy Inder, point of order.

Deputy Inder: With the greatest respect, and I suspect we will hear from Deputy Kazantseva-Miller about dwelling houses and domestic I think, with the greatest respect she is talking about commercial properties which should be in general debate. What I would really like to hear from her as a Member of the DPA, is about the ...

2395 **The Deputy Bailiff:** What Rule do you say that Deputy Kazantseva-Miller ...?

Deputy Inder: Unless she is forsaking her ability to speak in general debate, she is not actually talking to the amendments.

2400 **The Deputy Bailiff:** Alright, I thought she was getting to that in the same way as there was some breadth in relation to your original presentation of your amendment. But we will see, and certainly, Deputy Inder, I will be on it if she goes beyond.

2405 **Deputy Kazantseva-Miller:** So, I came into this in relation to Mill Street because as part of being Economic Development we are also looking, as Deputy Inder earlier said in his speech, at all of the opportunities to regenerate in those areas. And the States has been talking about doing something in areas like Mill Street and other areas for decades. But literally nothing has happened, and still nothing will happen if we do not give the States tools like we have now.

2410 Another important tool that Deputy Helyar helped hopefully introduce is the empty property – I give way to Deputy de Sausmarez.

The Deputy Bailiff: Deputy de Sausmarez.

2415 **Deputy de Sausmarez:** I am really sorry for interrupting. Thank you, Deputy Kazantseva-Miller, for giving way.

But actually she raised the question of Mill Street, and that does in itself raise the very interesting question which is highly pertinent to this amendment, which is are any of the properties that the DPA has in mind in that area, residential? Because I know some of them are sort of mixed use. I do not know how they are zoned in terms of the DPA, whether it is commercial on the ground floor but residential on the upper floor, or whether it applies to a whole block, but actually if Deputy Kazantseva-Miller or the President, when she replies to debate, is able to reply on that, I think that is actually one of the most pertinent facts which will help me form a decision on this amendment.

2420 Thank you.

2425 **The Deputy Bailiff:** Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Thank you, madam.

2430 So in my understanding, a dwelling house is a house basically, so a retail unit actually would not be included as a dwelling house, but also I believe flats are not included, they are not considered to be a dwelling house. So actually Mill Street will fall under the scope of this, will not be the scope of this amendment and we will continue having the tools to do something about it.

And so I mentioned that there is very little or nothing as the States we can do. So I absolutely hear the concerns of how far this could go, and we have asked the officers to give us just a very

2435 tentative list of areas or eyesores that we might want to consider and have the resources to
potentially tackle this political term, because we are very keen to do something now. And they gave
us a list of, I think, about a dozen. They are all known eyesore sites, mainly hotels basically that the
Island and all of us will be able to identify. There is nothing on that list that is talking about
someone's paint on their house or anything like this. This is absolutely not the intention of where
2440 we want to go.

So I think, as Deputy de Sausmarez, there is very little risk that DPA will ever kind of go into that
territory, but I think for the peace of mind of Deputies, I do not think we will lose anything this
political term, by passing this amendment.

2445 I think I just also want to remind that there are kinds of checks and balances in place, and the
States already has, and Planning has, enforcement powers. So for example, the high hedges law.
We actually tell Islanders how big/high their hedges should be and have enforcement actions
against that, so we actually already do something like this with plants.

2450 The whole process, yes, so I think I am probably now erring a little bit into general debate, but I
think it is to say other jurisdictions have had it. I do not think the wheels have fallen off the rails or
buses anywhere else, I think Deputy Falla was concerned about that. So I really think we should not
over-exaggerate the risks of this.

I think it will be a very useful and important tool and we should get on with it. I think generally
the DPA supports, by a majority, this amendment so perhaps this can help to move this debate
forward on this amendment.

2455 Thank you.

The Deputy Bailiff: Thank you.
Deputy Taylor.

2460 **Deputy Taylor:** Thank you, madam.

I rise for really just three points. The first one is a declaration of interest. I have a 50-year-old
Land Rover sat within the curtilage of my dwelling house. The engine will not start and the clutch
has seized so it is not going anywhere any time soon, but in my view it should be allowed to stay
there.

2465 A clarification, Deputy Kazantseva-Miller touched on it with the definition of a dwelling house.
But I wonder if Deputy Oliver could just clarify, or maybe Deputy Inder, I have not had chance to
check this on email, but it is to check that the amendment would exclude agricultural or horticultural
land, and land that is falling outside of the curtilage of the dwelling house. We have had an email
from officers, and I am looking to Deputy Oliver, that says that supplementary to this in
2470 completeness the amendment also refers to domestic curtilage so would not include agricultural or
horticultural land other than land falling outside of the domestic curtilage.

I see Deputy Inder is rising.

2475 **Deputy Inder:** I did test this with officers. There are many houses in Guernsey, for example, that
might have the entrance of the house, they have the known curtilage yet there might have been
600 feet of old glass which is now currently agricultural. The point of this is just house and curtilage.
It is just house and curtilage. It does not extend into what may be deemed as agricultural of the old
600 feet of glass that was going down the back of the land anywhere. I hope that helps.

2480 **The Deputy Bailiff:** Deputy Taylor.

Deputy Taylor: That does clarify, thank you.

2485 So that was the real point. The third one was just a suggestion, a bit tongue-in-cheek. I think if
this does go through, I think we could name this team the Snooper Troupers – it might put a bit of
a light touch on it; but otherwise I will be supporting this with the eventual aim of just watering it

down so in the event it does get passed, it will be a little bit better. But I hope Members will support this to water it down and then throw out the whole lot.

Thank you.

2490 **The Deputy Bailiff:** Deputy Dyke.

Deputy Dyke: Thank you, madam.

2495 I plan to support this amendment enthusiastically in fact, not as a cynical measure to get the main paper through. I do agree with Deputy Inder that there are others that have raised the point, there are libertarian issues at stake. I do believe in an Englishman's home is his castle, a Guernseyman's home is his castle. So with that in mind I do think it is right to exclude dwellings and their curtilage, and in fact the Committee itself had been working on a similar amendment but we decided to defer to Deputy Inder's.

2500 So I think it is right to vote for this, and I will do so, but it is not quite as clear cut as Deputy Inder might have indicated, because there is another way of looking at this. Say you have spent years saving for a deposit for a house, you manage to buy your little house with a bit of garden, and you do it all up, and you are proud of it and it is your thing and a big issue for the family. Then you get someone next door who decides to pile up the mattresses, the old fridges, the old cars in the garden. It is a bit depressing that your place will be detracted from quite seriously by this sort of thing happening.

2505 Having said that, there is another side to the argument, and on balance I think this amendment is completely correct. The thrust of these proposals, pursuant to Section 46 of the Planning Law, was not really the domestic properties. The thrust was the big old hotels, the really big eyesores. The idea that we would be getting into whether anyone has mown their lawn properly or painted their windows, was never really in the realms of what we were thinking about, and that would be taken out anyway under reasonableness and proportionality tests.

2510 So overall these are good proposals but this amendment is a good one, and I will vote for it. Thank you.

2515 **The Deputy Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: What I do, when I went along recently to a presentation by the DPA and its officers on this particular policy letter, I was of the view that it was fine unamended, because as Deputy de Sausmarez says they have had these sorts of powers elsewhere in the UK, I think for over 2520 30 years, and in other jurisdictions for a long period of time. But of course I went to this presentation and my view was changed.

2525 Could I just say as a general point, it would be helpful if more States' Members went to more presentations, because this one was poorly attended, as many I go to are. I appreciate that people are busy, and I must have a very quiet life because I tend to go to more of these presentations than most. Not everybody, but I go to many, but there are lots of people that do. Anyway, there we are. That is by the by.

2530 But the point is in relation to it, is that Deputy Inder got angry – I know that is very unusual – (*Laughter*) at that presentation, talking about a particular property that he could see as something jumping up and down the Bailiwick, and I think that is what he talked about when he spoke earlier, and I understand that. That property is a bombsite but it is that particular person's bombsite and within the bounds of reason they should be able to live there rather than a civil servant tell them that they can do it.

And I was reminded of the Peter Seeger's song:

Little boxes
Little boxes ...
And they're all made of ticky-tacky
And they all look just the same

2535 And Guernsey is not like that. I do not want Guernsey to be like that, I want it to be different. Architects tend to be ... They remind me I have the same admiration as most architects as I do for corporate lawyers. And in relation to that, the creativity is often minimal in respect thereof. One has crayons and the other has photocopiers; they both charge lots of money.

2540 But in respect of all of that, Guernsey has developed. It has the modern boxes now that Deputy Roffey talked about, because the architects seem to be going through that particular phase by building these glass boxes that in 20 or 30 years' time will look pretty horrible. But that does not matter, that is people's choice. I think the architects of the 1960s, the creative ones, were taken up to Mars for 10 years and they left the other ones down, because looking along the South Esplanade all those wonderful buildings that we see now, I do not know where anybody has got any creativity in relation to that. I could have probably done as well as that in relation to those.

2545 But the point is that we are a small community, we should let people live their lives. We should interfere as little as possible in respect of the States, and I take Deputy Dyke's point about, 'You have got your nice little property and next door is a mess'. There are environmental laws anyway which to a degree prevent that.

2550 And the last thing I want, because you will get it, we do live in a small community, and there are small-minded people, is somebody phones up and says Deputy Inder's back yard looks like a tip, get somebody round and get somebody to sort that out. Now that would be an outrageous defamation in relation to ...??? (15.00.16) to Deputy Inder, but that is the kind of stuff that would happen. Forget it. We have not got the resources to do it. Leave it alone.

2555 So therefore, this amendment to me, and I had my mind persuaded really as a result of going to that States' presentation, which was very well put by the officers and by the Members of the DPA. They presented us with a tool. But by going to that presentation it planted the germ, and Deputy Inder and Deputy Gabriel in particular planted the germ of the idea of this amendment, which I think is a good one.

2560 Guernsey is special. Let us keep it special.

A Member: Hear, hear.

The Deputy Bailiff: Deputy Matthews.

2565 **Deputy Matthews:** Thank you, madam.

2570 I too, will support this amendment, and I think for many of the reasons that people have covered. It does strike me as a sort of piece of legislation when it is applied to private homes that it could become a curtain-twitcher's dream come true, that well-off people could complain that their neighbour's gnomes are not lined up neatly enough. And I know that the counter-argument is that that would not meet the reasonableness arguments and it would not pass the tests the DPA have. But this idea of amenity and what looks good and what does not look good, is subjective. And there is bound to be choices in there that people do not agree with.

2575 It is my observation that the DPA does not carry a great deal of support or consensus with the public in terms of the taste of what looks good and what does not. And so I think that it is very difficult to make those sorts of judgements and I worry that the resources to carry that sort of thing out just are not there.

2580 I do appreciate that there is a very useful role to play in terms of looking at derelict or unoccupied homes, but I am not sure that enforcement action is necessarily the best way to go about this. I always prefer carrot to stick when these types of things go on. And I notice that in other places there are carrots to try and make this sort of thing happen.

I was comparing with, for example, the Republic of Ireland have something called a Vacant Property Refurbishment Grant, where a home that has been unoccupied for two years you can get up to €30,000 to help refurbish it and another €20,000 if it is on the derelict house register. And this is something that encourages people to make use of houses that are not currently used.

2585 We do not have anything like that, so presumably we would be pushing everything through an enforcement action and in a lot of cases with a derelict house, it will be derelict because people just do not have the money to do anything with it. And in that case, if an enforcement action is taken, presumably the owner's only option then will be to sell the property at a fire-sale price. And so, I would imagine that an awful lot of these enforcement actions will probably get settled informally, which does not really strike me as the best way to approach these things.

2590 And it will probably get used for an awful lot of things like, I think it has been mentioned a few times, like vehicles parked on people's land. And I do not know if planning is really the best way to approach these types of issues. For example, I know that there are issues where it is actually very difficult to get things like abandoned vehicles addressed. If you phone up the Police and say that somebody has abandoned a vehicle on your land, if it is private land there is very little that they can actually do to help that. And I am sure there are other routes that vehicles parked on land could be addressed much more effectively.

2595 So for those reasons I will be supporting this amendment, and I thank Deputy Inder for bringing it.

2600 **The Deputy Bailiff:** Deputy Murray.

Deputy Murray: Thank you, madam.

2605 I am going to forgo my right to speak in general debate and speak, if I may, to this amendment, because I think I need to give some context. And I am going to come at this from a very different angle to what has been spoken so far.

I will support this amendment and I think it was Deputy Burford this morning, mentioned the strategy, or strategic decision for the DPA to actually support this because obviously it might get the main body of the policy letter through.

2610 I am not going to support the policy letter, so I am voting tactically at this point in time, because it diminishes the scope of the main policy letter, and that would be my rationale for supporting this and not supporting the policy letter.

2615 However, my position is this. Only a few short weeks ago we had a debate about tax which got, frankly, nowhere. Our future revenues and so forth were just not resolved. So for me that was ground zero. We start again.

2620 And my concern at the moment, when I took over the position on Policy & Resources, I was lucky enough to take over the GWP and one of the first things that we did, countersigned with Deputy Ferbrache, was we sent a letter to all Committees and we encouraged them to think very carefully about what was critical moving forward, given the circumstances that we found ourselves in. This was actually prior to the debate where we found out actually the result of that debate, which got us nowhere.

2625 One of the phrases that we used on that, and I quote: 'We need to move from nice to have to need to have. I do not believe this is a 'need to have'. I think this is a 'nice to have'. And for that reason I applaud the DPA for bringing it. Indeed, I supported it at the time and I am really regretful that it kept being put back, because if it had happened before ground zero I might have voted in a different way, but it did not. And we are in a different environment now, and I really would try to exhort all Members to think very carefully about how we expend our resources at this point.

2630 We have had some very good discussions this morning, some very good speeches about how this would be implemented, and what is blatantly clear is this is not a simple thing to implement. We are going to get challenges. We are going to get appeals. That is going to take time. It is going to take resources. It will probably even take money at some stage.

Several years ago I had a property in St Martins and I remember a chap up there who used to leave I think half a car and a motorbike almost on the roadside. He ended up doing ...??? (15.06.54) because he was being told to shift it.

2635 Now I do not know whether that would trump what the DPA is seeking to put into place or not at this stage. But it is the kind of circumstance that you can find where the good old stubborn

Guernseyman is probably going to deploy whatever he can to try to ensure that he does not get dictated to about how he actually manages his property.

2640 So what I am saying effectively is whilst in principle this certainly seems to have some merit, in practice it will actually require far more resources than is actually being suggested. And for that reason I cannot support it. Now, I may be a lone voice here, but as I have the responsibility for the GWP I think I would be remiss in not trying to remind people that we actually have to be incredibly careful with our resources going forward. And because this is a 'nice to have' in my opinion, I cannot support it.

2645 Thank you, madam.

The Deputy Bailiff: Thank you Deputy Matthews.
Deputy St Pier.

2650 **Deputy St Pier:** Thank you, madam.

I have got little to add to that which has been said already, but I do have a question for the President of the Authority which I would be grateful if she could respond to in responding to the debate, and that is this.

2655 In seeking to understand the implications of this amendment on the proposals overall, because I was quite surprised to learn that the DPA are now supportive of it, because it seems to me that it strips so much of the original objective out of the policy letter that I wonder really what is left.

2660 So I would be grateful if, in responding to the debate on this amendment, if the President could explain to us why the Authority is now supportive of this amendment in light of their original objectives and what really will be left, which if accepted will then become subject to general debate? But I think it is appropriate to pose that question now and perhaps flesh that out as we move into general debate.

Thank you, madam.

The Deputy Bailiff: Thank you Deputy St Pier.

2665 So is there anybody else who wishes to speak in general debate? Deputy Haskins.

Deputy Haskins: Thank you, madam.

2670 I was of two minds whether to talk on this or save it to the final ... the main policy letter. But I think on balance, and not quite knowing where people stand on this, I thought I would raise some points.

2675 So, let me recap the policy letter, just so that Members are aware of some of the implications. So the DPA will have powers to serve a civil notice with requirement to maintain, refurbish or rebuild a derelict property, or to improve the appearance of the site such that it no longer affects the amenity of the street or area concerned. They will have powers to enter the land and to carry out required steps where a requirement of a notice is not met. And they will have powers to recover costs, and, apply to the Royal Court for a charge over the land similar to those which currently apply in relation to compliance notices under planning legislation.

2680 So this policy letter gives the DPA powers to force ordinary people to do things that it sees fit in order to make their house and garden feel pleasant to the area around it. I say this because it addresses the question of what does 'adversely affects the amenity' really mean?

Well the policy letter states:

This meaning is reflected in the Island Development Plan where it means the "feel" of a place in terms of it being pleasant or agreeable including the visual pleasantness of a place ...

So the DPA would have power to come on to your property, do the work themselves and continue to charge you for doing this or put a charge ...

2685 **Deputy Kazantseva-Miller:** Point of correction.

The Deputy Bailiff: Point of correction. What is your point of correction?

2690 **Deputy Kazantseva-Miller:** Yes, I think it is important to clarify that Deputy Haskins mentioned about DPA entering or asking for the property to be refurbished. It really links to the outside visual amenity of the property, not internal maintenance and refurbishment. Obviously if something is derelict that is a different thing, but it is not about what is happening on the inside, it is really the outside visual amenity.

2695 **The Deputy Bailiff:** Thank you.
Deputy Haskins.

Deputy Haskins: Thank you.

2700 I read the first paragraph from the policy letter, maintain, refurbish or rebuild. So I think it also said there are windows that need to be replaced, or could be replaced, that could be a part of the order, could be roof, so that, to me, might involve going inside.

So the DPA could go and charge you for doing any work if they go on to the land, and they do have, will have, the power to do so. But this is all to avoid a criminal conviction. You would have to let them. So if you are wanting to avoid a criminal conviction ... by not complying with the notice because they can impose a timeframe.

2705 So we are told that the reason that we must have this legislation is that because it is another tool in the box. And the UK has it, so it must be okay. Well I think it useful to note that over in the UK, Section 215 is typically complaint-led. It can be used proactively by the Authority but it is usually complaint-led.

2710 I wonder, Members, who might these complaints come from? The Douzaines perhaps? Disgruntled neighbours? Well I will let Members ponder as to who they think these complainants will be.

Would Members be interested to know that the best practice guidelines for Section 215 over in the UK quote:

'Amenity' is a broad concept and not formally defined in the legislation or procedural guidance, i.e. it is a matter of fact and degree and, certainly common sense.

More interestingly perhaps, it states:

Experience has shown that where a notice is appealed or a prosecution is pursued, a clear and well-presented case will usually be sufficient to ensure that the appeal is refused.

2715 That is all that is needed. A clear and well-presented case. There is an appeals process but only on specified grounds. Grounds such as: the requirements of the notice are excessive, not that we know what is excessive; the period specified is unreasonable; or that the condition of the land does not adversely affect the amenity of the area.

2720 But, Members, that bar is very low where the feel of a place in terms of pleasant or agreeableness ... It is so broad and with such a low threshold, the tribunal to me is just there to signal that there will be an appeals process, but it will not be there to protect the people that Deputy Inder was referring to, that we represent, from, potentially, busybodies that do not like how another person's garden or property feels.

2725 So in the UK the majority, the overwhelming majority of appeals, do not succeed. Mainly because the definition is so broad. How can you argue that the untidy van or Land Rover in your overgrown garden that you are meaning to get fixed, does not affect the pleasantness or feel? It is very subjective and a very low threshold.

2730 So my main issue is that these powers go too far. They will not only deal with the absolute eyesores. They have the power to deal with anything that some people, and we could be talking as little as three Members of the DPA and they would still be quorate, they get to decide whether a property or garden is affecting the pleasantness of an area. It might be this Committee's absolute

intention not to go too far, because they do not have the time and they do not have the resources, but what about the next one?

2735 Members, please do not forget once these powers are here they will not be taken away, they will be here to stay. Members may well be reassured that the current DPA may or can be trusted to only use these powers where the adverse effect on amenity is absolutely an eyesore, and the majority of the public believes something must be done, but this quite frankly is not enough protection for me and I would be surprised if Members feel reassured that a future DPA, made up of different Members, would not use these powers in a slightly different and perhaps slightly more intrusive way. The legislation is so broad that I struggle to think of something that it cannot do.

2740 So, Members, we have been told that if you were to include glasshouses, that would be it. It would be impossible. They could not cope with that amount of work. Really? If this is true then surely the DPA would not be able to cope with all the complaints regarding gardens and derelict buildings. Do not worry though, because in 2018 some Douzaines said, with respect to the resourcing implications: 'We wonder if it is worth considering devolving certain additional responsibilities to the Douzaines to assist with this. We are offering our assistance.' I mean, how very kind. But I think we all know a few times where this has led to a bit of frustration between Islanders. I mean Douzaines do some brilliant work, do not get me wrong, but I am sure Members know of instances where personalities have clashed. And I hope we can have the reassurance that if this policy letter does go through, which I am hoping it does not, that this does not happen.

2750 Now, in response to Deputy Kazantseva-Miller, I will just have a run-through of what we can already do. What legislations are already in place. Now obviously as outlined in the policy letter, they may well be subject to other planning laws. So if we want to preserve or protect or prevent the deterioration of a protected building, well Section 7 of the Land Planning & Development (Special Controls) Ordinance 2007. If we want to prevent the dropping of litter on our lands in the open air and available for public use where not done with authority or occupier or another person having control of the site, and wrongful use of litter bins, we have Litter and Waste Licensing legislation.

2760 In fact, for end-of-life vehicles, and of course some of the things that they can contain are brake fluid, oil, fuel, these are covered by Schedule 1 page 53 of the Waste Control & Disposal (Specially Controlled Waste) Regulations 2010, which underpins the Environmental Pollution Guernsey Law 2004.

2765 If our houses are overrun with mice and cockroaches or rats or premises in such state as to either be a nuisance or prejudicial to health, we can invoke the Loi Relative à la Santé Publique 1934. A rather antiquated bit of legislation, ripe for an update but a bit more for most of us, that some of you may remember, it is a public health ordinance.

And if we have our lovely neighbour who seems to fly-tip on our land, which could include a vehicle, then we have an unlicensed deposit. There is an offence relating to unlicensed deposit of waste on land, and that is covered in Section 21 of the Environmental Pollution (Waste Control and Disposal) Ordinance 2010.

2770 If your house is falling down or dangerous, the law is: *Loi ayant rapport à la Réparation ou la Démolition de Murs, Fossés, Maisons et Bâtiments qui sont dans un état dangereux*. A 1919 piece of legislation which gives the powers to the Douzaines and Constables of a parish in relation to buildings which are dangerous to persons in the vicinity. Now they can require an owner to return the property to a safe state or the parish can apply to the Royal Court to demolish the building.

2775 And then lastly, ruins. Well the DPA can require the demolition of a building in a ruinous condition and clearance of the land – the Clearance of Ruins Law 1957.

2780 So what does this potentially new legislation do that others do not? (**A Member:** Hear, hear.) Because we are not talking about ruins. We are not talking about buildings which could be a nuisance or affect public health. We are not talking about glasshouses. Not fly-tipping, not protected buildings, not agricultural land, not even States' land. And we are not even talking about cars, so this law mainly applies to private property owners and land within their curtilage, that the DPA feel are not pleasant enough.

2785 Now the way I see it is our Government telling people how and what to do with their property and what they can have on their property and for how long. I, and I am sure many others, have issues with the ever-increasing levels of bureaucracy, (**A Member:** Hear, hear.) and as I said in my speech on the discrimination ordinance, I agree a Guernseyman's home is his castle and I reinforce that. What gives us, the States, the right to take away even more control over what people do with their land that they have worked hard to obtain, whilst at the same time exempting States' owned land and properties of course? That looks to me like double standards. But that is for the next amendment.

2790 Now Members, I would like to explore one scenario. Let us take a rather poorly maintained property in, say, the Forest. Under the proposed legislation, the owner may receive a letter from the DPA saying, 'You need to make sure there are new windows and it is leaking, you need a new roof. It is affecting the amenity of the area. And we would like this done by two years, or if that is unreasonable it could be extended to three years, the timings in there are not explicit. But do not worry, there is an appeals process that checks whether that is a reasonable time limit.' But either way, they will do it.

2795 Now this owner cannot afford to do it at this time, but knows it has to be done, and it needs to be done in a certain time frame. Along comes a buyer with a keen interest, a keen eye on this particular building who, knowing the legislation, might well seek to capitalise probably by offering a low price. Will the owner be able to afford all of the things in the notice that he or she has been told they must do within the timeframe permitted? Probably not.

2800 So they are persuaded to sell. But where, what, can they afford after transfer costs, lawyers and agents have all taken their cuts? Because that is a huge downgrade with no financial reward, when they were living quite happily in their own house, minding their own business.

Deputy Kazantseva-Miller: Point of order, madam.

2810 **The Deputy Bailiff:** Yes, Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Rule 17(6). I think this amendment is specifically trying to exclude the types of scenarios Deputy Haskins is talking of. I do not think there is any confusion we are talking about the amendment right now, which is excluding ...

2815 **The Deputy Bailiff:** I understood that Deputy Haskins was talking about what would happen if his fellow Members did not support this amendment, which is a possibility even if it is supported by the DPA.

So please carry on, Deputy Haskins.

2820 **Deputy Haskins:** Thank you.

2825 So if they cannot afford to do these changes so that their house feels pleasant enough, or their garden, the DPA have suggested that they could have a conversation with the Policy & Resources Committee to try and help with their financial status, because it is a case-by-case basis. Well in the current climate I think I can tell Members how that goes: 'Oh, P&R?' 'No.' 'Oh but can I ...? You know, the area does not feel pleasant enough; I just need £300,000 to do my roof. It does not really look nice to the neighbours.' 'Yes, sorry that is still a no.' So then what?

2830 As I say, that person will need to sell. And do not forget there is still a time limit on when the property owner has to do all this work. And that will go through to the next owner. So the work will be done, it just will be taken out of the value of that house when they sell it to someone who needs to do it within the –

Deputy Oliver: Point of correction, madam.

The Deputy Bailiff: Yes, Deputy Oliver. What is your point of correction?

2835 **Deputy Oliver:** If the property owners cannot afford to do the roof repairs, which we would never use for this Section 46, but never mind. If we did, and we went to P&R and said this is going to cost £300,000 to do the repairs, do the DPA have permission to do the repairs for that amount? If P&R says no, that is the end of the subject, because we cannot progress with that. There could be a way of saying if they said, 'Well can we come up with a payment plan so that we could repay it?'
2840 then we could say okay that is fine, and we would have to go to P&R again and say could we stump up that money as there is a payment plan for it in place? If they still said, no, then there is not much we can do about it because we cannot progress it past our area.

2845 **The Deputy Bailiff:** Thank you.
Deputy Haskins.

Deputy Haskins: Well that is great, that sounds as though it is not enforceable. I give way to Deputy Taylor.

2850 **The Deputy Bailiff:** Deputy Taylor.

Deputy Taylor: Thank you.

I am grateful to Deputy Haskins for giving way.

2855 I am not sure if I am following this correctly, but I think Deputy Oliver has just said that if there was a situation we would be going through, or if there was a situation where someone could not afford it, we would be going to enforce it seeking P&R for the money, but in the opening speech from Deputy Oliver under the title of 'How the powers would be applied where site owners have limited means', it suggested that, 'The DPA would very carefully consider the detailed circumstances of the case, including the position of the property owner, if relevant.'

2860 So I am not sure why, if we were going to be considering the position of the property owner, why we would be going through any of that process at all if they were unable to afford it.

Thank you.

The Deputy Bailiff: Deputy Haskins.

2865

Deputy Haskins: I am grateful for Deputy Taylor's interjection.

Members, I do, like Deputy Inder, see merit, I do get the intention for a company perhaps. There are those just waiting, land banking, those with money and do not care about the blot they are leaving on the landscape, because it is all about money, just in the long term.

2870 So I see merit in them being subject to this action and if they do not make the repairs, then yes, we can persuade them to sell, and I think it has already been mentioned derelict buildings can have their TLP whacked up in order to create that stick that Deputy Matthews does not like. But I do not think that this should apply to private homeowners, and especially seeing that these are the least experienced in dealing with the Authority and do not know the ins and outs, where the developers
2875 know the laws very well.

Before I close, I would like to highlight in Section 1.4 the policy letter says:

The DPA has consulted with the Policy & Resources Committee, and with the Committee *for* the Environment and Infrastructure.

2880 The Committee, as in the five political Members, did not in fact have sight of the letter that is attached to this policy letter before the policy letter was lodged. This should be read as a purely operational officer response and not from the Members. The letter and the policy letter was not discussed in the Committee before the policy letter came out, and even then the policy letter that was shown to us was in fact not the final published policy letter.

I highlight this because it might be the assumption that E&I as an entire Committee do support the policy letter, whereas I am sure Members have gathered by now that at least one ex-Member does not.

2885 In summary, madam, I ask Members to support this amendment. In fact, I would also ask Members to just throw out the whole policy letter. There is an impact of resources. It is about prioritisation. I do not think that this is a priority. It is extremely intrusive and people should be free to be themselves, to do what they want to do in their own houses and gardens, of course within reason. But moreover, we should let them do what they can afford to do.

2890 Again, please vote for this amendment and throw the policy letter out.
Thank you.

The Deputy Bailiff: Thank you, Deputy Haskins.
Deputy Mahoney.

2895 **Deputy Mahoney:** Thank you, madam.

I will be very brief following that. I do not know where to start really. I guess by saying we all know what bad looks like. You know what a smack in the face feels like when you get one.

2900 There is an element of a lot of the speakers here totally scaremongering of what is actually being proposed here by the DPA. We have heard in various speeches, not even just one, we have had various speeches about peeling paint and dodgy windows. Nobody, *nobody* is suggesting that, I am hoping. And yet here we are going down numerous rabbit holes about, 'I am going to scare you into this and scare you into that,' and the DPA is the bogeyman of the States who will probably be snooping over your back fence looking at every time you have not cut your grass, once is it above
2905 three inches high. None of that is being suggested.

I am stunned we are wasting so much valuable States' time talking about absolute rubbish. We just need to get on, have a vote. You have made your minds up, let us just get on with this and vote it in or out.

Thanks.

2910 **A Member:** Hear, hear.

The Deputy Bailiff: Deputy Le Tissier.

2915 **Deputy Le Tissier:** Thank you, madam.
I am not going to speak in general debate so I hope you will give me a little bit of leeway.

The Deputy Bailiff: I will see, Deputy Le Tissier. We will see. *(Laughter)*

2920 **Deputy Le Tissier:** This DPA proposal on the face of it sounds very reasonable. Why wouldn't anyone want to see eyesore sites alleviated, demolished or reinstated? We see these derelict sites, yes many are hotels, as we move around the Island. But what appears to be a good plan at first glance, does require deeper consideration. So I decided to have a look at the policy letter and the amendment. *(Laughter)* Sorry?

2925 **The Deputy Bailiff:** Do carry on, Deputy Le Tissier.

2930 **Deputy Le Tissier:** The DPA has revealed some sites, I think it was 10 or so, that they are going to target, and these are large scale sites. So could the President confirm that where persuasion and orders are ignored, they will be undertaking the work themselves? How will that work? Who will decide whether a derelict hotel, for example, is going to be demolished or reinstated to a good standard? And could the President confirm that P&R are happy to support the DPA with funding? I ask that question because I thought we had no money.

2935 Some of the biggest eyesores are derelict greenhouses, but these are excluded, resource issues we are told. Personally I do not think that is right. We just need to prioritise it.

Also excluding the States from this proposal is in my mind, and that of the public, just plain wrong. Now I know that is the next amendment, but I could possibly accept this if there were an alternate method. But there is not. Then, if Committees do not agree, what can be done? Well, I do not know.

2940 So then we come on to this amendment. The position of home dwellings. Criminalising Mrs Le Page, a widow from The Vale, who only has her States' pension for income and cannot afford to fix her property or clear her garden of fly-tipping, is just plain wrong in my view. It is a charter for your neighbour to organise a social media storm and complain. Personal grievances can be pursued in a new, legal manner. Who will make this judgement? I know it has to be reasonable, but who will
2945 make that judgement? Are these the officers of the DPA? I do not know.

So I welcome this amendment to exclude dwelling houses, and I will support that, but I find myself agreeing with Deputy Murray. Although I am going to support this amendment, I am going to vote against the whole policy letter. I have got confidence in the present DPA that once it is law, it will sit there once the initial sites are dealt with. But what worries me is that a future DPA might
2950 decide to weaponise it in ways that we just do not know and we certainly cannot foresee today. So I think the only safe way is to vote this amendment through and for us to vote the policy letter from the DPA down, and I would hope they could come back with amended proposals.

So that is my position. I cannot support the policy letter but I will support this amendment.
Thank you.

2955

The Deputy Bailiff: Thank you, Deputy Le Tissier.
Deputy Blin.

Deputy Blin: Thank you, madam.

2960 I am only going to stand, or speak, on this on the basis that I have listened to all the speeches and I sort of wanted to echo the comments of Deputy Burford but also Deputy Mahoney, in the sense that for years prior to being a Member of the Assembly and as a Douzenier, every year was an attempt always to try and sort out certain unsightly buildings – and I separate unsightly and
2965 derelict, they are different categories. And there was never any way we could actually do that. And then this DPA, after many years, has had the opportunity to put together a policy letter which is all-reaching and by removing, or by the amendment of Deputy Inder, it does remove a chunk of it.

But actually as agreed in the meetings before, between Members and DPA, we came to the conclusion that actually it is one way of ensuring that by agreeing to supporting this amendment there are other good parts which go through. Otherwise we are going to be in a society where we
2970 are going to be complaining for the next decade about our unsightly buildings etc. So this gives us an opportunity to do something.

So although the Committee itself, DPA, has agreed it will give support to Deputy Inder's amendment and others are speaking in the same way, what we also have to remember is that we are trying to move forward and this, as was referred to by Deputy Mahoney, this sort of
2975 scaremongering of everyone giving all these hypotheses of theories and possibilities of x, y, z person. On that basis it is very hard to do anything with this Assembly, as every time we try to get to a point we have every theoretical version and we just cannot move forward.

So it is really to say that the policy letter is good in pieces, there are going to be other amendments, another amendment, discussed which I am sure will equally be contentious to a
2980 certain extent.

So I will also be supporting Deputy Inder's amendment but I will be supporting the policy letter because that is the way we progress and go forward, and I do not have the mistrust in future
2985 Assemblies, or future Members of DPA trying to banjax this and take advantage to do a bad thing. You have got to go on the basis of, whether it be us or other Members, we will always be trying to do the right thing for our Island community.

Thank you, madam.

The Deputy Bailiff: Thank you Deputy Blin.
Deputy Dudley-Owen.

2990

Deputy Dudley-Owen: Thank you, madam.

I do not want to take up too much of the Assembly's time, but I just want to draw attention to what the purpose of this policy letter is, and the importance that I attach to this.

2995

If we go back to the executive summary on page 2 of the policy letter, there is a little bit of a narrative there about what the purpose of the policy letter is, and we are given:

Examples of matters that could be addressed through powers provided by an Ordinance under section 46 include derelict premises in Town or unsightly redundant visitor accommodation establishments. Such powers would also play an important part in securing revitalisation and acting as a deterrent to prevent the future creation of eyesores through allowing dereliction and neglect.

3000

Now, I am slightly torn on this amendment because I absolutely understand the point that people are trying to make around letting a Guernseyman or Guernseywoman's house be their castle etc. and their right to be able to grow their lawn or what have you, but I just think that everyone is getting, so to speak, down in the weeds here. And I do not think that this sort of Orwellian picture that is being painted and really quite some hyperbole in the narrative and everyone getting quite excited and frantic about this matter; and I think that the description of the wheels falling off the policy letter is really quite unfair.

3005

This is a really well-intentioned policy letter and I would suggest that we look back to that and think about some of the properties that we know – they may be residential – that have been left to deteriorate next door to urban areas, next door to commercial premises that really do devalue other properties. And I do think there has been for many years complaints about these.

3010

This is not about the snooper, the nosy neighbour, the busybody etc. I think we have got to come out of that. We are here after all to look at strategic objectives, and how can this play to our strategic objective of trying to alleviate the pressures of housing within the Island? Trying to encourage people to keep their properties well-insulated and reducing the use of energy etc. All of those sort of high-level strategic goals that we are trying to achieve in the Island, how can this particular policy letter play to that? I think it plays to it pretty well.

3015

So, I would urge Members not to be too minute in their gaze thinking about nosy neighbours going past and saying, 'I do not think you should have that particular, I do not know, dwarf or gnome or whatever it is outside of your house and you know you should be cutting the flowers in a nicer way,' etc. Quite frankly that sort of minutia of thinking is not where we should be. This is about what we can achieve as an Assembly, to do our part to try and alleviate the crisis in terms of housing that we are undergoing at the moment, and I think this policy letter does a really good job of doing that.

3020

I will wait to be convinced by Deputy Inder's well-intended amendment, and I do understand the reasons he brought that, but I think I will be ending up supporting the policy letter as a whole, because I do think that this pulls in the right direction, and I am convinced by the narrative in here around the resourcing requirement, that whilst there is an acknowledgement that it will require more resourcing, actually there is an acknowledgement that it could also make some savings in reducing time spent in other areas. And I give the Committee my support in this matter.

3025

Thank you.

The Deputy Bailiff: Thank you, Deputy Dudley-Owen.
Deputy Trott.

3030

Deputy Trott: I will be very brief, but I want to follow on from a point that Deputy Dudley-Owen has made about the practicalities of accepting this amendment in the manner that it may frustrate the DPA's larger objectives.

In the States' report on page 5 under paragraph 3.2, we are told that:

For example, Town regeneration and revitalisation is a key theme of the Government Work Plan. As well as having produced a Development Framework for three Regeneration Areas in St Peter Port, the D&PA is taking an active role in several initiatives designed to promote and facilitate regeneration of our Main Centres.

3035 And then, crucially:

In this context, introducing legislation to address untidy sites and derelict buildings will play an important part in securing revitalisation and disincentivising further dereliction of sites and buildings in our own towns.

Now, most of us in this Assembly are lucky enough to own our own properties and as a consequence of that anything that sort of impacts on that is bound to create, initially at least, an adverse reaction. But for those of us that do not have suitable properties, to my mind anything that genuinely frustrates the provision of affordable housing clearly is a concern. It is one of the key objectives of the Government Work Plan.

3040 So my question, through you, madam, to the President of the DPA when she sums up is, is it fair to say that there are sites to which an acceptance by the Assembly of the Inder amendment would create a frustration to a process that would directly impact on the provision of affordable housing? Because for me, if the answer is, yes, I cannot support it. Yet if the answer is, no, then I would be content so to do.

3045 Because it is the point that the impact on one's civil liberties, the impact on one's individual lives is of less importance than the number one priority that we have, which is the provision of affordable housing if that comes through the regeneration of.

3050 So it is a simple challenge. If the President of the DPA can give us an example, either now or one that she may envisage in the future, where that could be the outcome then I would not be able to support the amendment. But if she cannot, then I will.

The Deputy Bailiff: Does anyone else wish to speak on the amendment before I turn to Deputy Oliver?

3055 Deputy Oliver.

Deputy Oliver: Thank you.

I do not really know where to start on this. I think Deputy Ferbrache actually hit the nail on the head, that we put on a presentation, we listened to everybody that was there, and that is why we unanimously agreed to support Deputy Inder's amendment. We are not going, 'This is our policy letter, we are not listening to anything' and we have listened to Deputies' concerns, and we have said that is fine. Whether it be strategic or not, we are agreeing to it.

3060 I think I am going to start last first. Deputy Trott, I do not quite understand his question actually, because will the sites affect affordable housing? Well, no. But if you have say ... let us take somewhere in Mill Street and say, we put a Section 46 notice on there and the property comply, and they say, 'Yes, we will do it up,' and they say, 'Would it be afford ...?' It would still go through policy, whether it would be affordable or not, so it would have to go over 20 houses to become affordable and there are not many sites that would cater for that – maybe some of the hotels would – and then it would follow that policy direction. So this policy letter is not affecting affordable housing in the slightest coming forward.

3070 I hope that answers your question. I am willing to give way, because I did not quite get the question because it is two very different policy letters, policies.

The Deputy Bailiff: Deputy Trott.

3075

Deputy Trott: Thank you, madam. Thank you to Deputy Oliver for giving way.
The relevant sentence for me is in paragraph 3.2:

In this context, introducing legislation to address untidy sites and derelict buildings will play an important part in securing revitalisation.

If, however, the inability to carry out an enforcement in the manner in which it is envisaged to domestic curtilage in a private property was to impact negatively on the ability to undertake that revitalisation, then it has a potential to impact on the provision of any form of housing, affordable or otherwise. And it is at that specific point that I would ask you to address, through you, madam.

The Deputy Bailiff: Deputy Oliver.

Deputy Oliver: Okay, I think that is quite a different question to the one you posed earlier, if I am honest.

However, I am going to start with what a dwelling actually is. A dwelling basically is a house. It does not include a flat, a maisonette or self-catering units. So therefore, within the likes of the majority of sites that potentially would come under Section 46, it would not interfere with doing affordable housing or any other housing. It would just be saying ... in fact it would probably be bringing forward it quicker than if we did not have this policy. So I hope that helps.

Greenhouses. Going on to Deputy Le Tissier. I just do not know how much more I can say about this, because the issues are really complex and I do not think this Assembly has a clear grasp of how land and spatial land planning actually affects the amenity, if I am truly honest. Greenhouses and the scope of Section 46 will go way beyond the scope of spatial land use planning and the effects on amenity. It is impossible for the DPA to deal with glasshouses in the magnitude it is without having any more resources.

Also the policy which we currently have, OC7, probably goes as far as the Land Use Planning can actually legitimately go, because what we need to think is we have only got a small Island, we need to use our land efficiently, and if we are saying that all of the greenhouses can suddenly change to, I do not know what actually you want it to change to, under this you would be hampered to just getting rid of them, which we would just become basically the glasshouse police, and that is not something that we want to go down in any way, shape or form.

Moving backwards. The Ruins Law: my Planning Director has basically said that the Ruins Law as far as he is aware, has never been used and also it now, reading between the lines, is out of date and it actually affects the Human Rights so you could not use that, so that is null and void. I do not know when that actually was.

Douzaines. A number of people have actually come to me saying, 'Can the Douzaines do more work and take on some planning things?' Unfortunately, we just cannot do that, because each Douzaine would have different ideas and each Douzaine would have a different view on how they would cope with that application. And planning needs to be consistent so therefore, unfortunately it is just not going to work.

Windows and repairs to roofs would just never happen under this, unless it is the whole property as a whole that is there. We would not pick on somebody that had a broken window pane. I do not know how many resources Deputy Haskins thinks that the DPA has to be able to go with this, but that is not something that we could ever do. We will not be taking complaints-led –

I am not giving way.

Neighbours who do not like neighbours: I am really sorry we are not actually interested in that. I am really sorry to those who think that this might help them, but that is not what this is going to be about.

Yes, it is not just our Committee that has powers, but it must be proportional and reasonable. So future Committees of the DPA still have to apply to proportional and reasonable, they cannot get over that. It is not just a sudden change of that.

3125 Deputy Murray says it is really just a nice-to-have and do not bother. Well, this Ordinance will be prioritised for drafting through the P&R prioritisation process. However, this policy letter supports the GWP on so many levels. It is not just one, it threads throughout the GWP really, so if he decides and P&R decide it is not for prioritisation then that would be for them. However, I think this is a very good policy letter.

3130 Deputy St Pier. My view and why I think the Committee – well I will talk of my view I cannot talk of why the Committee think it is a good idea ... I personally think something is actually better than nothing. It will still tackle the majority of hotels that are derelict and with the definition of dwellings it will still be able to tackle Mill Street. So therefore, it is still tackling the majority of things. It is just not tackling very few ... and there are, I will say, very few things that we would be doing on individual dwellings.

3135 So it is just having the complete powers. I think that when somebody has a car dumped on their land, within their curtilage, then they might be a bit annoyed that this Law does not cover them, because when they come to the DPA and say, 'Can you remove this car and can we have the powers to be able to remove it?' we say, 'It is within your curtilage I am sorry that does not actually come to you', so that is a negative of this amendment, but take the good with the bad.

3140 Where else have I got to? Deputy Matthews. I have to say if I wanted the public to like me I would not have come into this role, because it is probably the worst, most hated position of all of the States! I did not come in this for a popularity contest. I came in here to make sure that when we have this, that we are looking at policy, and we have to make difficult decisions and the majority of people who have commented on this ... positive, especially when I was actually on Home Affairs, was cars are a massive issue and without this legislation it takes months and months. So that is why we brought it.

3145 I just want to also thank everybody for giving their comments, but I think half of the comments really were not actually necessary because the DPA have said they will be supporting this policy letter, but I am glad that everybody got their say and I hope that you support this policy letter.

3150

The Deputy Bailiff: Deputy Inder.

Deputy Inder: Thank you, madam, Members. Thank you for the debate and in particular thank you to the DPA for supporting the amendment, and Deputy Gabriel for his fine speech and probably better than mine. Maybe he should have opened this himself rather than me going *acapella* as usual.

3160 Deputy Trott has asked about would the amendment have any impact on the development of affordable housing. Specifically, this is about removing land forming part of a dwelling house or its domestic curtilage. It is about an individual property. It is ultimately about the rights of the individual. But to answer the question I only make reference to 3.2. Once it is, I am hoping this amendment gets through, we can then have that proper debate about the benefit of this policy letter to the regeneration of certain areas as spelled out and mentioned through the ... but this is the point of this. The point of this amendment is to take out what could happen and concentrate on what should happen. That is all this is about. So hopefully that gives him some comfort and hopefully he can support it.

3170 Now Deputy Mahoney and Deputy Dudley-Owen seem to have a similar view. They did not understand what the issue is. Well, I do. I know exactly what the issue is, and it has been spelled out in my opening, Deputy Gabriel's speech, and I thought through the debate. Criminalisation, enforcement, inequality of alms, that is the issue on the individual. The common man or woman simply cannot afford to take on the States because they have a certain lifestyle. So hopefully that answers that.

3175 Now, Deputy Dyke spoke about mattresses and it is possible that rat-infested bedding may be an issue, but I do not know, I would have thought that would have come under Environmental Health Laws in itself. If you have got piles of nastiness sitting in your curtilage bit just ...??? (15.58.49) your curtilage in your garden, and you are a complaining neighbour my guess would be –

Happy to give way.

The Deputy Bailiff: Deputy Dyke.

3180 **Deputy Dyke:** I thank Deputy Inder for giving way.

I do not think I mentioned rat-infested bedding, but yes if there was rat infestation there would be health laws and things to deal with it, yes.

3185 **Deputy Inder:** I thought he mentioned mattresses and I moved onto ... so I had the choice of ??? 15.59.10 mattresses or bedding, but more fool me.

Now Deputy Matthews mentioned the famous second album by the rapper Coolio. You may not have heard it, it was called 'Curtain Twitchers' Paradise'. (*Laughter*) I have got it on whatever vinyl has been named. But it is very good, not as good as the first one but pretty good. But he has got a point and I think this is the crux of it as well.

3190 Some of you may have heard me say this before, Guernsey was one of the few occupied territories which did not have paid informers. Because they did not need them. The Guernseyman is more than capable of grassing up its own people, and as I mentioned before, already one of the properties that has been alluded to has already been mentioned on social media – already been mentioned on social media! – and we cannot ignore the fact that the rise of social media, the camera, the anonymity online, can create a situation with a person with a certain lifestyle, or possibly, I was about to say mental health issues, but with mental health issues, as spelt out by Deputy Gabriel, no amount of having a dim view on something is going to change that person's lifestyle. It simply will not happen. You can walk in with a truck, move it today, send a bill, but that rubbish will be there within a few weeks because that is how they live.

3200 Now Deputy Haskins highlighted the power of the deep-pocketed state against the cash poor and asset rich, and that is a common theme running through this debate. Again, it is practically inequality of the alms. And he also questions the subjectivity of the individual Members of the DPA, and I agree, not necessarily because it has got anything to do with it, it is just we are all human. It is as simple as that. We can use words like proportionate and, 'It will not happen and it will never happen, do not worry about it, we are all okay,' but it could happen. It entirely could happen. Today we do not have greenhouses within the scope of this, and as I said mainly the responses from many of the parishes was actually about wanting to clear glass, and Deputy Victoria Oliver has made the argument well. It does not mean it will not be there next week, it is just that it is just an amendment to a Law. So these things can happen in the future.

3210 And Deputy Murray was interesting. He did make a point about ground zero, and I understand where he is coming from and, like myself, I do not entirely disagree with the view that the result of the debate of only a month or so ago, did create a ground zero, and we should be doing things on a needs and wants. But we cannot stop everything.

3215 Now if this amendment goes through, as we said before, the Members of the DPA will make the argument on main centres, tidying up regeneration zones, all the economic development as alluded to by Deputy Blin. I think Deputy Blin makes a good point: if we cannot do it today, find some way of dealing with it, then it will never happen.

3220 But what I would like to hear from the DPA when we get to that point in the debate is what is better? Sending a pension holding company that happens to own a derelict piece of land in Guernsey a letter, or just triple the TRP? In the last Budget, I think we tripled dereliction to a factor of five. Actually one of the easiest things might be doing it by 10, by 15, and then by 20. That honestly, you start sending bills to land owners, that will focus the mind. That might be one of the easiest ways to do it. But that is the challenge on this amendment for debate later on.

3225 As Deputy Dyke says, an Englishman's home is his castle, and a Guernseyman's buy-to-let is his pension plan. But, yes, there is a general theme running through here but in the main I think Deputy Gollop was the other one who made a joke about how he seemed to think he fell foul of a developer

wanting to move him on. Now that got a bit of a chortle, but I think there is a sense of seriousness in that. There is a sense of seriousness.

3230 Money can be used, and there are many ways of coercing people to do certain things. And people who have a certain lifestyle may they have certain conditions, of a certain age, of a certain weakness, money turns up, a sharp-suited guy starts sending letters through the door and the next thing you know the back garden has gone and has got five houses on the back, and the person who sold it off never knew what happened. So people can get robbed. They can entirely get robbed.

3235 So anyway, in short, madam, that is kind of the end of what I have got to say, and again I thank Deputy Gabriel's full support. I thank the debate and I also thank the DPA for supporting the amendment and maybe we can all get this through the Chamber and move on to the substance of the debate, which is regeneration zones and looking after effectively the main centres, which must include the Bridge and Town.

3240 Thank you.

The Deputy Bailiff: Members, let us move on to the vote on this amendment, Amendment 1, which adds in the wording as set out in the SEV in front of you. States' Greffier, would you open the voting, please?

There was a recorded vote.

Amendment 1

Carried – Pour 31, Contre 5, Ne vote pas 3, Did not vote 1, Absent 0

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

3245 **The Deputy Bailiff:** In relation to Amendment 1, there voted Pour 31, Contre 5, there were 3 abstentions and there was 1 absence from the Chamber. I declare the amendment passed.

We move on to Amendment 2. Deputy Queripel.

Amendment 2:

In Proposition 1:-

(a) immediately after –“occupiers of land”, insert “, including the States of Guernsey and the Committees thereof where they own or occupy land” and.

(b) immediately after “section 5 of that Policy Letter”, insert “(except for the proposed exemption described in section 5.5 for land owned or occupied by the States of Guernsey and the Committees thereof)”.

3250 **Deputy Queripel:** Madam, I hope that some of my colleagues leaving the Chamber does not mean they are not interested in this amendment. I hope they will be listening on the radio in the library.

Madam, I want to say that I have the utmost respect for the DPA and our planning officers. Having spent three and a half years as a Member of the DPA in the previous Assembly, I know only too well how difficult and contentious the role can be. And this issue was discussed when I was a Member of the DPA, and I did challenge some of the measures that were being discussed back then. And never at any time was mention made of the States being exempt from the provisions.

3255 I will be using the words ‘discriminate’ and ‘discriminating’ in this speech. I want to make it perfectly clear I am not accusing the DPA of discriminating against anyone. It is simply they have their view as to the way this should be approached and I have mine. I will clarify that for them of their view which seems to differ greatly to mine.

3260 Madam, one of the reasons why a property becomes unsightly is due to the lack of maintenance. Not only does it become unsightly but it can also become dangerous. When things get to that stage big money needs to be spent on major repairs. And the States, I am sad to say, has a poor record of maintaining its own properties. (**A Member:** Hear, hear.) In fact, I have a whole list of States’ properties that have been allowed to become unsightly and some of them quite dangerous over the years. There was an absolute disgrace that the Gent’s Pool and the Horseshoe had to be closed

3265 to the public due to lack of maintenance. So, why should the States be exempt from this Ordinance with their poor record in mind? It is neither fair nor equitable and it does raise concerns of favouritism, protectionism and discrimination.

3270 And there was a time several years ago when the Guille-Alles Library in Town was unsightly due to lack of maintenance. Not only was it unsightly but it was dangerous because a piece of masonry fell from the parapet, and I was walking outside at the time and it landed 10 feet in front of me. Due to lack of maintenance. And if it had hit me, I would have taken the States to court. I would have sued the States. Or my family would have had to if I had been killed by the piece of masonry, which was quite a big piece of masonry, I hasten to add. And it almost hit a woman sitting on a bench, it

3275 landed two feet in front of her actually. So, that did not need to happen, and it should not have happened, which is exactly why the States should not be excluded from this piece of legislation, and should be very much included in it.

3280 Now with those two issues in mind, the issue of saving the States hundreds of thousands or even millions of pounds due to not having to spend money on major repairs and also on damages awarded to people who have suffered injuries due to a lack of maintenance, I cannot see why any Member of this Assembly would vote against this amendment. I really cannot. Now that may not be enough to persuade some of my colleagues, although it should be.

3285 I am going to move on to the approach adopted by the DPA in putting this policy letter and these Propositions together. The rationale behind the DPA approach does not make any sense. The intention is to clamp down on property owners who allow their properties to become unsightly. Yet the DPA are asking the Assembly to agree to exempting the States. So it is alright for the States to allow property to become unsightly in a road or street, but further down the same road or street it

3290 is not okay for the owner of a private property to allow their property to become unsightly. Well how can that be fair? How can that be equitable? Surely the rule must apply to everyone.

And it has raised concerns of protectionism and discrimination out in the community amongst Islanders I have been speaking to. People have spoken to us saying things like, 'Here we go, the States are looking to protect themselves again, whilst everyone else will have to comply with this legislation' and there will be one rule for us and another rule for them. And it is another case of 'do not do as we do, but do as we say'.

And all of that is being said out of concern out in the community at a time when we often hear it said in this very Chamber, we need to do everything we can to gain the trust and the confidence of the community. Well the Propositions in the policy letter drive a coach and horses straight through that well-intended aspiration.

As the Chief Minister himself has said many times in his speeches, aspirations must not be allowed to be just words. Those words have to be put into action. And he often quotes his political hero, Sir Winston Churchill, and he says we need action this day. Madam, this amendment provides the Assembly with an opportunity to vote in favour of a fair and equitable action this day.

We also hear it said in this Chamber, and outside in our community, we are all in this together, and therefore we must encourage and promote an inclusive society. But the Proposition asks us to exclude, exempt the States. Instead of the States being exempt, the States should be an exemplar. The States should be setting an example, they should be leading the way. **(A Member: Hear, hear.)** But the reality is the States cannot be relied on to maintain the properties we are supposed to be maintaining to stop them becoming unsightly and dangerous. In other words, we really do need to get our own house in order, as Deputy Soulsby often says in her speeches, and others.

Several States' properties are extremely unsightly right now, and if they had been maintained as they should have been, then they would not be in the sad and sorry state they are now in. Now some of them have not been used for a while, but some of them are still in use. I could rattle off a whole list of States' properties that have not been maintained and are unsightly right now but it would take far too long to read out.

I think I will focus on a handful of States' properties that are unsightly right now, starting with the buildings in the King Edward complex. Many of them are in desperate need of maintenance, resulting in a sad and pitiful sight. As is the Castel Hospital, just 100 yards away.

And there has been a lot of talk about paint flaking off walls; I am not talking about paint flaking off walls, or a little bit of bare wood showing through on a window pane, window frame or a door, I am talking about a lot more than that. I am talking about unsightly being on the verge of dangerous.

I am talking about weeds growing in gutters, some of them a foot high above the gutter, and rusty, corroded downpipes hanging dangerously off the walls they were once attached to. Madam, if gutters were meant to have weeds in them then that is how builders' merchants would sell them. They would sell them with weeds in. They are not supposed to have weeds in for a very good reason: they stop the flow of water going into the downpipe.

And if some of my colleagues are thinking to themselves, 'We are all waiting for a decision to be made about the future of that building', or 'That site has been zoned for future development or something else', or 'We just do not have the funds right now', that is exactly the point I am making here. There will be owners' property in exactly the same position out in the community. We will be clamping down on them, telling them there will be a price to pay if they do not comply, whilst the States would be permitted to allow properties to deteriorate and crumble in full view of the very people we will be dictating to. And if that is not a travesty, I do not know what is.

And dictatorship is a word I have not used yet, madam, and I think it is appropriate to add to the words I have used in support of this amendment. We have favouritism, protectionism, discrimination and dictatorship. And I hope my colleagues are paying attention to what I am saying, even the ones that are out of the Chamber. This is hefty stuff. Especially when you bear in mind that no one is ever made accountable for neglect.

On that note, the DPA say towards the end of paragraph 5.5 in their policy letter:

It is incumbent on the States to maintain its own ... [property]

Well, looking at some States' properties, it is obvious that has not happened, and is not happening, which is why the States need to be included in this legislation.

3345 I have had some conversations with colleagues prior to this debate. Some of them are focusing on cost, on the grounds of how much it costs to maintain buildings. Well, if that is the argument, then shouldn't we stop building them? Shouldn't we not build any more schools? Shouldn't we not renovate and modernise the Hospital? We are being asked to do those things in the knowledge that we do not have any money to maintain them.

3350 And shouldn't we sell off some of the buildings we have got, in that case? If we cannot afford to maintain them, shouldn't we sell them off, and the new owner will have the responsibility of maintenance?

3355 And if some of my colleagues are thinking that is a ridiculous approach to take, madam, I would argue it is no more ridiculous than the current situation, where it is incumbent on the States to maintain its own property or for whatever reason that does not always happen and no one is *ever made accountable*.

3360 I want to stay with the issue of cost for a few moments, because colleagues I spoke to were concerned about that. The steps and the balustrades on the Court Row side of this building, the Sunken Gardens across the road, and the statue and surrounding steps and walls at the top of Smith Street, are currently extremely unsightly and in desperate need of pressure cleaning. And it would not cost a lot of money to do that, so why hasn't it been done?

3365 Some time ago when I looked into it, probably three or so years ago now, I discovered those three areas are managed by three separate States' bodies. And I was told they all had it on their lists of things to do. But nothing has been done. And they are in the worse mess now than they were back then. In fact madam, I am so embarrassed by those three areas I will take the opportunity to offer to pressure clean them myself, for nothing. I would gladly pressure clean them for nothing. As long as the equipment is provided to me by the relevant States' bodies, and all the necessary administration is taken care of, put the pressure washer gun in my hand and let me go.

3370 That is a sincere offer, madam. Some of my colleagues are smiling. It is a sincere offer. I wonder if anyone will get back to me on that and take me up on that offer, because I cannot see any way of those areas being pressure cleaned. They are an embarrassment. I ask colleagues to go and take a good look at them if they have not looked at them recently.

3375 Now it will not be the first time I have worked on States' properties for free. I spent several weekends just a few years ago working with other volunteers restoring the gardens and pathways opposite the Gent's Pool because the gardens were closed because the pathways had become too dangerous due to the lack of maintenance. They were a pitiful sight. And it was a group of committed volunteers who got the States out of the mess they had got themselves in because it was volunteers who renovated the gardens and the pathways. It was volunteers who rebuilt the Gent's Pool and the Horseshoe, so the very people who paid for them, i.e. the taxpayer, could then use them again. I think it is extremely irresponsible, extremely irresponsible, for the States to expect charities and volunteers to do the work the States are supposed to do.

3385 Moving back to the current state of some of our buildings, right next to the King Edward is Perruque House, and in the grounds of Perruque House is a disused indoor swimming pool, the exterior of which is extremely unsightly. And it is clearly visible from the road and has been in that state for years. It looks just like a warehouse, actually. And if it were a warehouse, under the Propositions the DPA could tell the owner to get their act together, otherwise there would be a heavy price to pay. And if they do not get their act together, the DPA can send, as Deputy Haskins alluded to earlier, States' controlled labour in to do the work and send the owners the bill. If the owners cannot afford to pay the bill, they will be taken to court in an attempt to recover the costs.

3390 And not only can a charge be put on the property, but items can be taken from their property and sold in an attempt to recover costs. And all that time of course, the owners then get a criminal record.

So that is the way in which those property owners will be treated, whilst the States will be protected and cossetted, no matter what condition our buildings become, whether they are unsightly, dangerous, it does not matter. The States will just get away with it all.

3395 And if any of my colleagues think I am exaggerating, madam, I ask them to read paragraphs 1.7, 5.5, 5.6, 5.8 and 7.3, because that is exactly what we are told in those paragraphs. That is exactly what is going to happen. I see Deputy Oliver looking at her policy letter so I hope she is reminding herself of what is said in those paragraphs, because that is exactly what I have just said. And how can any of that be considered to be fair and equitable?

3400 And, madam, if none of what I am saying raises concerns for protectionism, discrimination and dictatorship, with some or any of my colleagues, then they need to stand up and say in their speeches why it does not; because the community will really want to know why, in their view, it does not.

Paragraph 5.5 has been referred to in debate. It tells us that to avoid an undesirable situation – a strange word to use but it is the word that has been used – occurring, where one States' Committee is issuing a civil notice against another, the DPA proposes to include within the Ordinance an exemption from the provisions being used against the States themselves and individual committees. But I really do not understand what is undesirable about that. Somebody needs to get up and tell me in their speech what is so undesirable about that.

3410 Because the issue here is if the States do not want to be responsible when it comes to maintaining our own property, which of course is public property because the public have paid for it, then what right have we got to tell everyone else they have to be responsible? How can we justify putting others in a position we are not prepared to be in ourselves?

If the majority of the Assembly vote against this amendment and in favour of the DPA Propositions, even as amended with the Deputies Inder and Gabriel amendment, the reality is they will be voting in favour of protecting the States; and by doing that, they will be discriminating against other property owners here in the Island, i.e. owners of commercial and industrial buildings, charities who own properties that are not used for residential purposes, sports clubs with sports grounds and facilities and clubhouses, all manner of associations etc. They will be voting in favour of a 'do as we say, not as we do' approach.

3415 I honestly think – *I honestly think* – that is going to cause all sorts of problems and ramifications out in the community, as well as of course bringing the States into disrepute and losing us the little trust the community still has in us. Why should they trust us? Why should they trust us, why should they carry on trusting us if we are going to vote to protect ourselves and come down hard on them?

3425 Now, history has proven time and time again the States cannot get their own house in order so we really do need to be brought into line. We really need to be brought into the provisions of this amendment.

Moving towards a close, madam, this is a sincere attempt by Deputy Inder and myself to a parity to ask the States to agree on a piece of legislation that is fair and equitable, and does not seek to protect the States and discriminate against others by doing so.

3430 And that is the deterrent to every piece of legislation; of course, most pieces of legislation act as deterrents. The deterrent that would be put in place for others also needs to be put in place for the States if we are to attain the inclusive society we all profess a desire to attain. I say again, are those just merely words? Are they words we say to make us look good and sound good in the eyes of the public, and the rest of the world of course?

3435 Madam, in closing, Deputy Inder and I are in the hands of our colleagues. Our colleagues will decide whether or not they want to protect the States and consequently discriminate against other members of our community.

Thank you, madam.

3440

The Deputy Bailiff: Deputy Inder, do you formally second this?

Deputy Inder: I do, madam.

The Deputy Bailiff: Thank you. Do you wish to speak straight away?

3445

Deputy Inder: I thought I would go sort of harder and early. Deputy Queripel, thank you very much for the opening speech. He has killed off much of what I wanted to say, just in a longer time.

3450

It may come as a surprise, I think the first amendment that has got through the Assembly has now got the policy letter into a better shape and we can now talk a little bit about the benefits to the economy and housing.

3455

When I opened my speech – or possibly responded, I cannot remember now – Members, you will remember that there were two consultations: one very early back in 2018, I believe, and I think there were only two responses; one in 2020 – I am sorry I have not got the policy letter in front of me, but one quite recently – where the Douzaines have responded; 2018 was initial where there were only two responses; 2020.

The Parishes, quite clearly, and again the Vale wanted all land to be encapsulated. Actually, specifically they did not mention individual houses, they were talking about *all* land. Now all land includes States' land. It includes States' land. They did not ask about Town or regeneration, they wanted all land to be included.

3460

Now this amendment asks for, as part of your consultees, all land to be included. That is what is asks. You have had a consultation; that is what has come back; that has not been included in the policy letter. The DPA have elected to keep the States out, but the Vale parish, along with St Sampson's as well, to the largest areas of our Island, have asked for all land to be included. And the reason they want all land to be included is because they believe most of the mess you see, certainly in the Vale, is often on States' land. It is as simple as that. Most of the abandonment, or a lot of the abandonment, is on States' land. Or all the Vale commons ???16.35.15 which effectively is Vale land owned ... sorry, it is owned by the Vale with VCC looking after it. So it does seem a bit queer that after consulting with the parishes, and the consultation ...??? (16.35.39) basis, particularly taken out States' land in it.

3470

On the Rule information the amendment contributes to ... Oh, sorry, I was actually going to delete A. Deputy Queripel and myself were sort of worrying about the Proposition that calls for the, 'States objective...??? (16.35.58) history, generation and support environmental enhancement.' My view is just delete it or just say 'because it is right rather than wrong'.

3475

I generally do not see how Government can impose rules and laws on the rest of the Island, they can fixate on a couple of properties, either up in Mill Street or down in the Bridge, yet one of the biggest areas where you could really regenerate, who affect the amenity is the Castel Hospital and KE VII. (**A Member:** Hear, hear.)

3480

If the Castel Hospital, and much has been made about Idlerocks and the other hotels which stand proud and ... The Castel Hospital is in a rural district and is an entire mess. It is true there are a couple of hundred people sitting on a brick building on site, but the opportunity there is massive. I *genuinely* cannot see how a Government can say, 'You do this but we will not'. It just is entirely wrong. (**A Member:** Hear, hear.)

Further, King Edward VII is also a site where, if I look at ... you will have to excuse me for two seconds, I am just trying to get to ... Right, in 3.2 within the policy letter says:

Town regeneration and revitalisation is a key theme of the Government Work Plan.

3485

Absolutely correct. But so is housing. So is housing. If there are two sites that could, at least in part ... you do not have to line all your ducks up today to do something. In my statement I mentioned the three things we need to do are housing, housing and a bit more housing. There are opportunities there. We are two years in and those sites are still lying fallow.

3490

I questioned our Chief Minister on the Housing Action Plan. We are told, and I understand why, they have had a very busy period. Surely, the Castel site has got to be part of that Housing Action Plan. Surely the King Edward VII has got to be part of that Housing Action Plan. And if it is not, because we do not know because we have not seen the Housing Action Plan, then there is no reason

Government should get away with just leaving it lying fallow because they feel that they ... They need to come into scope.

3495 You cannot say if you go to the top of the Helston estate that ... it is part German I think actually. If you look at KE VII it is part German, there is a water tower at the top, some buildings, you cannot say that enhances the amenity value of the area. And you can say it brings it down. Because by applying the same rules to somewhere else, in Town or down the Bridge, for some reason we cannot come into scope.

3500 One of the biggest land owners is telling everyone else to, 'Do what I say, do not do what I do'. I am sorry, it is wrong. They have to come ... if for nothing else. Now we will be told there is no logic in effectively wooden dollars. The DPA in a couple of years' time, everything goes in place and they start sending bills to whatever version of Policy & Resources will be there in the next election.

3505 Well I hope they do. I hope they do, because I am not confident next ... we will not be having the same conversation about the Castel site and the KE VII. I have got no confidence at all anything will come out of that. I have seen no plan in two years ... the Housing Action Group, and it needs to be done and this simply needs to come into scope.

3510 In fact, I am wondering if we did not miss a trick at the Budget when we should have been sending a five times TRP bill to our own Government for the dereliction on the Castel. I know it seems a bit daft but I just cannot see, for the life of me, how we can competently say this is the right thing to do for everyone else and not us.

3515 And those are only the two large sites I am aware of, I do not actually have, and I do not think anyone has ... maybe some people do. There may be other areas within the property portfolio that we do not know of, but I think, to be fair, to States' Property Services under Policy & Resources, they have sold off, quite a few of the fairly tardy sites. And it does come as a surprise, I know, the education site has been sold off. Had the education site not been sold off, I would have been making the same argument for the old education site. It is just, thankfully, they sold it off in the last two years.

3520 So in short, sir ... madam – sorry, and Members, I beg your pardon, I do it all the time, I do apologise – this is not about, well it is in part about regeneration, but the focus for the DPA's policy letter is on Town; you cannot ignore that housing is the single issue that we have, that we need to deal with today. And if by charging them for an awful, for whatever amenity means, by charging Government and focusing their mind, and making them do something ... and I still genuinely have no confidence because I have not seen it. I do not know what is happening with the two large pieces

3525 of land, and we should know.

And if it means that Government, in some weird invoice wooden dollar dystopia that we have in the future, if you can send them to the Idlerocks, if you can send them to Bon Port, if you can send them to St Martin's Hotel, you can send them to the owners of the Castel Hospital and the KE VII ... and to not to do that is just plain wrong.

3530 And that is me done. Thank you.

The Deputy Bailiff: Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Thank you, madam.

3535 I completely agree with the sentiments of Deputy Inder and Deputy Queripel, in that the States should absolutely take care of their land, of the buildings, of the property and should invest into them and use States' land for regeneration purposes. Absolutely 100% agree.

3540 I just fundamentally then disagree that this policy paper ... the Section 46 is just not the way to deal with it. And as a reminder to the Assembly, this policy letter is ultimately a tool for Government, via DPA, to have a tool where they have no other means. They have no other means or influence to do something about. But in terms of the States' land and property, well we do have many multiple layers of ways through which we can affect change.

Deputy Queripel could pick up the phone to Deputy Mahoney and complain about some of the properties, for example. There is opportunity to engage with Committees directly, or through

3545 Assembly. We could prioritise certain action within the Government Work Plan. Someone could bring a requête. Deputy Queripel has suggested actually, probably the most efficient method, to volunteer for States' work to do pressure washing in Mill Street.

So I honestly think that if we approve this amendment, this is going to be a sign of the most complete dysfunctional Government. Because instead of working together through the internal processes we have, you think the DPA should be sending civil notices to other Committees. I mean, if we really have come down to this then I think there is no hope in this Government.

Deputy Queripel had shared the amendment with us and asked for our views, and I gave him very much the view I have said, and I said we should be working through all the internal processes that we have. And Deputy Queripel has said, well I have no faith in the Government Work Plan or Committee Action Plans. Well, I think it is a very bleak view of our Government. I do have faith in this Government. I do have faith in Committees working genuinely to execute their mandates, whether it includes property, includes maintenance of land, whatever it is.

Ultimately, most of the States' property is now being also centralised under P&R, and Deputy Mahoney is leading on that. So imagine if this was approved. And when we talked earlier that the DPA has absolutely no intention of going after domestic property owners, right now we have absolutely no intention of going under States' property, so this is not even going to be on our agenda to do even if this is approved.

But imagine it was, and imagine the DPA was considering to take action against some States' property, like King Edward. So we would send a notice, so Deputy Oliver will send a civil note to Deputy Mahoney to act, and the States' property will say 'Do you know what, we are not interested in doing something because we are probably already doing something about it. We are in negotiations.' Whether it is taking too long, or nothing is happening, is another matter.

Imagine DPA is continuing its action. So Property Services say, 'We do not want to do anything about it right now, we refuse to take action right now'. DPA will still want to press. So it will have to go P&R for asking for funding to demolish this property. So obviously P&R controls Property Services, so we are asking P&R to give us funding to do something for P&R. I mean, honestly, they will just say no. So we will have no power to act on what Government is not already doing or does not want to do.

Members, please, I really get the sentiment of, absolutely, the importance of us managing our assets and our property, but this is really not the way to do it. This is the reason why in the regional Land Planning Law 2005, States' properties are excluded from enforcement action, and the amendment that went beyond the Propositions earlier today did not go through.

Deputy Inder: A point of correction, actually. Cliff paths are generally owned by the States of Guernsey and they are included under the 2005 Land Planning Law.

Deputy Kazantseva-Miller: Thank you.

So, Members, while I get the sentiment, I really think it is not the right way. Let's not be a laughing stock for the community, sending Civil Service notices to each other. Let's work together to address the many issues we have to address through normal Government processes.

Thank you.

The Deputy Bailiff: Deputy Roffey.

Deputy Roffey: I agree with the last speaker to an extent, that if this amendment was successful and if it led to the ultimate absurdity of the DPA having to take action under the Law and going to P&R saying, 'Can we have money in order to go in and do this work because the owners will not. By the way, you are the owners', it would be a ludicrous situation.

However, what is being argued is there is no reason for that to happen because we have got all of these internal ways of actually avoiding that. Well, those internal ways so far have not been that successful in some instances.

3600 And I think having that absurdity at the end of the process, would actually put a lot of wind behind the desire to avoid getting into that stupid situation and to use those processes, whether it is a Government Work Plan, whether it is whatever, in order to avoid that dereliction at the beginning. And I do think if we are going to bring in this Law, which to some will seem – and I have to say I think Deputy Queripel almost lost me with his OTT introduction talking about dictatorship. Dictatorship! I mean I think of people like Mr Putin as dictators. Is his worst crime having gutters with weeds growing out of them because the water will not run through it? I do not think that is. I think he almost undermined his own case a little bit.

3605 But the dual standards argument ... I think if you are going to bring in something which potentially is onerous to people in the private sector and you are saying, 'But we are going to be exempt', that is sending out very poor messages.

3610 But if – *if* – and I do not know if we will, Deputy Queripel is successful and this applies to the States, then I do not really see it. It would be an utter failure of governance if it ever got used. It would be a wake-up call for us to avoid the situation where that recourse was ever required.

3615 Now, in her opening to the whole policy letter, Deputy Oliver said, 'Actually having this exemption is in keeping with the existing legislation in many ways that has been going back for many years'. And I think she is right, but I think the zeitgeist about how the States is impacted by planning considerations has changed. And it has changed a lot. I mean, I have been around in politics for a long time. When I was first in politics, actually the States did not need planning permission to build something.

3620 I remember members of the public saying, 'How on earth did the IDC pass Frossard House? It is not very attractive'. And they would not believe me when I said, 'But they did not! In fact they quite strongly objected to it', but they had no statutory powers to object. They could only comment because the States' then were exempt from the need for planning permission.

3625 Now that was rectified many years ago. But I think the zeitgeist has continued to change. And I really am worried that we will be sending out the wrong message if we say the States are exempt. I completely agree that we will look like lemons if we ever reach the point where Deputy Oliver has to write to Deputy Mahoney and say, 'You must do this because of dereliction.' But even the fact that that possibility exists, I think will give a great turbocharge to the need to actually do what we should be doing to avoid that arising in the first place.

3630 And if I can be slightly tangential, a lot has been talked about the Castel Hospital and it's availability for housing. Unfortunately, it is still being used quite considerably by HSC, which is – and this is not a criticism of HSC, the present one or the past, but I really regret that. I was on the old Board of Health when the Committee under Professor Black actually decided that the Castel Hospital then was no longer – this was back in the 80s – a fit place for the – I am quoting from him – practice of psychiatric care. Now it is not used for psychiatric care any more. First of all, the Lighthouse wards moved the continuing care out and then phase 6, was it, or 6B or whatever it was, took the acute level out, but unfortunately just human nature, you have got a bit of spare space, you have got some functions that have got nowhere to go, so they go to the Castel Hospital. So it is not available.

3640 But I can tell people that from ESS's point of view, we would love, absolutely love ... we think that is a perfect site for affordable housing and it should not all go in the north of the Island. Some of it should be in the rest of the Island. We have been told by P&R it is too valuable a site to use for that. I profoundly disagree with that. Profoundly! But I accept that the property function does sit under P&R and that is what they have told us.

3645 I am not quite sure what their other plans are for it, when it is vacated by HSC, but apparently it is too valuable for affordable housing, even though the GHA have plans that would create a very significant number of units and make a real difference on that.

3645 But I am sorry I have gone slightly at a tangent but I blame others for leading me down that way by saying it!

My point here is that it is to some extent about messaging. What we are going to probably do today, I do not know what the final vote will be, is we will bring in an onus or responsibility, a final

3650 backstop for **accounts of private owners???** 16.52.20 of land saying, 'Sorry, if you really will not rectify it ...' and again, just like the States I hope it never needs to be used, I hope the existence of this will allow common sense and discussion, things to move forward first, but we will have that backstop. But we will say that however bad we are, however much we do not use the proper procedures that Deputy Kazantseva-Miller has referred to, to bring our property into good repair, we will never have to face that.

3655 So, yes, it would be stupid. But I would actually like a procedure that would be so patently stupid to be in place, if we utterly fail to maintain our property to make us avoid that situation and actually maintain our property.

The Deputy Bailiff: Deputy Moakes.

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Deputy Moakes: Thank you, madam.

I agree with Deputy Inder, and Deputy Queripel would agree. I think it is a bit preposterous that we are asking some people to look after their property and not other ones. But what they are suggesting is actually delusion. There is a fatal flaw to this idea.

3665 So, let us take one of the examples that was given earlier on. DPA finds a problem and it goes off to Property Services. And let us say that the problem is not rectified and Property Services are told they have to pay an amount of money because they are being fined. It is a terrible thing. Well, the illusion is, it is a cost-centre transfer. It is one Government Department paying money to another Government Department. On top of that, there will probably also be costs to collect the money and
3670 the fine and all the background work behind it. So if we are looking for looking after our taxpayers' money, we are moving money from one part of Government to another part of the Government, probably at enormous cost to the taxpayer. It sounds great –

Deputy Taylor: Point of correction.

3675

The Deputy Bailiff: What is your point of correction, Deputy Taylor?

Deputy Taylor: Well, I am not sure that this scenario that Deputy Moakes is putting forward is how the Ordinance, if it was amended, is intended to work. Because the direction would first be that the direction is to do the work. It is not then asking ... P&R simply making and paying for the work, but in fact ... **[Technical interference] ??? (16.54.53)** So it is not really money moving around it could be a ... **[Inaudible]**

I have forgotten what I was going to say! *(Laughter)*

3685 **The Deputy Bailiff:** I think it sounds like phone interference to me, so anyway, do carry on, Deputy Taylor.

Deputy Taylor: It was not my phone.

3690 So the direction, it may be money coming from Policy & Resources ultimately, or the Government altogether, but it would be directing potentially a private contractor to actually get on and do the work. So, it would hopefully not result in just a courtroom where the DPA was fining, or the DPA's Law Officers, was fining Policy & Resources. What would hopefully happen is that the work would get carried out.

Thank you.

3695

The Deputy Bailiff: If Deputy Moakes is still talking? *(Laughter)* With good enthusiasm, Deputy Moakes.

3700 **Deputy Moakes:** Well, you may have a point there, I do not know. But certainly there would be some costs associated. Whatever those costs would be would simply be a cost-centre transfer, as I

have said before, so whatever way you look at it, whether it is the full amount, half the amount, 25% of the amount, or whatever amount of the amount it might be, it is an amount and it is taxpayers' money just being transferred from one Government Department to another.

3705 To me, the principle of the idea that is being put forward is good, but it actually, mathematically and from a taxpayers' perspective, I do not think makes a great deal of sense. We do need to be developing these sites and doing something with them, but I do not think this is the vehicle by which we should be doing it.

Thank you.

3710 **The Deputy Bailiff:** Deputy Murray.

Deputy Murray: Thank you, madam.

3715 I am getting a bit concerned, because essentially you need to be careful what you wish for on the floor of this Assembly. I am really worried that actually Deputy Queripel is very principled and is doing this for all the right reasons; it seems quite reasonable to say everybody should be treated the same, and I understand that; my suspicion is that Deputy Inder's approach is to try and get more housing sites sorted. I am not sure this is necessarily the right way to do that.

3720 But whether that is or is not the case, what we are risking here is a very dangerous game. Because if this amendment goes through, the States, and let me remind you this morning that Deputy Ferbrache told us we are about £60 million in debt already at this stage. We do not have the ability to spend money like confetti on things that, admittedly we wish we could, to maintain the huge amount of buildings that we currently have. It is a question of priority. (**A Member:** Hear, hear.) We spend the money where we need to spend the money first. And that is getting missed again for a point of what appears to be principle.

3725 So, for God's sake, if we actually approve this amendment now, what we started off with in terms of the policy letter will be enormous in terms of the resources it will require, financial and otherwise, to be able to apply it. And we have been down this route so many times before, altering policy on the floor of this Assembly, without regard to the ramifications of where it could lead us.

3730 So I urge you, and I do not know if that is necessarily the approach that is being taken by Deputy Queripel and Deputy Inder, but basically the frighteners have been put on us because of what would happen if this was actually accepted and the policy letter succeeds. They may be not intending to even support the policy letter, I do not know, but that would be a huge risk if this amendment actually goes through, to the finances of the States of Guernsey, to the resources of the States of Guernsey, and the priorities of the States of Guernsey.

3735 So, honestly, I would throw out this amendment and vote however you wish, at the end of the day, on the policy letter. I will be voting against it, as I have said before, but if you actually approve this and the policy letter succeeds, we have changed enormously the scope of what we started with.

Thank you.

3740 **The Deputy Bailiff:** Deputy Taylor.

Deputy Taylor: Thank you, madam.

I will give my phone to Deputy Queripel.

3745 Madam, I think what is quite clear is that there is an interesting relationship between the States of Guernsey and the Planning Department, and it is a funny one to really get your head round. So I can, on the one hand, totally understand why the proposals do not include the States of Guernsey, or they are exempt from the application of this Ordinance, but I do not really agree with that. And I will be honest from the start, I am really going to be supporting this because it is a matter of principle, but I still will not be supporting, even if it is approved I will not be supporting the final policy letter.

3750 Because if we refer to one of the underpinning reasons for this Ordinance it is referring to these hideous unsightly areas having a significant detrimental impact on our Island's reputation. Now,

3755 frankly, I am not aware of what that significant impact on our reputation is. I have googled it, I have tried to find it and I cannot find any international newspaper writing articles about do not invest in Guernsey because there are loads of unsightly buildings. I could not find it. It may exist but I have not found it.

3760 However, if you did find one of those articles I would be really surprised if a reporter in England, or Dubai maybe, wherever the money may be coming from to invest in our Island, that has been put off by these unsightly buildings, I do not think they will suddenly turn around and say, 'Ah well, yes, Castel Hospital might be hideous or the King Edward, that might be hideous, it might be in a poor state, but that will not put me off my investment because that is a Government building, that is fine'.

3765 If anything, that would send the complete opposite message to me: if the Government is not able to invest in its own infrastructure that would be put me off investing. So as a point of principle, if we think individual landowners and commercial landowners or property owners, can have such a massive impact on our Island's reputation, then clearly we, the Government, as probably the largest landowner and property owner on the Island, can have that impact too.

3770 So that is probably the main reason for me. But the confusion around this relationship between Planning and obviously the Land Planning 2005 Law, the exemptions as under Section 76 ... but then we do sort of apply bits of the Law. We adhere to all the rules in the Law, or the IDP policies. We have even got ... so Candie Gardens, the greenhouses, upper and lower, are both protected monuments, which is a really high-level thing. That is a big thing in planning terms. But they are falling apart. They are rotting away and that would be exempt. In the middle of the gorgeous Candie Gardens there are these rotting greenhouses, and they are not being covered.

3775 So I really do not like this. I do see a difference between the States being included in this Ordinance and being excluded from the rest of the Planning & Development or Controls Against Development. And the difference I see is that falling foul of Planning Law by something that constitutes development under whatever section it is, which is generally described as work that a builder may generally carry out, that is what I see as a positive action. You have to go out and do something to fall foul of the law. Whereas the opposite side, or this Ordinance, is what I term as a passive inaction. So it is the act of not doing anything that would put you foul of the law.

3780 I do not think it is fair that if a homeowner or commercial property owner is passively taking inaction, that it has any difference to the Government being passively inactive.

3785 So I will be supporting this. I do urge other Members to support it, fully taking on board the comments that Deputy Murray has made, that if it did then get through, I mean that would be horrific. So I really hope that it is approved and then the whole lot is thrown out as well, because it really, as I said earlier, a load of nonsense.

Thank you, madam.

3790 **The Deputy Bailiff:** Deputy Gollop.

Deputy Gollop: Yes. I hear the words of wisdom from Deputy Moakes and Deputy Murray and maybe some others, who are concerned about the cost to the taxpayer, the extra bureaucracy in levelling up on this Law. But I must admit I come at this from a different perspective.

3795 I am probably one of the older and longer serving Members, and I kind of want the more show-boating side of politics, and what this represents ... I will support the amendment from Deputy Queripel and Deputy Inder – and intriguingly again they have both been in the States a few years – because what this amendment does is it provides a motivation, an incentive, a carrot and a stick, for States' Departments to work together more.

3800 I mean, we have heard the arguments about wooden dollars and the costs, but actually the costs may be necessary. We do not say as a society we are not going to prosecute or arrest somebody because it could cost us thousands. We go ahead and do it. And I do not necessarily care about the extra cost that this would be on the administration. We would be righting a wrong regardless. We have got to be brutal.

3805 I will give you an example. This was not actually before you, madam Deputy Bailiff, as a Judge, but it was before a Judge of the Royal Court, and it was funnily enough in October 2020 during the transition from Deputy Ferbrache's era and Deputy Roffey's area as President of the States' Trading Supervisory Board. What a shock this case is, from *The Guernsey Press*, so I trust it is accurate. But listen to this. 'The STSB has been fined £20,000 in the Royal Court after breaching health and safety rules. The issue came to light after a man fell.' The details of the case are not relevant. But this was an instance in 2020 of a States' Department being taken to Court by another agency of the States, going through the Royal Court, which in a sense is linked to the States because it is paid for by the States. And it was in the public arena.

3815 Not good. Hopefully the problems were all resolved. But it is an example of where the States are not exempt, so why should they be exempt from this kind of legislation when the legislation clearly has a point to move forward? And if there are eyesores in properties, of course there are many ways: Deputies can meet, officers can write to each other, strategic management teams can liaise. But there may well come a point when you have had years and years of sites not going anywhere. And as Deputy Trott said in a different context, the opportunity cost to sights not being used for useful social or economic purposes, like the housing we need. But actually, some States' action, a bit of teeth to the DPA or its successors, would be useful.

3820 So I am going to support this amendment. I think that we cannot worry about additional bureaucracy or cost as a reason not to ensure that the Property Services team going forward are able to kick start improvements, maintenance and everything else.

3825 **The Deputy Bailiff:** Deputy Matthews.

Deputy Leadbeater: Rule 26(1), please, madam.

3830 **The Deputy Bailiff:** Deputy Leadbeater has asked for a motion under Rule 26(1). Those who still wish to contribute toward this debate please stand in your place.

Deputy Matthews: Madam, is the Rule applied already been called that I would continue to speak?

3835 **The Deputy Bailiff:** You are absolutely right, Deputy Matthews. You did start. Did I say Deputy Matthews? I cannot even remember now.

Deputy Matthews: I believe so.

3840 **The Deputy Bailiff:** Well, did I say Deputy Matthews? *(Laughter)*

Deputy Matthews: I will be brief.

3845 **The Deputy Bailiff:** That is what they all say! *(Laughter)*
Deputy Matthews and then Deputy Leadbeater.

Deputy Matthews: Thank you, madam.

3850 I intend to support the amendment from Deputies Queripel and Inder, simply because although ostensibly the reason to exclude the States is to avoid an unedifying situation where one part of the States is taking action against another. I think that it is even more unedifying to have a situation where the States is saying to other people that they should do as I say and not as I do.

3855 Now, some other speakers have mentioned that there are many other ways that we can accomplish change within States' properties, and I am sure that is true. Well, it is true. But it is not really about whether the mechanism exists or not, it is about ensuring consistency in the eyes of the public and being seen to do the right thing.

3860 There is already a feeling that money and influence makes a difference in planning decisions, and I am sure that is very unfair to the DPA who make every effort to be as even-handed as they possibly can. But it is simply the case that it is quite often that it is only large organisations and large developers that can cut through all of the red tape and actually get planning decisions that go in their favour. And so I think that really we ought to be looking at cutting back red tape so that we can alleviate the housing crisis that we have got –

3865 **Deputy Oliver:** Point of correction, madam.

The Deputy Bailiff: What is your point of correction, Deputy Oliver?

3870 **Deputy Oliver:** It is not only developers that can cut through the red tape and get planning permission granted. It is consistent throughout the whole of the Planning Law. It is not just them. Anybody can put in an application and get it passed, it is not just developers.

The Deputy Bailiff: Deputy Matthews.

3875 **Deputy Matthews:** I thank Deputy Oliver for that intervention and would say that the sentence on which I am talking about is not my opinion. I am reflecting the opinion of the public, and it is a very widely held view. And I think that it is very important that when we make changes, it is not just about doing the right thing, it is being seen to do the right thing and it is about perceptions. And there is that perception there that there is an awful lot of effort that goes into getting planning permission that is a complex and difficult thing.

3880 I think we ought to try and cut through as much as we can, and I think that the red tape that we do have ought to be consistently applied and we ought to apply it to ourselves if we are applying it to others.

Thank you, madam.

3885 **The Deputy Bailiff:** Deputy Leadbeater, do you still wish to pursue your Rule 26(1) motion?

Deputy Leadbeater: I would like to, as Deputy Mahoney is property lead, I would to hear his speech before I call it, madam. (*Laughter*)

3890 **The Deputy Bailiff:** Right! Deputy Mahoney.

Deputy Mahoney: Thank you, madam, and thank you to Deputy Leadbeater; thank you very much.

3895 I will be brief as usual. I was next door listening to most of the debate, so as one-fortieth of the dictatorship in Guernsey (*Laughter*) I would just like to add my two pennies, especially as listening in next door there were a lot of Deputies talking about writing to me with various things, requests for money, etc.

3900 It is undoubted that some of the States' properties in Guernsey certainly are lacking in upgrading and repairs, etc. Nobody doubts that. And if anyone in Property Services is listening at the moment, 'It is time to just put down the bacon sandwiches, people, and stop playing the games that we are playing!' Of course it is not that. We do not have the money to do it. This is why most of the repairs have not been done. It is a lack of money. And this Assembly, a month or so ago – six weeks ago, I beg your pardon – voted to not raise any more money to fix some of the problems that we desperately have.

3905 So if anyone is sat here thinking they just cannot be bothered, that is fairly disingenuous to the guys and girls in States' Property Services who, by and large, do a very good job. And they do not have enough money to do it with. But anyway, so that is the first very small rant over.

3910 There is much talk, obviously, of the Castel Hospital site. It is sat there; it seems to be on the top
of Deputy Inder's list every night when he goes to bed. He seems to think about it an awful lot. But
let me assure this Assembly that no one is more frustrated than me at the lack of progress on that
site, but it bears remembering that that is not an empty site. There are some 40-50 community
nurses based at the Castel Hospital. Now they are not in the Castel Hospital, the big old relic – by
the way which I visited about a year ago and is literally inside covered in black mould, dead pigeons
and all sorts of things. It is not a saveable building and it is not a useable building. At some point it
3915 will have to be demolished.

Now just for the record, that site is already sat with Heritage to decide whether it needs to be
listed before I can actually do something with it, such as drive a bulldozer through it. Because,
frankly, that is all it is worth right now. And then of course, we can move on to actually doing
something with it.

3920 But, I go back again, I have 40 or 50 community nurses sat in there at the moment. I say 'I', I beg
your pardon, HSC has 40/50 community nurses in there. Now that is all linked to other things I have
said previously in this Assembly re the parts of the puzzle you have got to remove round Raymond
Falla House, Lukis House, Perruque, the list goes on. And we cannot just simply say, 'You are up and
out of here because I want to put some houses on the site'. Now be they social housing or otherwise,
3925 and Deputy Roffey and I have very different views on that, as he has said already.

So that is where Castel Hospital is. It is a similar story-ish with the King Edward VII site, where
stuff is moving on it. We do have someone with a period of exclusivity that is looking at a nursing
home there. Now we have seen the noise that happens as soon as you try and look to build on
anything with grass on it these days, unless of course it is in St Martins opposite the hotel, opposite
3930 the hospital, where $\frac{3}{4}$ an acre of Grade 1 grass was recently agreed for planning with no Deputy
objections whatsoever.

So anyway, we are doing those things. This is not about States' Property Services sat around
eating bacon rolls and doing nothing. The money is not there. Deputy Gollop is shaking his head.
One of the people who voted not to raise more revenue, and yet wants everything done much
3935 quicker, so there you go.

So anyway, I thank Deputy Leadbeater for giving me the opportunity to respond. Please do not
write to me.

Thank you.

3940 **The Deputy Bailiff:** Deputy Leadbeater, are you going to put your Rule 26(1)? This is your last
opportunity, *(Laughter)* this afternoon anyway.

Deputy Leadbeater: No, I will not madam. *(Laughter)*

3945 **The Deputy Bailiff:** Thank you.
Deputy de Sausmarez. *(Laughter)*

Deputy de Sausmarez: In the spirit of what Deputy Leadbeater was trying to achieve, I will try
and keep this brief.

3950 I certainly agree with the principle of this amendment and I came in intending to support it on
that basis. I am now not sure.

I think I am not sold on the argument, incidentally, that is put forward in the policy letter and
has been reiterated in debate, that it would be a pretty unedifying look for one bit of the States to
be serving notices on another. As Deputy Gollop rightly pointed out, actually this happens quite
3955 frequently in a number of different guises. For example, Environmental Health & Pollution
Regulation do it quite frequently, and for very good reason.

So I am not particularly sold on that as a reason not to extend the principle of States' ownership
to bring it within the scope of this legislation. But I do think we need to make a distinction between
maintenance and rather more fundamental issues, like structural integrity, especially when it comes

3960 to things like cliffs. And I think if Deputy Queripel was worried about masonry falling off the roof of the Guille-Allès he might be best advised to avoid some of our cliff faces. And also the magnitude of resource required to address them is very significant indeed.

And that brings me on to the question of prioritisation. So, although I very much agree with the sentiment in principle motivating this amendment, I do have concerns about how it would work in practice in a number of different ways. But one of them is how it would affect our prioritisation process for actually dealing with these things.

3970 So we do, as we all know, have limited resources. We would all love to have a magic wand and fix all of them. But reality bites and we have to make some difficult choices about what we can address and how. And when we make decisions on which projects to prioritise over which others, we have to take into account a wide variety of different considerations, policy considerations often touching on a number of different Committee's mandates in fact.

So I do have a slight concern that this might result in the tail wagging the dog. I mean I would be more concerned about that if I thought it was actually workable. And that is the bit that I really just cannot get my head around at all, and I have not really heard the answer to it.

3975 So, for example, Deputy Taylor, quite rightly, and he is not the first, raised the example of Candie greenhouse. Now I can assure him that there have been bids put in for the funding to address that particular site, structure, repeatedly, for a long time, and these bids go into the Minor Capital Programme Board, or whatever it is called, and they get rejected. Now again, the Minor Capital Programme Board have its own set of considerations that they have to judge against their own criteria, and if they reject it they reject it.

Who would be served the notice? Would it be the Committee responsible, even though we have done our absolute best (*Laughter*) to get the resources? Would it be the Minor Capital Programme Board? I am just not sure how it would work in reality.

3985 So, yes, I think that is where I am. I just cannot see how it would realistically work. I am slightly worried about unintended consequences, although I do agree with the principle. So I am actually still not yet decided.

Thank you.

The Deputy Bailiff: Deputy Ferbrache.

3990 **Deputy Ferbrache:** I was not going to speak on this today. I know a lot of people say that, but there we are. They say they are going to be brief and they go on for 20 minutes. (*Laughter*)

But the point in relation to this, I told Deputy Queripel, I indicated to Deputy Queripel that I was likely to support this amendment. But now I am not going to.

3995 And I am not going to for the two speeches that have been made, one completely irresponsible, the other completely responsible. The irresponsible speech was that from Deputy Gollop. I do not care what it is going to cost, I do not care what resources you need, I do not care how you are going to do it. You have got to do it. From somebody who, a few weeks ago, voted against any tax increases when we are already short of money.

4000 So where is this money going to come from? Where are these resources going to come from? How are we going to achieve it?

Deputy Trott: On a point of correction. This is the second time we have heard this this afternoon, madam. Deputy Gollop, I believe, voted for Option D. Within Option D there was significant tax raising measures. The Policy & Resources Committee choose not to support that particular amendment. So it is factually incorrect for two Members of the Policy & Resources Committee to make that accusation. And I ask that it is withdrawn.

4010 **Deputy Ferbrache:** No I do not withdraw it, because I do not invite a lecture from Deputy Trott in relation to such matters. I do not accept it was a point of correction, albeit it is a point of correction because the Deputy Bailiff has said it is.

In relation to – I am not giving way.

4015 **Deputy Trott:** On a point of order, I ask you to rule on that, because my point of correction is quite clear. Deputy Gollop voted for an amendment which if successful would have raised significant amounts of tax. It is clearly a point of correction, and I ask you to so rule.

4020 **The Deputy Bailiff:** So what exactly Deputy Trott, are you asking me to correct Deputy Ferbrache? Are you saying, Deputy Trott, that Deputy Ferbrache is wrong because he did not mention in relation to his speech about Deputy Gollop that he voted in a different way from P&R? Or simply that actually what he voted for would not have led to no tax increases whatsoever?

4025 **Deputy Trott:** Well he may well have voted against what P&R preferred, but the substantive point is quite clear, madam. He voted for amendments that would have raised tax, and therefore to call him irresponsible because he did not vote for anything that would raise tax, is clearly inaccurate and unbecoming of the Chief Minister, in my view.

4030 **The Deputy Bailiff:** Deputy Gollop, did you vote? Because I did not deal with the States that day. Did you vote for amendment version 4?

Deputy Gollop: As I recall other points, but I voted for B, C, D and E (*Laughter*) but not A. (*Laughter and applause*)

4035 Option C was perhaps one that was cutting further but would not have survived long. So I take the point that I possibly did not vote for the A that would have raised the most money and being the most secure –

The Deputy Bailiff: Thank you, Deputy Gollop.

4040 **Deputy Gollop:** – and I was saying, let us go ahead with this regardless of the cost.

The Deputy Bailiff: Deputy Ferbrache, given that it would appear that Deputy Gollop did vote for a whole number (*Laughter*) of the Resolutions that went before the States, some of which did include tax raising capabilities, do you accept the point of correction that Deputy Trott has sought?

4045 **Deputy Ferbrache:** No, madam, because he did not vote for the only Proposition that would have achieved anything that was material, in my view, in my opinion, that would have gone any way towards addressing our financial constraints, Option A, which Deputy Gollop voted against, and also subsequently has said that he wished he voted for. But the fact is he voted against, and it was the vote on the day that is relevant.

4050 So that is the point. So I do regard that as irresponsible, because in the light of his comments today – *today* – when he said, ‘I do not care what the resources are, I do not care what it costs’. The amendment proposed, ably by Deputy Queripel and ably seconded by Deputy Inder, should be supported. That is what I regard as irresponsible. And I repeat it again, and I emphasis it: *irresponsible*. ‘Just get the resources from somewhere, I do not know how you are going to pay for it, I do not know how you are going to do it, I do not know how it is going to be achieved, but just get them, just do it because it is the right thing to do.’

4055 As Deputy Murray says, and I came into this debate thinking I would almost certainly support the Deputy Queripel amendment. Through no fault of his, and despite the way he has ably argued it, I cannot. Because Deputy Murray has made the point that where would our resources be? Also put in a different way, but an able way by Deputy de Sausmarez, that we have just got to have some recognition that we can only do what we can do. We cannot keep heaping resource upon resource, heaping request upon request, heaping impossibility upon impossibility. If we keep doing that we will feel fine and people will be able to stand for election next time and say ‘I did not vote for this,

4065 I voted the increase in carer costs, I sang Sweet Caroline in Market Square, I did all of those things. I made myself feel a lot better, but I do not know how you are going to pay the bills. I do not know how you are going to do anything. I do not know how you are going to achieve anything, but I feel fantastic, and you must vote for me'.

Goodness me.

4070 **The Deputy Bailiff:** Deputy Meerveld. And I think that will probably be the last contribution of the day.

Deputy Meerveld: I will try and keep it down to five and a half minutes, madam.

4075 I am minded to support this and I am minded to try and persuade Deputy Ferbrache that maybe he should go back to his original position, for some issues that have not been raised by some people yet.

Deputy Trott made a very good point earlier about the cost of doing nothing with properties. The States has a habit of sitting on properties, not maintaining them properly, because when cuts come one of the first things that Committees cut is maintenance, because they have got wages to pay and they have got other bills, and maintenance often becomes a secondary consideration.

4080 And there is also, because of the way we account for things, a tendency to say, 'Well actually, if the building gets into disrepair and starts falling down we can always go to a capital budget instead of our revenue budget. Instead of using revenue to maintain a building we can go and tap into the capital budget to build a new one'. And we have seen that with the Dairy and other buildings.

4085 There is another issue though, as well, and one where there may be possibly a positive outcome from some buildings being targeted and saying, 'These buildings or pieces of land need maintenance, need repairing under the provisions of this policy letter', and that is to actually get someone to make a decision about what we are going to do with it.

4090 Because I have been involved in a number of discussions about property utilisation where I have been told, 'No, we cannot touch that property or use that one because this Committee or that Department have got dibs on it or may want to use it in the future.' And then you see those properties continue to be unutilised, or underutilised, for many years, continuing to be in disrepair because someone has a desire to potentially use it.

4095 In a commercial world that would not happen. You would be constantly looking at a way of utilising your assets for the maximum benefit and taking either earning from them, holding them for a specific investment objective in the future, or liquidating them.

4100 But in the States it is all too easy for a Committee to say, 'I want dibs on that; do not touch that because I have got it earmarked maybe for the future'. If that Committee were actually told, 'Well actually it is going to cost you money, you have got to pay rent on that. You have got to pay maintenance on that piece of property,' then we actually might rationalise our property portfolio and step back from it. So that is a benefit of actually approving something like this, because these buildings that are getting into disrepair are likely to be targeted in that way.

4105 I have another issue as well. It is the equality issue. The fact that how can we possibly do this to members of the public and then say, 'But the States has not got the money to maintain its own properties'. Well hold on a second, we are in an incredibly negative economic environment, with rising interest rates and potentially major economic strife on the horizon and a massive cost of living rise, and yet we are turning around to members of the public potentially, and saying, 'Your building is in disrepair. You have to repair it, or else'.

4110 So I have major issues with the fairness of doing that, and also the fact that we may be imposing this on people in our community who cannot afford to maintain those buildings. I would hate to see Granny Le Tissier pushed out of her building, her family home, because she is being enforced enforcement actions that are trying to upgrade the property.

4115 Therefore, I am likely to support this amendment, but because of my reservations about what it could do economically both to the States and individual members of the community, I may not support the policy letter.

Thank you, madam. I think I have come in well in time.

The Deputy Bailiff: Thank you, Deputy Meerveld.

Actually, Deputy Dyke, we can fit in your contribution as well.

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Deputy Dyke: Thank you, madam. I will try and be less than two minutes.

I commend Deputy Queripel for bringing this, and particularly his thoughts regarding the level playing field. I think that is a valid thought that we should always bear in mind when we are doing things, to try and have a level playing field.

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But the problem is, if we bring the States subject to this we do, I believe, come to a nonsensical position whereby the 40 of us in here, who are the Government of the country, find ourselves effectively suing each other to get things done, as opposed to talking to each other to try and get things done in the most sensible way, and the most economic way at an economically propitious time.

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It seems crazy to give the Planning Department that level of power and that level of duty. So I think that is why I would not vote in favour of this, but I would say we are probably talking about it too much. Given the resources that we have got to do things, if this policy letter goes through there are various obvious commercial, unsightly sites that are damaging amenity. We have already taken out private dwellings. We will be focusing on those. There is pretty much no chance of Planning then coming back and hitting the States with orders to do this, that and the other.

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So I do actually think we are worrying about this point, and talking about it too much, because I think this amendment is actually a bad idea, as it would turn out. But I do not think, even if it were passed, it would actually achieve anything really good or really bad. I think we are probably thinking about too much. But I would, with respect, vote against it.

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Thank you.

The Deputy Bailiff: Thank you, Deputy Dyke.

That brings today's session to a close. States' Greffier, would you close?

The Assembly adjourned at 5.30 p.m.