



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Wednesday, 17th July 2024

*All published Official Reports can be found on the
official States of Guernsey website www.gov.gg*

Volume 13, No. 12

ISSN 2049-8284

*Published by the States' Greffier, The Royal Court House,
St Peter Port, GY1 2NZ. © States of Guernsey, 2024*

Present:

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

Law Officers

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

People's Deputies

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

Representatives of the Island of Alderney

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

The Clerk to the States of Deliberation

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

Absent at the Evocation

Deputy T. L. Bury (*indisposé*); Deputy N. R. Inder (*relevé à 11h 54*)

Business transacted

Evocation	895
Convocation	895
Procedural – Royal Visit of Their Majesties the King and Queen	895
Statements	896
General update – Statement by the President of the Committee for Home Affairs	896
General update – Statement by the President of the States’ Trading Supervisory Board	905
<i>The Assembly adjourned at 12.31 p.m. and resumed its sitting at 2.31 p.m.</i>	<i>918</i>
Questions for Oral Answer.....	918
Conviction in 1942 of police officers – Publication of policy letter	918
COVID-19 vaccinations – References on Guernsey death certificates.....	919
Prescription of cannabis – Mental health service concerns	923
Strategic Land Use Plan – Possible bringing forward of review.....	927
Hemlock Water Dropwort – Present near playground	939
Guernsey Prison – Relocation of UK inmates	942
Billet d’État XII	944
Elections and Appointments.....	944
1. Election of the Chairman of the Guernsey Financial Services Commission – Mr John Aspden elected	944
2. Election of an Ordinary Member and Chairman of the Guernsey Financial Services Commission – Motion withdrawn	946
Legislation Laid Before the States	947
The Social Insurance (Classification) (Amendment) (Guernsey) Regulations, 2024; The Control of Poisonous Substances (Fees) (Guernsey) Regulations, 2024: The Health and Safety (Fees) Order, 2024.....	947
Legislation for Approval	948
3. Reform (Guernsey) (Amendment) Law, 2024 – Proposition carried	948
4. Offences (Fixed Penalties) (Guernsey) Law, 2009 (Amendment) Ordinance, 2024 – Proposition carried.....	950
5. Matrimonial Causes (Bailiwick of Guernsey) Law, 2022 (Commencement) Ordinance, 2024 – Propositions carried as amended	954
<i>The Assembly adjourned at 5.32 p.m.</i>	<i>968</i>

PAGE LEFT DELIBERATELY BLANK

States of Deliberation

*The States met at 10.58 a.m. in the presence of
His Excellency Lt Gen Richard Cripwell
Lieutenant-Governor and Commander-in-Chief of the Bailiwick of Guernsey*

[THE BAILIFF *in the Chair*]

PRAYERS

The States' Greffier

EVOCATION

CONVOCATION

The Deputy Greffier: Billet d'État XII of 2024. 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 Courthouse on Wednesday 17th July 2024, immediately after the States of Election convened for 9.30 a.m., to consider the items listed in this Billet d'État, which have been submitted for debate.

Procedural – Royal Visit of Their Majesties the King and Queen

The Bailiff: Good morning, Members of the States of Deliberation. I hope you will share my view that yesterday's historic Royal Visit of Their Majesties the King and the Queen was a great day for the Bailiwick. (**Several Members:** Hear, hear.) And it was an opportunity to showcase what makes our Bailiwick such a special place in which to live and work.

It would not have happened if it were not for the great efforts that were made for those working behind the scenes. Some of us ended up in the limelight, wearing different forms of headgear, (*Laughter*) but that would not have arisen if it were not for the legions of your staff, who were working so well behind the scenes in the run-up to the day and during the course of yesterday and I think we should all give our thanks to each and every one of them for making sure that it was such a splendid occasion. (*Applause*)

As some of you may know, Her Majesty the Queen celebrates her birthday today and on your behalf I extend good birthday wishes to her and hope she is enjoying her day today as much as she enjoyed yesterday.

But today is also a special birthday for someone else, who has a big birthday, if I can call it that, and I do hope that he has acquired an updated driving licence by the end of last month, as a result of that! (*Laughter*) But it is my great pleasure to wish Deputy Trott a very happy birthday today. (*Applause*)

Deputy Trott: Sir, thank you, and thank you, Members.

It was a further pleasure to receive birthday wishes yesterday from the King, in my case, some 40 years earlier than might otherwise have been anticipated! (*Laughter*)

Statements

General update – Statement by the President of the Committee for Home Affairs

The Bailiff: We will now move into the business of the day and I will invite the President of the Committee for Home Affairs, Deputy Prow, to deliver his Committee's Statement, pursuant to Rule 10(4), please.

Deputy Prow: Thank you very much, sir, and I am very pleased to be able to give an update on behalf of the Committee for Home Affairs.

Most in this Assembly will acknowledge the huge and ambitious programme of strategic, policy and legislative projects brought to the States in this term. In the time left before the June Election the Committee has a determination to complete and finish his work. The Committee is extremely grateful for the overwhelming support of most Members, which has allowed us to work at pace and meet deadlines, often set externally as a result of international obligations. Thanks must extend to the Legislative Review Panel who we have kept extremely busy.

The comprehensive on-site visit by the Moneyval secretariat and evaluators concluded on 26th April, resource requirements across all entities have, however, continued since that time to support a number of additional information requests submitted by the assessment team. The evaluation process is not over.

Initial feedback in draft form and requests for additional information were received mid-June. Subsequent to this, Moneyval delegates are scheduled to consider a final draft mutual evaluation report at the meeting of Moneyval in December 2024, where further changes to the report may be made. It is anticipated that the final outcome report will be published early in 2025.

Whilst the focus to date has been concentrating on preparing for the evaluation, commitment to global initiatives aimed at preventing and eliminating economic and financial crime is a standing 'business as usual', which must be a priority for the Committee and for Government.

The current anti-financial crime governance structure, which was established in 2022, will be maintained and enhanced. The exact requirements will be considered as part of this governance structure on receipt of the draft of the report expected in December.

The Guernsey Border Agency continue to respond to workstreams imposed following the UK's exit from the EU. From a Customs & Excise perspective this work involves making the necessary amendments to customs legislation and policies to fulfil the obligations of the Customs Union and Free Trade Arrangements the Bailiwick is signed up to, including the development and implementation of special customs procedures that are proportionate to the Bailiwick.

Immigration & Nationality are concentrating on working with the UK in respect of the UK digitisation programme and biometric enrolment, which are designed to keep us safe and secure, combat identity fraud and illegal immigration, with which, as a part of a Common Travel Area member, the Bailiwick is required to align. We also prepare for the future introduction of Electronic Travel Authorisations.

A further significant piece of work is the consolidation of the extended Immigration Acts and a Review of Immigration Rules, which will bring the Bailiwick's legislation up to date where it is necessary to do so.

70 The Committee continues to monitor the impact of the Population Immigration Policy proposals approved by this Assembly in October 2022 and respond to matters raised by industry. Recently concerns have been raised politically that this policy change has resulted in an increase in workers bringing their dependents. The Committee is mandated to further review the policy implications and it is right that we do. In doing so it is important to balance the need for a business to recruit where there are evidenced shortages, against the pressures on housing and public services.

75 The immigration requirements for those bringing dependents include the need to evidence ability to maintain themselves and proof of adequate accommodation prior to travel. Those granted entry or leave to remain have 'no recourse to public funds'; and this is endorsed in their passports.

80 Neither the new Combined Population Immigration Policy framework nor the removal of Medium Term Employment Permits are changes that result in a direct increase in migrant workers arriving with dependants. However, as stated, the Committee is undertaking a comprehensive analysis of the impact of these proposals and, if needed, will bring forward further policy changes to address any emerging areas of concern. In approving the Population Immigration Policy proposals the Assembly acknowledged that the issue was multifaceted. A whole Government approach is needed to strike the right balance.

85 Following the Assembly's support for the Domestic Abuse and Sexual Violence Strategy earlier in this term and the development of a new Domestic Abuse Law agreed in September, the Committee has now considered the draft Projet and consulted widely with stakeholders. This will progress to the Legislative Review Panel in the coming weeks.

90 The Committee has emphasised that the new overarching Law represented the first phase of essential developments in domestic abuse legislation. In April it provided policy direction for a second phase of legislative proposals, this captures matters raised by stakeholders and those highlighted during the original debate. The Committee intends to lodge a further policy letter as soon as possible and before the end of this term.

95 The Sexual Assault Referral Centre (SARC) has been established as a pilot with funding through the Government Work Plan. Following the launch of the helpline in October 2023 access to the forensic facilities commenced in January 2024.

100 In the first six months of this year, Willow House have supported 34 people, 16 of which have been under 18 years. Sixteen of these clients accepted a forensic medical examination whilst the others were provided with signposting and onwards referrals to our independent sexual violence advisors. Following the States' approval of the Committee's policy letter in October 2023, the Sexual Assault Referral Centre Law was drafted and approved by the States in May 2024.

Much of the Committee's mandated responsibilities has a basis in legislation and, in aligning with the principles of the Justice Framework, the Committee would like to see a Criminal Justice Legislation Development Programme established, the objectives of which would be to support an efficient use of resources and ensure criminal justice legislation evolves.

105 The Committee is progressing a review of Police complaints legislation, as confidence in this process is paramount. This review will include consideration of reducing political involvement in the complaints process and increasing the oversight role of the Police Complaints Commission.

110 An initial policy letter prioritising two legislative amendments, to improve the proportionate, effective management of complaints and introduce vicarious liability for police officers subject to civil legal action, will be brought to the Assembly shortly. This policy letter will also include a terms of reference and timeframe for delivering a comprehensive review of the statutory complaints regime so that genuine complaints can be more effectively handled and lessons learnt.

115 We are fortunate to have a very good Police Force, (**A Member:** Hear, hear.) which operates 24/7 often doing an incredibly difficult and demanding job – public support and confidence is essential. Law Enforcement are about to publish their 2023 annual report and I commend all Members of this Assembly to read it and acknowledge their outstanding commitment to keeping us all safe and secure.

There has been a lot of repeated attention around selected incidents through the media focused on criticism. I will leave the Assembly with just one statistic. The Police received no less than 13,700

120 calls for assistance from the public in 2023. These include reports of crimes, missing people, immediate danger calls and suspicious activity.

The Committee recognises the need to deliver sustainable public services. It has sought to work collaboratively with operational service leads to understand how we might deliver efficiencies in the safest way possible.

125 Since the Committee's last update statement a comprehensive internal review of the Fire and Rescue Service target operating model has been undertaken, this demonstrates that the current model is lean and efficient and any significant change to that model in an attempt to reduce costs would inevitably impact on public safety.

130 Whilst the Committee accepts that services need to be efficient and sustainable, our community rightly expects high standards and where those standards equate to public safety the Committee is not prepared to compromise.

Much of the good and often challenging work done operationally by the services that make up Government goes unrecognised and Home Affairs' services are no exception. The Committee is proud of the services that it represents and takes this opportunity to thank officers and staff for the work they do each day to keep our Island safe. (**A Member:** Hear, hear.)

135 Thank you, sir.

The Bailiff: Well, Members of the States, there is now an opportunity to ask any questions you wish to of the President on any matter within the mandate of the Committee *for* Home Affairs.

140 Deputy Dyke.

Deputy Dyke: Thank you, sir.

Could I ask a question regarding the Population Management Law, in particular section eight. Is Deputy Prow considering a review as to how that is operating? I have heard, and logically given its current drafting, it has pushed a number of people out of Part A of the Open Market and into the Local Market, thus putting more pressure on local housing costs, local rental costs. Is the Home Department happy to look at that, to see if we should amend section eight of the Population Management Law?

145 Thank you.

150 **The Bailiff:** Deputy Prow.

Deputy Prow: I thank Deputy Dyke for his question and indeed I thank him for his interest in population management and immigration. The answer to that question is very simple and I alluded to it in my Statement. This is a comprehensive review. I think what the question teases out for me is the fact that we need the data, and we need to look at the data in that review and see where the issues are.

A lot of the issues that are perceived in fact may not be actual issues. I am not saying the ones that you raise around section eight are, but I can give the assurance that that comprehensive review will include everything within the Resolutions that the States passed.

160 Thank you, sir.

The Bailiff: Deputy Kazantseva-Miller.

165 **Deputy Kazantseva-Miller:** Thank you, sir.

I am extremely pleased with the efforts and progress the Committee and officers have made with the domestic abuse and sexual assault work and I would like to congratulate them for these efforts. However, I was quite concerned to hear that from the 37 cases that were supported since the establishment of SARC, 16, or just over 40%, were for underage children, so under 18.

170 Does the Committee, does the President, consider this to be a cause for concern and will the Committee be doing any further work to look into the specific issue of sexual assault on under age children?

Thank you.

175 **The Bailiff:** Deputy Prow.

Deputy Prow: I thank Deputy Kazantseva-Miller for her question and again I thank her for her interest in the efforts that the Committee are making around sexual violence.

180 The answer to that is, yes, the Committee very much shares the concerns outlined and, indeed, what I should say is that the whole set up at Willow House, is a pilot scheme, and it is about learning from the experience and certainly we will be looking very hard at the data that is emerging, particularly around young people. We have already developed our capability to support those groups of users of the service and we shall continue to do so.

Thank you, sir.

185

The Bailiff: Deputy Matthews.

Deputy Matthews: Thank you, sir.

190 I have a question for the President also about the population. It was really that I am sure the President will share my concern that the numbers of homes built in the Island has consistently failed to meet the population target. To what extent is the Committee *for* Home Affairs able to look at reducing or varying populations such that, for example, the numbers were reduced, if home building were reduced, or is that not on the agenda for the Committee *for* Home Affairs?

195 **The Bailiff:** Deputy Prow.

Deputy Prow: I thank Deputy Matthews for his question and I think he raises an important and interesting point. I was privileged to chair the Population and Immigration Management Review, which was a cross-Committee review and the Presidents of P&R, E&I and other Committees were
200 all Members of that. It has become very apparent that the question of being able to house, whether it is key workers or local people, that we want desperately to remain in the Island and work here is an issue. It does not come under the direct responsibility of Home Affairs but what I can tell the Deputy is that I will be lending all my support to those Committees that are more directly involved in the provision of housing.

205 Thank you, sir.

The Bailiff: Deputy Soulsby.

Deputy Soulsby: Thank you, sir.

210 I might be incorrect but I thought I heard Deputy Prow reference a review done of the Fire & Rescue Service. I would just like to know whether that considered the report done last term by Mr John Hollis in regard to the ambulance service because there was some overlap and also whether the review he has referenced will be made public?

215 **The Bailiff:** Deputy Prow.

Deputy Prow: I thank Deputy Soulsby for her question. The report has only very recently been received and considered by the Committee.

220 The Committee has actually gone back with requests for further data. Certainly, in the review, on the type of operating model, the review that Deputy Soulsby referred to is a subject and is contained

in the review and I am very happy to let Deputy Soulsby have a copy of it and to engage in any further conversation around that.

Thank you, sir.

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

Deputy de Lisle: Sir, thank you.

230 Deputy Prow, in his comments on the change to population and immigration policy, in answer to Deputy Dyke, said that a comprehensive review will include everything. When are we likely to receive this review because we have been waiting some time for it, sir?

The Bailiff: Deputy Prow.

Deputy Prow: Thank you, sir.

235 The answer to that is when time and resources are available to conduct it. But what I can tell Deputy de Lisle is that review has already started and certainly, as I emphasised to Deputy Dyke, the collection of data and information, which is absolutely vital, you cannot rely on anecdotal evidence, is important to that process, that takes time and resource and at this moment in time I am not going to commit the Committee or myself to a timeline. It is our wish, however, to bring the content of any review back to the Assembly in this term.

240 Thank you, sir.

The Bailiff: Deputy Cameron.

245 **Deputy Cameron:** Thank you, sir.

I recently attended a funeral, where the deceased's son, a non-violent prisoner, was escorted into the church in heavy duty handcuffs. This was clearly humiliating and upsetting for the prisoner and family and friends of the deceased. Given this prisoner has already received a sentence and is a non-violent offender, can the President of Home Affairs explain why there is an inconsistency in the policy? Why are some prisoners forced to wear restraints at family funerals while others are allowed to attend without them?

250 Thank you.

The Bailiff: Deputy Prow.

255 **Deputy Prow:** I thank Deputy Cameron for his question.

The answer is this is entirely an operational decision, made by the Prison Governor and his staff and based on their professional risk assessments of whatever situation. As it is an operational matter and as it is a matter which is decided by the Prison Governor, and his senior staff, I would be very happy to pass that question onto the Prison Governor and give Deputy Cameron an opportunity to discuss that with him.

260 Thank you, sir.

The Bailiff: Deputy Blin.

265 **Deputy Blin:** Thank you, sir.

I would like to pose a question to Deputy Prow, based on the responses to Deputies Dyke and de Lisle, talking about the fact that it is being looked into by the Population Management, all these things that are going to be done and Deputy Prow makes the comment that he is not going to rely on anecdotal comments. However, would he confirm or explain what if there is a decision that some changes had to be made but for any individuals coming in under the new terms, under LTEP, etc., which had been extended from the MTEP, would that be able to be rectified or turned back if it is

decided that that is actually having a negative influence on the immigration and structure for Population Management?

275

The Bailiff: Deputy Prow.

Deputy Prow: I thank Deputy Blin for his question.

280 In the question he alludes to anecdotal evidence and what our review must do is look at the data and look at that very carefully. I have already, in the main update Statement, given a commitment that, if there are changes that need to be made, they will be brought back to the Assembly.

285 The fact is that the changes to the short-term work permit situation and the long-term work permit situation have actually greatly improved, not only for business but from a Population Management review. But we need to look at the hard data and analyse that before we make any comment or make any decisions whether the changes are needed and I would like to give Deputy Blin the assurance that that work has started. But it needs to be resourced. Resources are very limited. Also, we have improved our electronic ability to collect this data so that should assist and at this moment in time that is the best answer I can give Deputy Blin.

290 Thank you, sir.

The Bailiff: Deputy Haskins.

Deputy Haskins: Thank you, sir.

295 The President mentioned the minimum entry requirements and that they must have sufficient housing and means to sustain themselves. I believe there is a minimum requirement as to the level of English spoken. Can he assure Members that this is in fact being enforced?

The Bailiff: Deputy Prow.

300

Deputy Prow: I am sorry, sir, I did not catch the last bit of Deputy Haskins' question.

The Bailiff: It was about English.

Deputy Haskins.

305

Deputy Haskins: Sir, I said I believe there is a minimum requirement as to the level of English spoken. Can the President assure Members that this is being enforced?

The Bailiff: Deputy Prow.

310

Deputy Prow: Thank you. I thank Deputy Haskins for his question.

315 He is right. There are English language requirements built into the immigration rules and those are enforced as much as our resources and ability to do so relies and it is a very important aspect of immigration control, particularly for people that are coming to live and work in the Island, that they have a basic standard of English.

Thank you, sir.

The Bailiff: Deputy Gollop.

320

Deputy Gollop: We have already mentioned congratulations to Her Majesty the Queen and Deputy Trott about the birthday, but King Charles is extremely busy today opening the new Parliament in London. My question is, will Home Affairs work closely with the new government on immigration and population matters because it is possible, if not probable, that migration policy

will change and therefore is Guernsey prepared for that in terms of improving availability to our employers of useful members of staff?

The Bailiff: Deputy Prow.

Deputy Prow: I thank Deputy Gollop for his question.

Absolutely, of course the Committee for Home Affairs will co-operate with the new government that is in power. I have corresponded with quite a few Home Secretaries and even more immigration ministers under the last government. I will be very interested and very keen to understand what changes and what direction of travel the new government has and I will absolutely engage with that government. We are members of the Common Travel Area and we need to retain that status. So an understanding and a dialogue with the UK Home Office is absolutely essential.

Thank you, sir.

The Bailiff: Deputy Taylor.

Deputy Taylor: Thank you, sir.

The National Fire Chiefs Council, as the professional voice of the UK Fire and Rescue Service, issued a position statement outlining their concerns surrounding modern methods of construction. Whilst the statement itself runs to five pages, the following quote best summarises their position:

... meeting housing supply should not be prioritised at the expense of safety and we have concerns that there remains a lack of understanding of the performance of modern methods of construction, which presents significant uncertainty in the built environment.

Sir, it is my understanding that the Guernsey Fire & Rescue Service fully endorses the concerns raised by the National Fire Chiefs Council. With those concerns in mind, could Deputy Prow advise the Assembly whether the Committee for Home Affairs, with their mandated responsibilities for the Guernsey Fire & Rescue Service, have been consulted by Policy & Resources Committee regarding their due diligence into the proposed use of modern methods of construction at Leale's Yard?

Thank you.

The Bailiff: Deputy Prow.

Deputy Prow: I thank Deputy Taylor, a Member of my Committee, for his question.

The answer to that is this is certainly something the target operating model has raised and it is something that has been raised by the professional officers; it is something we need to consider, but at this moment in time we have not cascaded that any further beyond the Committee including to P&R. But I do agree with him, this is a subject that needs to be discussed wider and perhaps indeed with another Committee that Deputy Taylor is involved with in the DPA.

I think the briefest answer I can give is, yes, this is a subject we are now aware of and it is where we need to engage outside of Home Affairs, we will need to do that. I must again stress that there are further questions that we have asked the Chief Officer to respond to before we are in a position, I think, to share this wider with other stakeholder Committees.

Thank you, sir.

The Bailiff: Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Sir, the Committee's mandate includes the development of policies in relation to lotteries and gambling and Members of this Assembly and beyond have raised concerns with scratch cards and this addictive, low entry level gambling. Is this an area of concern for the Committee and is the Committee doing anything about that, or planning to develop any policies or advice in relation to scratch cards?

Thank you.

The Bailiff: Deputy Prow.

375

Deputy Prow: Thank you, sir.

380

Yes, it is a matter of concern to the Committee and it is a matter, I think, that would probably best be served by a joint discussion with the Committee *for* Health & Social Care because I think the Home Affairs remit is more about control. But Deputy Kazantseva-Miller is absolutely right, there are people that get themselves into difficulty and have mental health problems as a result of the type of gambling that she describes, and I think the best way to get a cohesive solution is a cross-Committee discussion.

Thank you, sir.

385

The Bailiff: Deputy Dyke.

Deputy Dyke: Thank you, sir.

390

Could I ask another immigration-related question? Is Deputy Prow aware, in the context of the discussion we have had about the three-year and five-year permits and possible human rights issues with going to five years, that across other dependent territories, particularly in the Caribbean, they go to seven years, at which point the employee on, typically, a work permit, is either kept on or has to leave the Island? So I wonder if it is possible here to review again whether we could not go from three years to five years for the mid-term housing licence and will that be reviewed in the light of perhaps looking at what other jurisdictions do?

395

Thank you.

The Bailiff: Deputy Prow.

Deputy Prow: I thank Deputy Dyke for his question.

400

I think the review will take the direction where the data and the information takes us. What I can assure Deputy Dyke is the debate in this Assembly and the similar challenge that he has just outlined has been very well researched and around the interpretation of human rights that applies to us in this Bailiwick the strong advice we were given is that the short-term ability that does not allow a settlement should be limited to three years.

405

That is why the medium-term permits were discontinued. So now we have a much simpler system where short-term workers cannot bring dependents, cannot obtain settlement, whereas provided the right criteria are met, those that embark on the longer term are able to do so.

That part of the policy will be reviewed but, with regard to our relationship with the Common Travel Area and the fundamental principle around human rights, that has been –

410

The Bailiff: Deputy Prow, your time for answering has expired.

Deputy Prow: Thank you, sir.

415

The Bailiff: The 20 minutes are up. I do not want to be mean to Deputy Queripel, so I am going to extend it by a few minutes. But it will only be by a few minutes, rather than an extensive period of further questioning to the President.

So, Deputy Queripel.

420

Deputy Queripel: Thank you, sir.

In his answers, the President has focused on the lack of resources hindering the progress of the review into population management. Does that mean there are numerous vacancies within his

Department that need to be filled and that this work will not have much chance of being completed within this term unless those vacancies are filled?

The Bailiff: The difficulty with that question, Deputy Queripel, is that staffing is a matter for the Policy & Resources Committee, not the Committee *for* Home Affairs. So does anyone else want to try a question?

Deputy Oliver.

Deputy Oliver: Thank you, sir.

Would the President tell me, with getting rid of the MTEP, the medium-term licences, how many of those licences were converted to long-term licences? Because one of the problems, particularly with the DPA, is that we can only go off what E&I say with the SSHI and if we cannot get the population of how many people coming in, we do not actually know how much land to supply. So how many of those medium-term licences got changed to long-term licences?

Thank you.

The Bailiff: Deputy Prow, are you able to answer that question?

Deputy Prow: Thank you, sir. I thank Deputy Oliver for her question.

The answer to that is that the whole, fundamental principle, which often gets missed, is around where there are labour shortages. Those shortages that attract the longer term permit and the decision-making process in that regard and those which attract the shorter term permits. Shorter term permits cannot lead to settlement and cannot bring in dependents.

The medium-term, one of the reasons why it was discontinued, is because they could also bring in dependents. The fundamental question is, is the balance between those permits that we issue as short term and those that we issue as a long term. That is what we need to review and to do that, we need to have the data and have a proper discussion around where that data takes us.

Thank you, sir.

The Bailiff: Deputy Gabriel, last question.

Deputy Gabriel: Thank you, sir.

I would like to build on that answer, around business applicants getting in applicants who are on a licence and is the President confident that the population and immigration department has enough resource because I have heard anecdotal evidence that business applicants, certainly when importing labour, have been suffering lengthy delays and sometimes losing out because a licence has not been issued in time and losing out to other jurisdictions because that qualified person has gone elsewhere because of the lengthy delay. So the question is, is he confident he has enough resources in the Department?

Thank you.

The Bailiff: Deputy Prow.

Deputy Prow: Thank you, sir.

On every Committee of the States, we would all love to have a greater amount of resource. What I will say in answer to Deputy Gabriel's question is that the team at Population Management and the advances they have made in technology, do an absolutely fantastic job. If there were more staff, perhaps the delays would be less, but what I can tell you is that that team works flat out and I will tell you another thing about that team, the feedback I get industry around their ability to help and assist and advise business is outstanding.

Thank you, sir.

**General update –
Statement by the President of the States' Trading Supervisory Board**

475 **The Bailiff:** I am now going to turn to the President of the States' Trading Supervisory Board
and invite him to deliver the Rule 10(4) Statement.
Deputy Roffey, please.

480 **Deputy Roffey:** Thank you, sir. I am pleased to be delivering the penultimate update Statement
on behalf of the STSB.

Other than being largely a non-policy-making Committee, the States' Trading Supervisory Board
differs from the States' Principal Committees in two other key respects. Firstly, the way its activities
are funded. This is primarily through fees and charges levied on our service users. But that has to
come with a caveat that currently, for different reasons, some of the operations do rely to a certain
485 extent on taxpayer funding. This is something I am going to touch on in more detail shortly.

The second key difference is that full accounts are published for each of the unincorporated
trading operations, alongside the main States' Accounts. These set out in some detail the financial
and operational highlights for the Dairy, Water, Waste, Ports, Lottery, and States' Works.

So whereas other Principal Committees regard the regular statement to the Assembly as an
unique opportunity to update Members on their activity and priorities, the debate on the Accounts
just a few weeks ago has already shone a spotlight on a lot of what might otherwise have been
included in this Statement. I do not intend to propose to go over all of that same ground again,
although of course I will field questions on any part of our mandate.

490 Instead I am going to turn in the Statement to the incorporated businesses. And I remind
Members that while the STSB has operational oversight of the unincorporated entities, for Guernsey
Post, Guernsey Electricity, Aurigny, and the fuel ships holding company Jamesco, that role is
performed by their own boards. Our job is simply to represent the shareholder, through regular
dialogue and agreeing the key objectives for each of the businesses. We continue to do this
principally through quarterly meetings, but also through far more frequent contact whenever it is
500 required.

Starting with Aurigny, who have experienced a very challenging time, for reasons that have been
widely publicised. The impact it has had on islanders is deeply regrettable and I am genuinely sorry
for anybody that has been affected by the recent reliability issues.

To be fair, Aurigny acknowledged the planned fleet transition did leave them exposed to various
505 risks and they have put in place contingencies to cope with multiple possible points of failure. But
the series of unfortunate events which then transpired was almost unbelievable. It has been a painful
experience for all concerned, most of all the travelling public. But we should not lose sight of the
fact that this was not done out of caprice, but rather with a clear objective.

Until recently, Aurigny was loss-making. That had been the case for years, and the losses were
510 large, with the States picking up the bill. This Assembly made it very clear that needed to stop. In
the refinancing policy letter in 2021 was set out the plans which the new Chairman and CEO had to
turn around the airline's financial performance and return it to break even. And the very first bullet
point was identifying opportunities to reduce costs and improve efficiency by reducing the
complexity of the current fleet.

515 That specifically included a review of whether to retain the Embraer jet, and this Assembly
effectively signed off on that plan. I know, Members may have different views on whether selling
the jet was the right decision, but the Board of Aurigny have so far delivered on the promise to
return the airline to break even. I suspect the reliability problems experienced earlier in the spring
may be a setback in that regard, at least for 2024, particular as shareholder, the STSB's clear direction
520 during that period of disturbance, was for Aurigny to prioritise minimising disruption ahead of
short-term costs.

But I am confident we will see considerable benefits in future years. A more streamlined airline
that is financially self-reliant, securing our vital airlinks, and supporting our business and hospitality

sectors with great connectivity and reliable travel options. Aurigny has traditionally delivered excellent reliability and punctuality, and I am personally sure that it will do so again.

As for the cost of travel, fares have actually been rising at levels below RPI. In the first half of 2024, for instance, excluding the one-off seasonal European routes, more than two thirds of seats across the Aurigny network cost less than £100.

Turning to Guernsey Post, they are also continuing to deliver their own transformation plan, as they look to align operations in response to the ongoing decline in traditional mail. This includes an investment of nearly £2 million in new parcel sorting equipment at its Envoy House headquarters, which is capable of processing more than 6,000 packages an hour.

That has delivered immediate improvements in operational efficiency and provides scope for anticipated growth. That is going to be key to Guernsey Post's future prospects, as it continues to meet the ongoing challenges in the mail sector and hopefully returns the business to profitability in 2025.

Meanwhile Guernsey Electricity is continuing to address the historic under-investment that arose under the previous regulatory regime, which avoided sensible increases in the base tariffs for the best part of a decade. That is having to be reflected now by increasing bills, both to make up for this lack of past investment, but also to begin the energy transition, as set out in the Energy Policy and Electricity Strategy agreed by the Assembly during this term.

The timing is not great. Guernsey has thus far been sheltered from the massive increases in energy costs seen in the UK and other jurisdictions over the past two years. That has been down to the price fixing arrangements under the current electricity import contract, and those price fixing arrangements are now starting to unwind.

While we have avoided the worst of the volatility after Russia's invasion of Ukraine, the cost of imports in future is likely to be more reflective of the prevailing international wholesale market prices.

There is, I am afraid, no easy answer to rising energy costs, and the STSB, as Members may have noticed, has not shied away from making the difficult, perhaps unpopular decisions. But we have also set a new efficiency target, which requires the company to make cumulative savings of around £1.65 million over the next three years.

Those savings will benefit customers, by reducing the need for future tariff increases. It is salutary to consider that even after the most recent tariff decision, Guernsey Electricity will still have to take on yet more borrowing to fund investment in the core network.

In future, the company should be able to pay for its regular capital programme through revenues rather than debt, and that remains the imperative. But that has to be balanced against the impact on consumers during a period of high inflation, which is why the STSB agreed tariff increases for this year that were significantly lower than the company had requested.

What we cannot do though is delay any longer the much-needed investment in our core electricity infrastructure. That means upgrading cables across the Island that are decades old and installing additional capacity across the network to satisfy current and future demands, to support new housing development, for example, and the energy transition.

Looking a little further afield, we had hoped this year would see significant progress on the refurbishment of Alderney's Airport Runway.

Market engagement in the pre-tender stage gave optimism there would be interest from a number of contractors. In the end, two remained involved right up until the deadline, but sadly we then received just one bid. It was significantly higher than the project estimate, and despite extensive work by the project team they have been unable to bring this down sufficiently. I regret that very much. We tried really hard through value engineering to bring that price down.

Undoubtedly timing was one factor. The pool of contractors with airfield expertise is quite small, and unfortunately over the last year or two the market has been really quite buoyant. We are now acting under direction from the Policy & Resources Committee and seeking to draw up as realistic estimates as we can for a more modest scheme.

575 In opening, I mentioned that the trading business are generally funded from fees and charges, but with some current exceptions. The most notable being the Ports, which have been receiving taxpayer funding since COVID struck, and Guernsey Waste, which the Assembly agreed in 2021 would be part funded from General Revenue. I did say that I did not intend to go over what was discussed in the Accounts, so I am not going to talk at length around individual businesses.

580 However, looking more broadly taking the trading group as a whole, while they did not all receive taxpayer support, with the exception of States' Works, all the unincorporated businesses reported a net loss last year

As I outlined in my update to the Assembly last year, one of the key priorities of the STSB over the past 18 months has been to address this position because it cannot continue. The States-owned trading operations have generally been expected to act commercially and wash their own face financially. With the exception of Guernsey Waste, because the Waste Strategy agreed by the States does not really support it acting in an entirely commercial manner.

Nevertheless, we tasked the management of each of the trading businesses to identify how they could return to a financially sustainable, break-even position over three years – starting in 2024. It is almost inevitable, was almost inevitable, that would include increases in fees and charges, but that is not the only solution. As we have shown with Guernsey Electricity, the STSB is also keen that businesses identify savings through efficiency. That is not to say they are hugely wasteful now, but as the benchmarking review of Guernsey Electricity identified, even efficient businesses can further improve and cut costs over time.

595 In the case of Guernsey Ports, the increase in fees and charges this year, or more precisely, perhaps, mooring fees, has probably attracted the most attention – not least since the Assembly has debated them twice. But we have also tasked Ports with finding new revenue opportunities and efficiency savings, and those will begin to be delivered this year.

This process will reduce the demand for taxpayer funding and free up general revenue for other priorities. It will also ensure greater financial sustainability of the unincorporated trading businesses, as they look to fund long-term investment in key Island infrastructure. But it can only do that if the political will is there. When fees and charges come before this Assembly, if we are going to get these businesses back to break even, we really do need the support of States' Members, and I warn them they will not always be popular decisions.

605 In terms of the immediate future, we were directed by the Assembly in 2021 to investigate the potential for a new marina development at St Peter Port Harbour. Although the findings of that work were largely published about 18 months ago, there has been a significant delay in bringing any proposals to the States while we investigated the potential funding options.

610 It is an interesting opportunity, in fact I would describe it as a really exciting prospect, with potential to provide quite significant economic benefits to the Island as a whole. However it would represent a major investment, so it is going to be interesting to find out what States' Members think of it when we present the policy letter in relation to this project after the summer recess.

The Bailiff: Thank you very much.

615 Deputy Inder, is it your wish to be relevéd?

Deputy Inder: Yes, sir.

The Bailiff: There is now an opportunity to ask questions on any aspect of the mandate of the States' Trading Supervisory Board.

620 Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir.

625 I thought I would be quick off the mark. I thank the President for his update speech but I also wanted to pick up on the comments relating to Aurigny. I have changed my position on Aurigny. I have been consistently rather critical, as have other Members of the Assembly, but I wondered if

the President would agree with me that their performance against strategy has been very impressive and I also want to take this opportunity, after asking that question, to note that the company has met and exceeded every one of its operational and financial targets for the first two full financial years of its five-year strategy? I think this is very impressive and I hope the President would agree with me.

The Bailiff: Deputy Roffey.

Deputy Roffey: I thank Deputy Dudley-Owen for her question, almost a statement, I think. It is not the job of the STSB to be in any way uncritically supportive of the businesses for which we are shareholder representative. But Deputy Dudley-Owen is quite right, looking at it in the macros, seeing what we charged Aurigny with doing, turning around, breaking even, providing greater connectivity, they have delivered on all of that.

None of that gets away from the fact that in the delivery of the fleet simplification, with an enormous amount of bad fortune, there was a period where the operational delivery fell well below, and I think Aurigny will admit this themselves, well below what Islanders have a right to expect. But looking at the big picture, she is absolutely right. I think that the current regime of Aurigny have done a sterling job.

The Bailiff: Alderney Representative Snowdon.

Alderney Representative Snowdon: Thank you, sir.

With Alderney Runway now up in the air, will there be the breakdown for Option C-plus available so we can actually see the costings of the £37 million and is there any costing available for what Option A is now, because we do need some certainty for our community and the Bailiwick?

Thank you.

The Bailiff: Deputy Roffey.

Deputy Roffey: This is not entirely outside our mandate, otherwise I would not have mentioned it in the Statement, but just as in the last policy letter that approved C-plus, the lead Committee was P&R, they are leading on the policy areas at this stage.

As I said, I enormously regret the fact that we were not able to bring the project in at anything like the cost estimate that the experts have given us because, firstly, it would have saved Guernsey a great deal in the PSO and secondly I think it would have provided a lot more resilience for Alderney. But we are now having to look, or rather at P&R's behest, we are doing the operational side of looking at costing up slightly more modest schemes, not necessarily going back exactly to what was Plan A, because many minor changes for that might increase the range of smaller aircraft that would be able to get into Alderney but over the next 12 weeks we hope to have finalised some costs, provide them to P&R and then I guess a policy letter will come back to the States.

The Bailiff: Deputy Helyar.

Deputy Helyar: Thank you, sir.

Not a criticism of Deputy Roffey in any way, he is perfectly entitled to hold the view, but when he stood for the role of President of STSB, he was very anti any form of privatisation. Would he give us a sneak preview on the funding options for the Pool Marina? Will it include any options for vesting control of the Pool Marina and private financing not using public money?

Thank you.

The Bailiff: Deputy Roffey.

680 **Deputy Roffey:** I am a very old-fashioned Deputy. I believe that the contents of policy letters should be released when policy letters are published and so sneak previews do not really come into my list of actions.

The Bailiff: Deputy Burford.

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

Back on the Alderney Airport subject, there are two aspects to it, really: what is done to the Airport itself to improve it and also how the Island is going to be served by aircraft. Could the President tell me whether the policy letter that will be forthcoming will look at both aspects and will that be now restricted to category B aircraft?

690 Thank you.

The Bailiff: Deputy Roffey.

695 **Deputy Roffey:** The policy letter will be brought by P&R. If they wish us to be adjunct to that, as we were the last time around, then I am sure we are happy to do so. That is a matter for them. I suspect if the question is will it be examining a runway length to allow ATRs – parking the STOL because we have not conversed on aircraft just for Alderney – then I expect she is right, it will not be able to have that category of aircraft. But that is just me speculating. We will be providing the information to P&R and they will be leading on that policy letter.

700

The Bailiff: Deputy Dyke.

Deputy Dyke: Thank you, sir.

705 Now that it seems to be clear – perhaps Deputy Roffey could clarify that it is clear; it seems to be clear – that we are not going to be landing ATRs in Alderney, so we do need another plan, and there are two aspects to this: will we be welcoming other airlines coming in with smaller seater planes, including the green airline that is thinking about Trislanders, people with Cessnas, Tecnams, that sort of thing; will we be accepting competition in Alderney? And will Aurigny itself be looking at – separate question – replacing the Dorniers, which do seem to have been a bad choice of aircraft, I know made many years ago before this current management? Those are my questions.

710

Thank you.

The Bailiff: Deputy Roffey.

715 **Deputy Roffey:** Two questions there, I do not know if I get two lots of 90 seconds to answer them!

The first one was very much a question for P&R. The PSO on the Alderney Route is a matter for P&R. What I can say is that there was no stitch up last time around. The then P&R went out, tried to find as many people who wanted to bid for that PSO and, despite all the noise about this airline here and that one over there and the electric one there and there is one called Alderney over there, the only people that actually put in any kind of compliant bid was Aurigny.

720

But the five years will come to an end and at that point, no doubt, other people will be invited to make an application for the PSO. As for the Dornier, I stated at the beginning, I could flip my view, but I stated at the beginning, Aurigny is not run or controlled by the STSB. That is a matter for the Aurigny board. I believe that they probably will be looking at the question that Deputy Dyke put forward but it is not for me to speak for them, I do not think.

725

The Bailiff: Deputy Kazantseva-Miller.

730 **Deputy Kazantseva-Miller:** Sir, the failure of this States to determine a new location for inert waste disposal means that STSB had to apply for temporary stockpiling at Longue Hougue South and for that to be removed at a later stage. The response to my Rule 14 questions this week indicated that the cost of this double handling is between £400,000 and £700,000 per year of stockpiling, depending on future location.

735 Given that the temporary stockpiling is expected to be three years this means at least £1.2 million of cost if this waste was to be removed to Longue Hougue South in the future or £2.7 million of cost if it was to be removed to Les Vardes. This cost will be borne by users through increased gate fees increasing the cost of construction. Given that Deputy Roffey has consistently alerted this Assembly this was coming our way, would he consider this lack of decision a fundamental failure of
740 this Assembly that will also result in increased costs to house building?

The Bailiff: Deputy Roffey.

745 **Deputy Roffey:** I think the Deputy said between £0.4 million and £0.7 million a year, depending on where it goes, I think it is between £0.4 million and £0.9 million, it depends where it goes. Yes, the STSB has been enormously frustrated that the Assembly has not been able to identify, or rather they did identify, the last Assembly identified Longue Hougue South as their preferred option but the planning inquiry never went ahead and I think that was because of some question mark over
750 whether or not it could still be seen as the best environmental option when other people were floating the idea of Les Vardes.

Personally, I believe that using Les Vardes for anything other than a water storage reservoir would be completely bonkers. But that presumably is a process that has to be gone through, it involves costs, it is not for the STSB to castigate this Assembly but we have constantly been reminding it that unless we have a new site where to put the rubbish, we would have to start
755 stockpiling. We are working on the basis it could go on even longer than three years although that is what the planning permission looks like it is going to be at the moment.

The Bailiff: Deputy Vermeulen.

760 **Deputy Vermeulen:** Thank you, sir.

I thank the President for his elegant update. It was very insightful. Can he tell me, though, can he set my mind at rest that there is not a massive bill coming towards this States for the over-reliance on the wet leases, which were difficult to acquire? There is not a secret loss coming over the last seven months for wet leases; can he please put my mind at rest, sir?

765 **The Bailiff:** Deputy Roffey.

Deputy Roffey: I am not sure if I can put Deputy Vermeulen's mind at rest or not but there will be a very considerable bill for the wet leasing, not least that it was exacerbated, obviously, by the
770 damage to the front landing gear of one of Aurigny's own aircraft, which then was out of action for a very long time through lack of parts.

Of course, they had to wet lease. If they had not done that, then the situation would have been much worse. It is always dangerous guessing financial outcomes, I believe that Aurigny will lose money this year, probably roughly equivalent to the profits they made last year, which means that
775 they will roughly have broken even over a two-year period and 'break-even' is the target for this Assembly. But yes, there has been higher wet leasing cost than we wanted or Aurigny wanted.

The Bailiff: Deputy Bailiff.

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

Can Deputy Roffey confirm that costs on large projects, even with professionals, can still come in at the planning stage, over 50% over budget, like the Alderney Runway?

The Bailiff: Deputy Roffey.

785

Deputy Roffey: Yes. Aurigny Runway was brought forward as a rough order of magnitude. My understanding of rough order of magnitude is it is a range that can be 25% below that sum and I think Deputy Burford has pointed this out to people on various fora and 75% above. On that basis it came in within the range of the rough order of magnitude. But Deputy Brouard is quite right, an estimate is only an estimate and when we come back for a more modest scheme, I warn Members I am not going to be promising that the price of that, the experts are advising that that will come in, will be the actual final price.

790

The hot market for doing runway development – I have to say coupled with a degree of risk that I think contractors built in because of some of the political noise coming out of this Assembly about we are not actually going to do this at the end of the day – really did make it very difficult to have a proper estimate.

795

The Bailiff: Alderney Representative Roberts.

800

Alderney Representative Roberts: Thank you, sir.

I would just like to thank the STSB for all its very hard work on Option C. Our economy is now on a downturn as a result of the tender. Would he not agree that our airline should be judged on its performance as an economic enabler before profit? Its intention from the start: people and Bailiwick community first on our own States' airline.

805

The Bailiff: Deputy Roffey.

Deputy Roffey: I do understand the point but if Alderney Representative Roberts is looking at it from the Alderney context, with all humility, I offer the fact that there is about a £1 million subsidy in the running of Alderney Airport, plus the £2 million PSO, which amounts to £3 million a year. I think that this Assembly cannot be criticised for trying to support the Alderney economy in that way. If we subsidised our own Airport to anything like the same degree *per capita* we would be enjoying far cheaper flights in and out of Guernsey.

810

The Bailiff: Deputy de Lisle.

815

Deputy de Lisle: Thank you, sir.

The tariff increases in electricity continue to rise well above RPI, with fees and charges of 9% and 13% recently and again, from July, another 10% increase, together of course with the increases in fixed charges that have been brought in recently. So there are concerns from the public at this difficult time with household budgets reeling with the cost increases across the piste, many inspired by Guernsey Electricity and other Government bodies really regulated by the STSB. So what mitigation to householders is being afforded by Guernsey Electricity to people who cannot afford these increases?

820

The Bailiff: Deputy Roffey.

825

Deputy Roffey: The increase in standing charges is not cumulative on top of the general increase. The general increase in tariff income across the board, including both standing charges and unit charges is 10%, against an RPI of 5.5%. It is a significant real terms increase. I am sorry but the reality is, when we looked at it, that the previous regulation that actually stopped any base tariff

830

increases for a decade had turned GEL into a basket case. It has debt right up against its limits and it had not been investing enough to maintain the robust infrastructure that we all need.

835 Of course, I regret the extra costs on the households. What I would say, as far as anybody on Income Support is concerned, these increases feed through into the Winter Fuel Allowance calculations and for pensioners, generally, any impact on RPIX of the energy will be reflected, obviously, in those increases. But there are people who will fall outside of that and it will be an extra burden on them.

840 All I would say is compared with what they have gone through in the last two years in the UK it is nothing in comparison because there we are looking at hundreds of per cent increases in energy prices for a period, although I accept they are now coming down.

The Bailiff: Deputy Trott.

845 **Deputy Trott:** Thank you, sir.

I thank Deputy Roffey, not only for his update but for the articulate manner in which he has addressed these questions. Would Deputy Roffey agree with me, for clarity, that after the States' Trading Supervisory Board advised the Policy & Resources Committee that the option approved by this Assembly was both unaffordable and undeliverable, that the landing of ATRs on Alderney Runway will not now be realised?

850 Secondly, matters pertaining to the – inappropriately, in my view, named – Public Service Obligation are under direction from this Assembly and will be progressed accordingly. In addition, there has been much criticism of the communications undertaken by Aurigny in recent weeks. Can Deputy Roffey confirm that lessons have been learned and appropriate resources are now dedicated to the matter of comms in the appropriate manner by our airline?

The Bailiff: Deputy Roffey.

860 **Deputy Roffey:** There are three questions there, so I had better gabble. I do not actually accept that Option C-plus was undeliverable and unaffordable. It is perfectly deliverable, it is just not affordable and the business case no longer stacks up that was laid before the Assembly, unfortunately. I really regret that.

865 As a result we are looking at more modest schemes, which almost certainly means that Alderney will be serviced by smaller aircraft in future. I accept the PSO comes to this Assembly. The point I was making is that the negotiations over it and responsibility for bringing it forward is very much a matter for P&R. STSB is not engaged in the PSO negotiations. And I have forgotten what the third point was?

870 **Deputy Trott:** It was the issue of comms.

Deputy Roffey: Oh comms. Yes, this is a constant refrain in our meetings with Aurigny. Obviously, it is difficult if you aim to maintain enough comms capacity, in normal times, to deal with a spike of communication that happens when, on a black swan day, or whatever, there is a lot of cost built in there, but we are constantly telling Aurigny that comms is absolutely vital. I think they get it. I am not sure they are there yet but I have seen signs of some development, certainly on their own website, that means that they are trying to be more effective communicators.

The Bailiff: Deputy Gabriel.

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

I thank the President for his update. As the STSB is the waste disposal authority, I was hoping maybe to hear something about the green waste disposal, or perhaps it is even recycling, and can

he confirm that the new facility with the rearrangements there, albeit on an operational basis, is fit for purpose and are there any changes to ease the situation?

885

The Bailiff: Deputy Roffey.

890

Deputy Roffey: The new facility came about, really, by *force majeure* because we were very suddenly given our marching orders from the old one and we had to actually finance the move and the new facility. I do not know if it is perfect yet. I do not sit on the operational oversight subcommittee for Guernsey Waste but I am sure that, having been in operation for a short period of time, they will find ways, there may be issues with traffic at certain times of the day, there may be various things that they want to address. I am not here to plead perfection but it was a move that had to happen.

895

The Bailiff: Alderney Representative Snowdon.

Alderney Representative Snowdon: Thank you, sir.

900

Would the President agree with me that the Alderney Runway situation is really coming to the end of the line, with the amount of time it has taken and potentially this will raise safety concerns with the runway because it has been patched up at tremendous costs and therefore there could be – hopefully there will not be but there could be – runway closures in the future if nothing actually happens?

Thank you.

905

The Bailiff: Deputy Roffey.

Deputy Roffey: Yes, sir.

910

That is why we have budgeted a considerable sum for ongoing repairs this autumn and in my view the substantive work needs to be done next summer. That may cause States' Members a problem if the estimate or particularly the tenders come back with a smaller scheme are not very significantly below where they were for C-Plus. But I do not think that this can be allowed to continue, to the extent that actually the preferred contractor did say they might be able to shave a little more off C-Plus if we gave them until October to do yet more surveys, but we decided we just had to call an end to the whole saga at that time, otherwise there would be no way we would have been able to look to do it next summer.

915

The Bailiff: The 20 minutes is just up but, similarly, I will extend for a short period of time, recognising that there is a natural break coming up anyway.

920

Deputy Ferbrache.

925

Deputy Ferbrache: Thank you, sir, and I note the comments made by Deputy Roffey, accurately, about rough order of magnitude cost. As the then President of P&R, to hear now – and I am sure Deputy Trott will share this view – that we have gone up from £24 million to £37 million does not give me any confidence at all in the expert advice that we received last time. (**A Member:** Hear, hear.) I think it was woeful.

930

But in relation to this particular request, we have been told many times that the existing Alderney Runway is at the end of its life. It has got to be repaired, otherwise you are spending money unnecessarily and will become impossible to repair in the short future. So, bearing in mind the health warning that he has already given about looking at any figures and they could be revised again, if all that happens is that the existing runway is replaced, repaired, etc, what is the cost of that estimated, at the moment? And then no doubt we can double or treble it by the time we actually do it.

935 **The Bailiff:** Deputy Roffey.

Deputy Roffey: We are currently out for the experts to give us an estimate on just that. I have to say, in fairness, because I think AECOM's name was mentioned at the time of the policy letter led by Deputy Ferbrache, that they were not alone amongst experts. When the figure came back at more like £39 million, initially, we went to another set of experts, and they were of the view that we could knock a very large sum off that figure. I just think that contractors are seeing the degree of both political and geographical risk as such that they are building in a very large contingency.

We hope that the much more modest scheme will cost a lot less but I do not think there is a guarantee of that. In fact, strangely enough, if it costs almost as much as the C-Plus one, it brings back in the debate about whether or not what scheme should do. But I think that is gone now. But what we might do is just, inside the envelope of the existing Alderney Runway, a very modest extension may open up aircraft type beyond the Dornier and Twin Otter and allow for greater flexibility.

950 **The Bailiff:** Deputy Inder.

Deputy Inder: Thank you, sir. I thank Deputy Roffey for the update.

I am intrigued. I tend not to chase ghosts and I cannot see this Assembly or any future Assembly rebuilding Aurigny's Airport and its runway for that kind of ... So shouldn't we stop right there and have that conversation? We have heard Mr Vooght is going off to borrow the difference. We were told via the media. It is not going to happen, through you sir to Deputy Roffey, it is not going to happen.

Would STSB not be better having a conversation with Aurigny, reading them the reality of the politics of this and basically getting them to pay for the permanent maintenance of that runway and stop coming knocking on the door of Guernsey?

The Bailiff: Deputy Roffey.

Deputy Roffey: The current runway cannot be permanently maintained. Although the repairs are being done on the surface, the problem is the substructure, which is failing and needs to be replaced. So either we leave Alderney without a commercially viable aerodrome or we are going to have to come up with a very considerable sum of money. In my view, as a Bailiwick family, we have to come up with that sum of money, but that will be a matter for this Assembly and it will be an interesting debate when that arises.

970 **The Bailiff:** Deputy Helyar.

Deputy Helyar: Thank you, sir.

I am going to ask a question, which Deputy Roffey may not be able to answer and I do appreciate that because his Committee may not have a settled view on it. We have spoken about Plan Bs. In its capacity as a shareholder of Aurigny, if the Aurigny management were itself to come up with a plan that said, and I am hypothesising, let us have a small subsidiary, perhaps raising some money with Jersey to lease six small aircraft and run them between the Channel Islands and the French coast as we used to, thereby enhancing all of our economies, would Deputy Roffey be in support of that kind of plan?

The Bailiff: Deputy Roffey.

Deputy Roffey: How much time have I got? Certainly, the big problem with affordability on the Alderney route is if you are going to have a different type of aircraft than ATRs, a smaller one, you need to have a spare one when that goes tech or needs servicing, so you are maintaining two

aircraft for a population of 20,000. That is entirely different from the old Aurigny days, where Trislanders serviced Alderney and the Guernsey-Jersey route and therefore the spare capacity could be shared amongst a significant fleet.

990 However, just ordering Aurigny back on the Jersey route in head to head competition with Blue Islands, the last time around that happened both airlines lost a considerable amount of money. So it is a conundrum. All I can say is it is one we are aware of and I think it is best addressed in confidence rather than airing the possibilities here.

995 **The Bailiff:** Deputy Burford.

Deputy Burford: Thank you, sir.

 I am getting quite concerned by some of the answers, particularly the aircraft types. There was a lot of misinformation in the policy letter, 18, 19 months ago, about aircraft types and the length
1000 of runway they needed. I outlined it all in my speech. I would like Deputy Roffey to tell me what these additional aircraft types that it might open up for because I do not think they exist.

 He also blames the political and geographical problems. I am not sure how much influence the political ones were but would he agree with me that the geographical location of Alderney is not exactly a new discovery? Finally he will recall that I laid an amendment at the time of the debate
1005 about expanding the route network per circa 19-seater aircraft, is that something his Committee will be considering when they move forward?

 Thank you.

1010 **The Bailiff:** Deputy Roffey.

Deputy Roffey: Four questions in 90 seconds. No, Alderney has been there for quite a while. What has been fresh, I suppose, is that order books for people who do runways are so full that they are now choosing between Ministry of Defence contracts for things in the UK that are easier to get to and a more isolated site. I have absolutely no doubt that the messaging that went out straight
1015 after that debate, contributed to the sense that this would probably never be done, did deter quite a few people from actually putting in tenders and led the final one that did to build in a significant contingency.

 As for aircraft type, I am very scared of engaging with Deputy Burford on the floor of the Assembly because she knows far more about aircraft types. What I will say to her is my
1020 understanding is it is not a question of going from the relatively small 19-seater or whatever to something bigger, just that there are more aircraft in that category. I do not know but I will get the officers who are advising in this to talk to her directly about it.

1025 **The Bailiff:** Deputy Vermeulen.

Deputy Vermeulen: Thank you, sir.

 British Airways stopped flying the ATR to Guernsey in 2003. It was a leased aircraft. Can the President tell me, given where we are today, the Alderney extension dead in the water and the unavailability or seemingly unavailability of spares to service those ATR aircraft in a timely fashion,
1030 is the standardisation of the fleet to an ATR the right type of aircraft for the routes that Aurigny fly?

The Bailiff: Deputy Roffey.

1035 **Deputy Roffey:** Absolutely. It is the very obvious no-brainer aircraft to use for our connectivity and the point about availability for spares is that that goes way beyond aircraft type. There is an international shortage of aircraft spares that transcend the actual type of aircraft involved.

The Bailiff: Deputy Brouard.

1040 **Deputy Brouard:** Thank you, sir. I just want to build on Deputy Dyke and Deputy Trott's good questions, just for clarity. When we voted for the Alderney Runway, the length was essential for ATRs. It was the main driver and cost saver. So how will that now play out? Is increasing the runway still sacrosanct or is it a complete rethink?

1045 **The Bailiff:** Deputy Roffey.

Deputy Roffey: I think I have made clear, I think that plan that was delivered on the basis of cost savings on the PSO, we could get ATRs into Alderney, it is dead in the water unfortunately. The sum for the runway that we wanted to build, I think we very much regret it, but it came in far too high and there is no prospect of getting it down to an acceptable level so now we have got more modest options, which will involve smaller aircraft that will not provide some of the efficiencies we were hoping for but I think, *force majeure*, it is what we have to do.

The Bailiff: Alderney Representative Roberts.

1055 **Alderney Representative Roberts:** Thank you, sir.
Would the President not agree that the option of doing the minimum will result in a re-tender, possibly taking up to two years and into our next Assembly and resulting in more deterioration of the runway, costing further millions once again?

1060 **The Bailiff:** Deputy Roffey.

Deputy Roffey: No, I do not. The design work for a more modest scheme had been almost completed before we went down the C-Plus route, so it would be a question of weeks before the final, detailed plan can be put out and because it was simply going to be the runway and not the buildings involved as well, it could be quite a simple tender operation. People are used to pouring tarmac, they are used to building substructures and we believe that it can be really quite a tight period. So, no, I do not believe we are talking about anything like two years. I am hopeful it can be done next summer but I am not promising that. It will depend on a fair wind.

1070 **The Bailiff:** Deputy Gollop.

Deputy Gollop: Thank you.
When it came to the now, perhaps, aborted £37 million runway extension for Alderney, which included, amongst other things, maybe a fire station, new terminal and so on, what scope would there be to reconsider the project as a private finance initiative where a significant proportion of it – perhaps half – was financed not by the taxpayer of Guernsey but by other investors?

The Bailiff: Deputy Roffey.

1080 **Deputy Roffey:** A private finance initiative would indeed be financed by the taxpayer of Guernsey. People do not put money in and do not expect any return. They would expect a return on it. Unless Alderney Airport suddenly became a big cash cow, which is the absolute opposite of what it is now, that would have to be funded, presumably, out of the Alderney and Guernsey tax pot. So I am not really sure that there would have been any benefit in that respect.

1085 **The Bailiff:** Deputy Inder.

Deputy Inder: Sir, I find it interesting that Deputy Roffey, with the greatest respect, has got one way of thinking about finance. He thinks that there is always a return, he always thinks that the public end up paying it back. But would he agree with me, with a little more lateral thinking, the

Airport could be developed by private finance – and we are talking Alderney here – extra warehousing, retail, all the benefits which are actually coming under his own plan, which is the Guernsey Airport Masterplan? It is not a straight deal that private financing is bad and costs the public money; would he agree with that?

1095

The Bailiff: Deputy Roffey.

Deputy Roffey: I think Deputy Inder has swapped more from Alderney Airport to Guernsey Airport and certainly in the Airport Masterplan we are happy to consider private investment, absolutely. But what we were talking about in Deputy Gollop's question was rebuilding, resurfacing the runway as a PFI. That is not income-generating in the sense of taking the heat off the taxpayer. Building facilities around an airport that might generate an income, absolutely that can be considered.

1100

The Bailiff: Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Slightly changing the subject, former Deputy and civil servant Andrew Le Lievre recently wrote an article in the *Press* being concerned of potential, large-scale social housing estates and development that might be coming forward. What does the President think of those comments, given that he led the charge on buying some of the largest sites, such as the Business Park and Parc Le Lacheur, which in a combined fashion are due to deliver hundreds and hundreds of units of affordable housing?

1110

The Bailiff: I am not going to invite Deputy Roffey to answer that question because I do not believe it falls within the mandate of the States' Trading Supervisory Board at all. (*Laughter*) Maybe something else. Last question, Deputy Gollop.

1115

Deputy Gollop: Changing the subject again, hoping not to milk too much out of this, one magnificent element of the Royal Visit in both Islands, actually, was the celebration of local produce, local agriculture, the goats, the cows, the Dairy, on the Crown Pier. Bearing in mind the emphasis we placed on the heritage and the importance of food production, particularly the dairy sector, can we not be guaranteed a report as soon as possible, in conjunction with Environment & Infrastructure, as to the best way of finding a future for modernisation of the Dairy, maybe a new Dairy, and a commitment to ensure that farming maintains the right or current size in order to sustain the Dairy?

1120

1125

The Bailiff: Deputy Roffey.

Deputy Roffey: Dairy farming is not just important for the produce that was on display at the Crown Pier yesterday, it is also important for maintaining the whole of our countryside and our biodiversity and, as Deputy Gollop would probably know with his seat on P&R, E&I, I think, are planning to bring a policy letter on the sustainability of the dairy farming industry in Guernsey and I have not seen that. I wait with bated breath to see exactly what it would say.

1130

As far as a new Dairy is concerned, I think it is absolutely crucial. Unfortunately, it was decided by the last Assembly, it did not make it onto the capital portfolio for this Assembly, it was put in the pipeline. If it is left in the pipeline through the next Assembly I think we have a major issue and a potential disaster arising over the next few years because the current Dairy and equipment is becoming increasingly difficult to maintain.

1135

The Bailiff: Members of the States, that is going to conclude questions to the President of the States' Trading Supervisory Board. When we resume at 2.30, we will go into Question Time proper and we will now adjourn until 2.30.

1140

*The Assembly adjourned at 12.31 p.m.
and resumed its sitting at 2.31 p.m.*

Questions for Oral Answer

POLICY & RESOURCES COMMITTEE

Conviction in 1942 of police officers – Publication of policy letter

The Bailiff: So the first question is to be put by Deputy St Pier to the President of the Policy & Resources Committee. So your question, please, Deputy St Pier.

1145

Deputy St Pier: Thank you, sir. Whilst I am on my feet, perhaps I might ask whether Members may be permitted to remove their jackets? I will ask my question. Perhaps you could ponder the response, sir! *(Laughter)*

1150

In a reply dated 21st February this year, to a Rule 11 question in relation to the conviction in 1942 of a number of police officers, the Committee advised that:

The Law Officers provided their advice, including research using archive records, at the end of last year. The policy letter is now being finalised following consideration of that advice. Consultation on the draft policy letter is ongoing, with the Committee aiming to publish the policy letter during Quarter Two 2024.

Now that we are in Quarter Three, can the Committee please advise when the policy letter will be published?

1155

The Bailiff: And the President of the Committee, Deputy Trott, to reply, please.

Deputy Trott: Thank you, sir.

The consultation on the draft policy letter is ongoing. The Policy & Resources Committee are scheduled to discuss the initial outcomes of this consultation and what steps to take next within the coming weeks.

1160

The Bailiff: Supplementary question, Deputy St Pier.

1165

Deputy St Pier: Sir, I am sure you will be unsurprised to learn I have two supplementary questions, the first of which is: it is of course reassuring to learn that the initial outcome of the consultation will be considered by the Committee in the coming weeks, having previously committed to publishing the policy letter in Q2, will the Committee be publishing the letter in Q3?

The Bailiff: Deputy Trott to reply.

1170

Deputy Trott: Sir, I would be disappointed if that was not the case.

The Bailiff: Your second supplementary, Deputy St Pier.

1175

Deputy St Pier: Thank you. I am reassured by that response, sir, but does the President agree with me that, given this issue has been dragging on for the entire length of this term, it is now time to bring it to a conclusion?

The Bailiff: Deputy Trott.

Deputy Trott: Sir, the short answer to that is, yes, I do agree.

The Bailiff: I do not see any other Member rising to ask a supplementary question. The only reason I was pausing, when you put your question to me about outer wear is why is it limited to gentlemen? As far as I am concerned, Deputy St Pier, all Members of the States, if they wish to – because today is one of our days of summer – can remove their outer wear, if they want to.

Deputy St Pier: I do believe I said Members, but I am grateful for your clarification!

The Bailiff: I heard gentlemen, anyway!

COMMITTEE FOR HEALTH & SOCIAL CARE

COVID-19 vaccinations – References on Guernsey death certificates

The Bailiff: The next question is one to be put by Deputy Taylor to the President of the Committee for Health & Social Care. Do you still wish to put the question, Deputy Taylor?

Deputy Taylor: If I am honest, sir, I am having mixed feelings, because HSC completely missed the deadline for responding –

The Bailiff: That is neither here nor there. I simply want to know are you going to ask the question or are we going to skip over it and it will come at another time?

Deputy Taylor: No. I think in spite of the delay in answering the question by over 24 hours, I will ask the question.

The Bailiff: Thank you.

Deputy Taylor: Sir, I have heard anecdotal evidence that a death in Guernsey has been attributed to a COVID-19 vaccination. With that in mind, can the Committee confirm how many deaths in Guernsey have COVID-19 vaccine mentioned on the death certificate?

The Bailiff: And the President of the Committee for Health & Social Care, Deputy Brouard, to reply, please.

Deputy Brouard: Thank you, sir, and apologies to Deputy Taylor for us getting the answer out later than the five o'clock deadline, My apologies. That was purely, I think, the bank holiday yesterday put paid to our plans, so my apologies.

We have looked at the latest available coded death registrations for Guernsey and Alderney. From 2020 to the end of 2023, searching specifically for Code U129 of the ICD10 coding scheme, which identifies COVID-19 vaccines causing adverse effects in therapeutic use unspecified, there were no deaths during this period with an underlying cause of U129. The number of deaths in this period where COVID-19 vaccination is mentioned as a contributory, or possible contributory cause, was less than five and, in line with our approach to reporting small numbers of events, we will not give exact numbers. This is to preserve the anonymity of the affected individuals.

Thank you.

The Bailiff: Supplementary question, Deputy Taylor.

Deputy Taylor: Thank you, sir.

1225 It is not a loaded question but I would like to know from Deputy Brouard if the Committee *for* Health & Social Care consider that to be an acceptable figure, or figures, and how those figures compare with other jurisdictions on a *per capita* basis?

1230 **The Bailiff:** Deputy Brouard, there are two supplementaries in that and therefore are you able to answer the second one, because that was asking for details relating to other jurisdictions? Do you have that information to hand?

1235 **Deputy Brouard:** I do not have the information for other jurisdictions but I can give a general comment to Deputy Taylor if that would be helpful.

The Bailiff: Thank you. Then you can answer the first of the two supplementary questions.

Deputy Brouard: Thank you.

1240 Obviously the questions have come to the Committee but, as I mentioned earlier, there have been no deaths. But as mentioned on the certificates, there may be a contributory or possible contributory cause and it is for numbers less than five. So it is more than one and less than five, where COVID-19 vaccination may have had an influence. How big an influence, we just do not have that data, if that is helpful.

1245 **The Bailiff:** In relation to the second supplementary question, Deputy Brouard, you will do your best to try and provide an answer to Deputy Taylor about other jurisdictions, as well, on a comparable basis, as quickly as you can under Rule 11(4)d? Yes.
Deputy Queripel.

1250 **Deputy Queripel:** Sir, can the President please tell me who is responsible for specifying the ICD10 coding on each certificate?

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

1255 **Deputy Brouard:** I will have a go, sir, if I may. I believe the answer is that it is the doctor that specifies the cause of death and that may be ... I may look to the Procureur because he acts as a coroner for people – but that is who I would think would specify the cause of death would be the doctor and that would be either substantiated by the courts or not.

1260 **The Bailiff:** Deputy Queripel, second supplementary.

Deputy Queripel: Sir, can the President please tell me if the Committee was surprised to learn the numbers with COVID vaccination mentioned as a contributory cause on the death certificate?

1265 **The Bailiff:** Deputy Brouard.

1270 **Deputy Brouard:** I do not think so, at all, because if you think of the number, the thousands and thousands of people on this Island and in Alderney and Sark who had the vaccination, to learn that possibly less than five and more than one had maybe ... the vaccination may have been a contributory cause, I do not think is significant.

The Bailiff: Deputy Inder, supplementary.

1275 **Deputy Inder:** Sir, can I ask a supplementary, which is similar to Deputy Queripel's, inasmuch as, given the noise over the theories around COVID-19 and the links to death, were the Committee then surprised there were so few, which was higher than one and below five?

The Bailiff: Deputy Brouard.

1280 **Deputy Brouard:** I think I probably agree. I do not know the Committee's whole point of view because we have not actually discussed that particular question but from my personal point of view, I think I was quite pleased with the very low numbers that were mentioned from the actual statistics, looking back.

1285 **The Bailiff:** Deputy Gollop, supplementary.

Deputy Gollop: Yes, I appreciate in a small Island community like ourselves there has to be care taken with disclosing small numbers, because of the possible potential of identifying individual patients but I think it would inform all of us if Health & Social Care could actually explain what kinds of symptoms a patient would have or comorbidities that would lead to the conclusion that the vaccine had contributed to their fatal illness and death. Will the States, will us, and the community be informed as to why it was considered that those patients, their deaths may have resulted from the vaccination?

1295 **The Bailiff:** Deputy Brouard.

Deputy Brouard: I think this is getting into a quite operational area, sir, but the symptoms that you do get from having a vaccination are things like a sore arm, there is a whole list of them, which was provided to people who were having the vaccination in written form and I am sure Deputy Gollop can look that up on the websites, of all the side effects that you could have from having a COVID-19 vaccine. I do not think there is anything further and it is all in the public domain already, sir.

1305 **Deputy Gollop:** Yes, I think my question was more –

The Bailiff: Deputy Gollop, you do not launch in until you have been invited to speak. Do you have a second supplementary question?

1310 **Deputy Gollop:** Sorry. Yes, sir. Thank you, sir.

My follow-up question there is I am aware of the side effects but clearly if a side effect of the vaccination had led to a patient's death, they would by definition be unusual rather than the more normal side effects. Will those contributing factors be made more public?

1315 **The Bailiff:** Deputy Brouard.

Deputy Brouard: Thank you.

Sir, I am going to surmise at this point, for most people who are fit and healthy, there is very little chance of any issue but we were giving – and I think across the world – some people with many comorbidities were also having the COVID vaccine because that was the better risk for them overall. But they may well have been suffering several other conditions at the same time.

It is very difficult for a clinician, when they are trying to evaluate which of the four, five or six other comorbidities may have had more weight in a particular death or the particular illness that they are suffering from at the time. I think you are almost asking me an impossible question.

Thank you, sir.

1325

The Bailiff: Before I take any more supplementary questions arising out of the original answer given, Mr Comptroller, is it possible that you could just provide some information to States' Members as to what goes on a death certificate and the fact that these are matters of public record that you can go and look in the death register, can't you?

The Comptroller: Sir, yes, they are certainly matters of public record and I understand individual doctors will certify the cause of death. There may be one main cause, there may be a main cause plus contributory factors as well, depending on what the doctor thinks. There is a standard methodology for that.

The Bailiff: And the majority of those doctors are those who are GPs and therefore outside what the Committee takes direct responsibility for?

The Comptroller: Indeed, sir, that is correct.

The Bailiff: Deputy Soulsby.

Deputy Soulsby: Thank you, sir.

I would like to ask the President if he agrees with me that it is a bigger risk for those people in the more vulnerable groups to actually catch COVID than it is from taking the COVID vaccine, and assurance should be given to those people that that is the best cause of action?

A Member: Hear, hear.

The Bailiff: I will let Deputy Brouard answer that question but it does not really arise out of the original answer that was given. But just to try and provide some comfort to anyone listening, Deputy Brouard.

Deputy Brouard: Thank you, Deputy Soulsby, I think that is exactly the point I was trying to make but you said it much more eloquently than myself in trying to answer Deputy Gollop, that the other comorbidities may well have a significant influence on why the person passed away.

The Bailiff: Deputy Roffey.

Deputy Roffey: My supplementary is very similar to Deputy Soulsby's but I think it does arise out of the original answer or the original question and that is: would the President agree with me that, looking at the statistic requested by Deputy Taylor, it has to be viewed in the context of how many people might have died had there not been a mass vaccination programme for COVID in place?

The Bailiff: Deputy Brouard.

Deputy Brouard: Thank you, sir, and similarly I agree with Deputy Roffey. Thank you for raising that.

**Prescription of cannabis –
Mental health service concerns**

The Bailiff: Okay, the next individual question is coming from Deputy de Lisle, also to the President of the Committee for Health & Social Care. Your question, please, Deputy de Lisle.

1375 **Deputy de Lisle:** Thank you, sir.

My question relates to the increase in numbers of individuals requiring inpatient treatment associated with cannabis use. Specialist mental health services here have raised concerns in the recently published Mental Health and Wellbeing Strategy Annual Report 2023 regarding the increase in the numbers of individuals requiring inpatient treatment associated with cannabis use, including cannabis-induced psychosis. Given the negative impact the drug is having on individuals, carers and the mental health services here, why is the Committee for Health & Social Care not bringing in immediate new restrictions on the prescribing, distribution and use of medical cannabis?

1385 **The Bailiff:** Thank you and Deputy Brouard, the President, to reply, please.

Deputy Brouard: Thank you, sir, and apologies also to Deputy de Lisle, who only received the answers early this morning, so my apologies for that.

Admission data is collected on cannabis association but it is not captured if the cannabis is prescribed to the individual, illicitly diverted to someone, or illicitly imported, i.e. street cannabis. Efforts are being taken to improve admission data collection. Whilst there has been no significant increase in the total number of admissions to Crevichon Ward, it must be acknowledged that there has been a marked increase in such admissions where cannabis is quoted as an associated rather than causative factor since the introduction of medical cannabis.

Despite this increase being high in relative terms, 4% of admissions in 2019, to 25% in 2023, the absolute risk of harm among cannabis users is low, even with heavy or daily use – 94% of heavy or daily use users of cannabis do not experience psychosis. There are existing safeguards built into the prescribing system around recording and reviewing information on the patients and their prescriptions as prescribers and pharmacists are regulated and act in accordance with controlled drug legislation. Nonetheless the Committee is equally concerned about this increase and it is looking at what additional approaches can be put in place to address these concerns, which includes looking at prescribing practice and it is important that we find a robust and deliverable solution.

Thank you, sir.

1405 **Deputy de Lisle:** If I may ask a couple of supplementaries, sir?

The Bailiff: Yes, first supplementary, Deputy de Lisle.

Deputy de Lisle: Thank you.

Given that the Committee is equally concerned about this increase and given the international body of research on the harmful effect to young people of cannabis, with 111 licences issued here to patients to import medical cannabis, and 1,434 prescriptions issued here, last December, for medical cannabis, is there not, surely, a case for immediate legislative change?

1415 **The Bailiff:** Deputy Brouard to reply, please.

Deputy Brouard: Thank you, sir.

The first thing to say is, of course, medical cannabis is being issued to people who have got conditions and for them they find it extremely beneficial in the main. It is really looking at some of the more illicit use of medical cannabis where it is moving from the correct hands to the wrong hands.

The Committee will be reviewing which clinicians can prescribe. At the moment it is fairly wide. In the UK it is limited to a specialist register. We will be also exploring options to restrict prescribing doses in preparation and we will also be exploring what regulations and Government protocols could be put in place for the on-Island clinics. We already have substantial information on the non-Island prescribing because they come through us to obtain the licence to import. So I hope that reassurance helps Deputy Brouard.

Thank you.

The Bailiff: Deputy Inder, supplementary.

Deputy Inder: I think it arises from the answer given. Does the President agree then, even though there are no associated – I am going to ask my question quite badly – given there has been an increase in people presenting themselves to the Health Service and I think he said there was no real harm done to the body, would he accept then that there must be extra costs on more people presenting themselves to the state? And if he cannot answer that question, which I am about to ask, would he be able to give us in future some sort of indication of the cost of the extra work dealing with patients given that there has been an increase? It is not necessarily a question he needs to answer now; if he could at some point.

The Bailiff: Deputy Brouard.

Deputy Brouard: Thank you, sir, and thank you for the question, Deputy Inder.

I do not think there is any difference in costs as such because people presenting with mental health illness are looked after very well in Crevichon Ward and the numbers in Crevichon Ward have not changed. The numbers are the same, it is just that we have got this additional piece that cannabis may or may not play a part in why they are there and that may have been the case many years ago but it was from illicit product. I think that helps.

Thank you.

The Bailiff: Deputy Gollop.

Deputy Gollop: My first supplementary is to what level of evidence, despite media stories and viewpoints, has Health & Social Care decided that the recent, reported increase of the inpatient treatment at Crevichon and other wards linked to mental health is caused by cannabis? Or would there perhaps be a change in demand or raising of awareness of a multitude of comorbidities that has led to the patients seeking help. How can you ascribe the main reason being misuse of cannabis?

The Bailiff: Deputy Brouard.

Deputy Brouard: Thank you, sir.

I think Deputy Gollop touches on a debate, which clinicians are having between themselves at this moment in time. As I said, I can probably make it as clear as I can from the answer quoted. Cannabis is quoted as an associated rather than causative factor since the introduction of medical cannabis. So it is a factor but it is a very difficult area of medical profession to actually say exactly what is caused, why someone is in that particular position and why they are presenting with psychosis.

The Bailiff: As you know, I am never hugely attracted to Members of the Committee asking questions of the President, so Deputy Haskins.

Deputy Haskins: Thank you, sir.

1475 The President mentioned that 94% of heaving users do not get psychosis. I would like to ask the President, I appreciate he may not be able to furnish this on the floor of this Assembly, but my question is where did the President obtain this figure and did the study use the same THC content as what we prescribe here on the Island?

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

1480 **Deputy Brouard:** I can certainly lay down a foundation, sir.

The Bailiff: Foundations are always good so let us start with the foundation.

1485 **Deputy Brouard:** The information obviously, has come from our mental health professionals. Where the actual data comes from I can ask them to see if they have any more further information that they can give to you. I lost the second part of your question? The THC.

1490 The THC levels will vary depending on what the doctor has prescribed, depending on what the person selling them on the corner of the street is offering. There is a whole variation from wherever the cannabis has come from in the first place. From that point of view there is no science in trying to find out where, exactly, and what level that particular portion of drug has come from and what its level is. But it is prescribed in various batches and it is obtained in various strengths.

The Bailiff: Deputy Leadbeater.

1495 **Deputy Leadbeater:** Thank you, sir. I know you are not a fan of Members of the Committee asking the President questions but I think this is quite relevant.

1500 There are four pillars to the Mental Health and Wellbeing Strategy: understanding and collating effective Bailiwick data sets; awareness access and early intervention; service improvements; and responding to recommendations of external reviews. The recent report on the Mental Health and Wellbeing Strategy is the first iteration, which only reports on the first pillar of the Strategy, collating and understanding data.

1505 So does the President agree with me the data in respect of substances potentially associated with admissions to Crevichon has not previously been routinely collected by HSC so the stats presented in this first report on pillar one have been put together by manually interrogating historic patient records in order to make a judgement as to whether or not cannabis may have been associated with any admissions, i.e. patients may have used cannabis and potentially other drugs and alcohol too, at some point prior to their admission?

1510 Given that overall admissions have remained fairly static, save for 2020, where they were around 50% higher than reported today, there is no evidence to suggest that cannabis is contributing to higher rates of admission to secondary mental health services.

The Bailiff: Deputy Brouard.

1515 **Deputy Brouard:** I do, sir, and I am very grateful to have Deputy Leadbeater for this reason on the Committee, so thank you very much indeed.

The Bailiff: Deputy Matthews, supplementary.

1520 **Deputy Matthews:** Thank you, sir, and I know you are not keen on Members of the Committee asking questions but I will just very briefly ask if the President (*Laughter*) would agree with me that there is often a great deal of confusion about the difference between an associated reason and a causative reason and in this case, there has not been a rise in overall admissions for where psychosis is currently written, which is confusing? I think some Members assume when they read the

information fairly casually that there must be some great increase happening; in actual fact the numbers are not increasing overall.

The Bailiff: Deputy Brouard.

Deputy Brouard: And that is why I am also pleased to have Deputy Matthews on the Committee and I do agree with him.

Thank you.

The Bailiff: Deputy Gollop, second supplementary.

Deputy Gollop: Thank you, sir.

I know that Health & Social Care have informed us that they are looking at an in-depth review of these elements, which may include narrowing the number of prescribers, for example, but my question is would a review also consider, with other departments, that maybe a way forward would be for the medicinal prescription of safe cannabis to be put onto the normal pharmaceutical prescribing scheme that we have for other legal drugs in Guernsey, rather than being this special process, because the process currently costs users a lot and may add to issues of affordability, sociability and perhaps misuse and mis-supply?

The Bailiff: Deputy Brouard.

Deputy Brouard: Thank you, sir.

Members may be interested to know under the NICE guidance I think there are three uses of cannabis, which have been NICE approved, as it were, and of course anybody who has got one of those conditions in Guernsey would be able to access the NICE drugs. I think there are trials going on around the world with regard to cannabis and its beneficial effects. Until those come into play and NICE guidance is changed I think it would be unlikely for the Health & Social Care Committee to take on this extra cost, which will, of course, be substantial, until it has been approved by NICE and below the £40,000 QALY as well.

Thank you, sir.

The Bailiff: As I do not see any other Member rising, we will move onto two different sets of questions that Deputy Falla wishes to put –

Deputy de Lisle: My second question, sir?

The Bailiff: Do you want a supplementary?

Deputy de Lisle: Supplementary, yes, my second one.

The Bailiff: If you had leapt to your feet a bit quicker, Deputy de Lisle, I would have called you. Deputy de Lisle, a second supplementary.

Deputy de Lisle: Sir, given the Vice-President of Health & Social Care has called for legislative change and I also feel, in all due respect to Deputy Leadbeater, that he needs to declare his interest, as he is a director of a cannabis company, as I understand it, but also in support of him, as Vice-President of Health & Social Care, he has called for legislative change himself. Why can't some immediate action be taken to tighten up the legislation before the impact on individuals and carers and the mental health service worsens?

The Bailiff: Deputy Brouard to reply, please.

Deputy Brouard: Thank you, sir.

I am not sure of the full contents of the agreement, the full content of what Deputy de Lisle alleged at the end of his answering the question. I do not think that is a fair comment, Deputy de Lisle.

1580 Going back to the issue of regulation in Government, HSC has only recently had this particular report. We need to do things in a thoroughly professional manner. Our Chief Pharmacist and the Chief Prescribing Officer are both looking at this and will be exploring what regulations and Government protocols should be put in place for on-Island clinics and those who are prescribing medical cannabis.

1585 It is in hand. We also have to remember that, just like most of the departments, I think all the departments are, we are fairly stretched with priorities. We have got a lot of priorities, including Mrs Le Page, who probably needs her operation this afternoon. It is probably a top priority for us. We have lots of priorities and this has to fit in with all the other issues that we are asking our Chief Pharmacist and Prescribing Officers to do, including reviewing of NICE drugs and bringing that issue
1590 back to the States. So there is lots going on.

But I do take the point, it is one of concern to us and we are looking at it. So thank you very much for bringing the questions to us. I think that has highlighted it.

The Bailiff: Members of the States, we will now –

1595

Deputy Leadbeater: Sir, I apologise if I am speaking out of turn here but Deputy de Lisle said that I was the director of a cannabis company during his final supplementary question. I would just like to point out that is no longer the case and has not been for a considerable period of time.

1600 **The Bailiff:** Right.

COMMITTEE *FOR THE* ENVIRONMENT & INFRASTRUCTURE

Strategic Land Use Plan – Possible bringing forward of review

The Bailiff: Nobody else is rising at the moment so we will move onto the next sets of questions. The Committee *for the* Environment & Infrastructure have two sets of questions being asked by Deputy Falla but we will take those on the Strategic Land Use Plan first, please, Deputy Falla. Your
1605 first question to the President.

Deputy Falla: Sir, under what circumstances would the Committee *for the* Environment and Infrastructure consider reviewing the Strategic Land Use Plan (SLUP) ahead of the next scheduled review in 2031?

1610

The Bailiff: I will invite the President, Deputy de Sausmarez, to reply on behalf of the Committee, please.

Deputy de Sausmarez: Thank you, sir.

1615 The Committee would consider reviewing the SLUP earlier than 2031 if evidence suggested that the States' objectives related to land use were no longer being met. The Committee has examined the evidence, with respect to the effectiveness of the SLUP, as required under the Land Planning and Development Law, which to date has shown that SLUP continues to support the delivery of the States' priorities.

1620 The SLUP takes a broad, long-term view of land use and spatial matters. It looks at a high level at the use and management of land as a strategic resource, rather than narrowly at individual sites or issues, which are considered at Development Plan level. The SLUP balances competing demands for land use through high level policies that support the economy, the community and the built-in natural environment.

1625 The spatial strategy explains that development should be concentrated within and around urban centres to support their economic viability and social vitality, where people have easy access to the goods, services and amenities they need, such as shops, the daily essentials, doctors' surgeries, schools, public transport, etc., and resources can be used as efficiently as possible.

1630 The spatial strategy protects the countryside from development because such urban sprawl has many negative impacts. It undermines the economic viability of urban centres, pushes up the cost of living, reduces housing affordability, wastes more energy, increases pollution and carbon emissions and contributes more to traffic impact, biodiversity loss, flood risk and poor health outcomes, among other downsides.

1635 **The Bailiff:** Supplementary, Deputy Falla.

Deputy Falla: Does the President agree with me that in 2011, when the SLUP was adopted, the current housing crisis was not in view or even anticipated? Is the housing crisis not circumstantial evidence enough for an earlier date of review?

1640 **The Bailiff:** Deputy de Sausmarez.

Deputy de Sausmarez: Thank you.

1645 I think Deputy Falla perhaps misunderstands the SLUP. The SLUP is very supportive of the housing that the Island needs, whatever that level is determined, and it is quite explicit about the fact the level of housing should not be determined at the level of the SLUP. That is indeed something for other processes, including the Island Development Plan (IDP), which of course is something under review at the moment, and Deputy Falla will be aware that the amount of housing that is required as evidenced at the moment is being fed through the IDPs. That is not an issue with the SLUP, the SLUP is a higher level policy, which determines those high level considerations around strategic land use, not the amount of housing.

The Bailiff: Supplementary, Deputy Burford.

1655 **Deputy Burford:** Thank you, sir.

1660 Would the President agree with me that the SLUP came out of one of the biggest public consultations that this Island has ever seen, which started with the Guernsey Tomorrow consultation, which was both extensive and expensive, and if we really are trying to get on with delivering things the worst thing we could do is go back into that entire process when the strategic policy is actually delivering on its objectives and there is significant flexibility in it to do so?

Thank you.

The Bailiff: Deputy de Sausmarez.

1665 **Deputy de Sausmarez:** Thank you, sir.

Deputy Burford has neatly touched on some issues that actually will come out in the answer to subsequent questions but I do agree with her.

The Bailiff: We will move on, Deputy Falla, to your second question to the President, please.

Deputy Falla: In the guidance notes for the public inquiry into the proposed changes to the IDP it states: 'If the Planning Inspector concludes that your amendment is not consistent with the SLUP it is unlikely that they will be able to support your representation.' Given the housing crisis, would it have been appropriate to review the Strategic Land Use Plan during the current political term and ahead of the review of the Island Development Plan?

The Bailiff: Deputy de Sausmarez to reply, please.

Deputy de Sausmarez: Thank you.

It is a legal requirement that the IDP is consistent with the strategic policies of the SLUP and the Development & Planning Authority must obtain a certificate of consistency and submit this to the independent planning inspector as part of the inquiry process. If representations put forward proposals that would be inconsistent with the SLUP then that would be a consideration for the inspector.

Reviewing the SLUP is a major undertaking. Prior to its adoption in 2011, it involved more than 1,000 members of the community in a series of workshops, over the course of 18 months, as well as wider engagement and consultation with States' Members. As the evidence to date has not suggested that a review of the SLUP is necessary, this Assembly did not identify the review of the SLUP as one of its priorities through the Government Work Plan.

The Bailiff: Supplementary question, Deputy Falla.

Deputy Falla: Thank you, sir.

The high level of community engagement and access during the development of the SLUP is accepted but would the President agree that the initial representation form through which responses to the proposed IDP amendments must be made is very complicated for non-technical respondents to access? It requires highly detailed responses, rather than general views.

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: I am not sure how that arises out of the question but on a personal level I would agree with Deputy Falla. But we were advised that actually because it is such a significant undertaking because the timelines are so compressed, the people involved, ultimately the DPA, but the officers involved with having to collate the information for the inspector, need to be able to have that information in a format, which enables them to assess that information and those representations.

I am afraid I do not personally have anything to do with that form but I would like to see representations being made in a different way. I can see Deputy Oliver shaking her head at me. Perhaps she would like to ask a supplementary question?

The Bailiff: Alright, Deputy Oliver.

Deputy Oliver: Thank you, sir.

The form is very cumbersome and the DPA had no involvement whatsoever because it is from an independent inspector, which is held under E&I. We have actually been just telling people to put as much as you can on the form because it is so cumbersome and I am really actually quite shocked that E&I did not get to see the form because it is part of your mandate for the inspector. I do not know if you could explain why this never happened?

The Bailiff: We will treat that as having been a question to you, Deputy de Sausmarez.

Deputy de Sausmarez: Delighted to answer that one.

Yes, of course, Environment & Infrastructure have not been involved in the operational detail, the running of the planning inspection processes of course tie into us but actually there have been administrative errors, which meant that actually our Committee and I think indeed officers did not necessarily get the information in good time.

But I think a lot of this is being exacerbated – again, the Committee *for the* Environment & Infrastructure is equally disappointed to discover this – but it does seem that the timeline that this has had to be run on, in order for the DPA to be able to bring back that report and their recommendations before the end of this political term is a huge exacerbating factor in some of these administrative timelines and processes being very condensed and not as optimal as many of us would have liked to have seen.

The Bailiff: Deputy Taylor.

Deputy Taylor: Thank you, sir.

I will try and get back on topic. I think I already know the answer but I wonder if Deputy de Sausmarez could confirm. If the SLUP was reviewed this political term, ahead of the IDP review, would this have delayed the review or the interim review of the Island Development Plan and if so by how much?

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Yes, I can assure Deputy Taylor it would very significantly have affected the timing of the IDP review and it would have added, as the answer indicated, probably at least in the region of 18 months, if not longer, so it would have added some considerable time. It is challenging enough, as Members of the DPA know, to get the IDP back before the States, before the end of this political term. I think it is safe to say there would be absolutely no way that that would have happened, that would be possible, had the SLUP been reviewed beforehand.

The Bailiff: Deputy Gollop, supplementary.

Deputy Gollop: Thank you.

I wish I had asked Deputy Taylor's question because it does seem to be quite circular because the main question here makes the point that in a housing crisis there may be calls to use sites, it will come up in the next one, redundant sites but if they go against SLUP they cannot be admitted. So for them to be admitted would require reopening the Strategic Land Use Plan, it would take 18 months. Would we not have been better to have reopened the SLUP two years ago to ensure that all representations are relevant to today and will not be thrown out because of a lack of correspondence?

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you.

Sir, speaking of relevance, I really do think that there is a massive misconception about what the SLUP is and says. The SLUP is a high level policy and the bit that Deputy Falla is asking questions around and the bit that seems to have engaged other people is about the spatial strategy. That does not specify where development can happen. That is the job of the development plans. It only specifies at the highest level and it is the job of the development plan to put the definition around where those centres are.

So what the SLUP says is that development needs to be concentrated within and around the urban centres and it identifies Town and the Bridge as the two main centres but also there are local centres and that is the process. Actually, the IDP review could, potentially, end up recommending

that a new local centre is created, which personally I hope is something that has been considered but is not in the proposals.

I think people are focusing on the wrong bit. If people want, if members of the community or Members of the States want more areas that are developable, as an urban centre, be that a local centre or a main centre, then that is in the gift of the IDP, it is not an issue with the SLUP.

The Bailiff: Deputy Soulsby.

Deputy Soulsby: Thank you, sir.

Deputy de Sausmarez is really good at saying it is the IDP, change the IDP and it will be fine. But I think what Deputy de Sausmarez has demonstrated is how difficult it is, actually, to be agile when it comes to planning. I will give an example. In the SLUP it does not allow comparison retail in the local centres, but the IDP is saying we are creating more affordable housing, setting aside more areas on the edges of the local centres and not allowing those to create their own community in terms of homes and retail and supporting people. Does she believe that our planning laws are too complex and like the UK we should be looking to simplify the process as the new government is looking to do in the UK?

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: In the IDP review there is an interesting and very helpful note from the inspector and one of the observations from the inspector is actually that the planning policies are sometimes interpreted too rigidly and too strictly, and I think that is a very fair and pertinent comment and I hope there is something that is much more agile that we can do to address some of these problems, which takes a more pragmatic line.

The Bailiff: Deputy Queripel.

Deputy Queripel: Thank you, sir.

Deputy de Sausmarez said reviewing the SLUP is a major issue but so is the housing crisis, (A Member: Hear, hear.) which we are experiencing right now. Bearing in mind SLUP was compiled in 2011 and things have changed drastically for the worse since then, does Deputy de Sausmarez agree that there is value in being proactive and review SLUP sooner rather than review it in 2031?

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Sir, if Deputy Queripel shares the Committee *for the Environment & Infrastructure's* determination to act quickly and get as much done as possible, which we are doing and watch this space as well, then the last thing he should be advocating for is a review of the SLUP. The SLUP is not the problem. The SLUP enables us to address the issues with housing that we are experiencing and it is a far more convoluted and complex an issue and I really would recommend to Deputy Queripel that he reads the reports that underpin the Guernsey Housing Plan to understand some of those inter-relating issues but never once in those reports is identified anything that points to the SLUP as being a barrier.

By contrast, the SLUP is an enabling platform in this respect and absolutely, I agree with Deputy Burford that if we are serious about cracking on and doing something proactive about this, the last thing we should be doing is talking about reviewing SLUP.

The Bailiff: Deputy Dyke.

Deputy Dyke: I thank Deputy de Sausmarez for her answers. Having agreed with her about her comments on the materiality of the SLUP to the housing crisis that we currently have, would Deputy

de Sausmarez agree that it would be helpful that when sites are being brought forward to develop, for example, the nursing accommodation, it would be helpful if certain Deputies did not bring requêtes to stop us doing it?

1830 **A Member:** Good point.

The Bailiff: I am not sure that really arises out of the answer that was given originally to the question, so Deputy Ferbrache.

1835 **Deputy Ferbrache:** The answer is easy, get rid of the SLUP, we should never have had one in 2011. But there we are.

In relation to the answer we got and following on from a point well made by Deputy Soulsby, we have got a planning regime that is unmanageable and unworkable. I am very grateful for Deputy Falla for asking his questions and throwing light on this matter. Would Deputy de Sausmarez explain how she thinks the form that people have got to fill in to make representations is too bulky and did not see it before, Deputy Oliver thinks it is not consumer friendly, how do we get around that? How does Mrs Le Page, who is very friendly with Deputy Trott and Deputy Brouard because they constantly refer to her, how does she decide she wants to make representation without filling out a form that you have got to have a PhD in something or other for?

1845 **The Bailiff:** Deputy de Sausmarez.

Deputy de Sausmarez: Sir, Deputy Ferbrache might want to look at the form and gauge the proportionality of that. As Deputy Oliver said, if people are struggling with that format of form then they are welcome to submit comments in whatever format suits them. The important thing is that we do get comments in. As I said, the reason that we are perhaps struggling with some of these processes is because we have got a very ambitious timeline in which to get the inspector's report back to the DPA so that they can bring a report back to the States.

I was not personally involved or aware of the form before we were asked to fill it out ourselves. I would like to see something more user friendly. Deputy Oliver is sitting there looking outraged, maybe she has got another supplementary question that she can somehow fit into the answer originally arising from the question!

This is a victim of the very tight timeline that we have got. We are very keen to support the DPA in their aspiration to get their report back to the States. I would hope that the inspector would consider representations made in whatever format people can make but I am told that the reason it has been requested in this format is so that, because of the scope of the issue and because of the number of proposals that are being made, then this is the way that officers can make sense of it –

1865 **The Bailiff:** Deputy de Sausmarez, your time is up.
Deputy Falla, second supplementary.

Deputy Falla: Sir, this arises from the answer to my supplementary that started the latest round of discussion but, given that there seems to be agreement that the form is inaccessible and I believe it is like an A-level in planning, trying to answer it, it specifically says on the form that the inspector will not take any notice of the form unless you fill it out exactly as required and that includes dozens of cross-references, it includes quoting different sections of the Law, it includes a ridiculous level of detail that the average person cannot access. So could we instruct the inspector to be more liberal in his view of the responses and the way they are written, please?

1875 **The Bailiff:** Deputy de Sausmarez.

1880 **Deputy de Sausmarez:** I think Deputy Oliver has already said that she is encouraging people to do exactly that. I will definitely take it back and see what can be done but, yes, Deputy Oliver has already said that she is encouraging people to just fill things out as much as they can. I am certainly happy to take it away, as I say, the first time I saw the form was when I was required to fill it out myself, so I am definitely happy to look into it and see if there is any latitude in that.

The Bailiff: Deputy Oliver.

1885 **Deputy Oliver:** Thank you, sir.
Does the President agree with me that the DPA came and spoke to the Environment & Infrastructure officers back in 2023 to say that we needed this, it was going to be a tight timescale? The second question is does the President agree with me that there are people that can actually go to for help? There is Edward Wheadon House that people can go to, there is an officer dedicated down there that they can go and get help, and also phone up the planning officers. But I would love to see this form. We did not specify this form needed to be as it is, it was the planning inspector.

The Bailiff: Deputy de Sausmarez.

1895 **Deputy de Sausmarez:** I am not sure what the question was but, yes, there was definitely a delay in information coming to E&I, which compressed our submission deadlines so I think there has clearly been a lot of pressure on this timeline. I think Deputy Oliver's words about where support can be accessed are really pertinent and I am very keen certainly, I am helping any individual or organisation in understanding how to fill out the form and I know other people are as well and I am certainly keen that as many people can make representations.

1900 Because this is a really crucial point of the process. It is really important that people do get representations in so, as I said earlier, I am more than happy to take that away and see if there is anything we can do to make this process more accessible in a way that works for the inspector in the very tight timelines available.

1905 Thank you.

The Bailiff: Deputy Inder.

1910 **Deputy Inder:** Sir, if ever there was a day when this States had probably decided we needed a single housing delivery unit, this was the day. To help Deputy Falla, and maybe the President might agree, it says in the question, 'If the planning inspector concludes that your amendment is not consistent within the SLUP it is unlikely they will support your representation.' Oh dear. But unfortunately this will come to the Assembly. So if there are any amendments submitted by this Assembly, they could equally be accepted by this Assembly for example removing some of the greenfields from St Martin's and not pockmarking St Martin's with land which would never be built on, possibly including some of the smaller sites.

1915 Would the President agree that what the inspector thinks is interesting but we as an Assembly can make a different decision?

1920 **The Bailiff:** Deputy de Sausmarez.

Deputy de Sausmarez: Sorry, I am still working through Deputy Inder's little speech to try and figure out where the question was!

1925 The inspector uses the evidence and looks at the representations and makes recommendations to the DPA. The DPA makes recommendations to the States and the States makes their decision in whatever way they see fit.

Thank you.

The Bailiff: Deputy Taylor.

Deputy Taylor: Thank you, sir.

I do not think the original question, or answer, actually, was about the form for the IDP Review, so I will not base my question on that. The original question was about reviewing the SLUP, given we are in a housing crisis. So I pose a question to Deputy de Sausmarez, would she be able to review the SLUP enough that someone might be able to live in it?

Thank you.

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Exactly, I think the SLUP, as I have said before, is not a problem that has been identified in the very extensive problem identification work that has been undertaken and neither is reviewing it one of the solutions that has been recommended. There is absolutely not the evidence to suggest that that is the main barrier.

There are lots of barriers, lots and lots of barriers, to creating the housing we need. For example, the cost of materials, the cost and availability of labour, all those supply chain issues. The cost of finance, etc. Various different planning mechanisms that could be improved. These are things that we will be coming forward with over the next few months, with recommendations to improve the situation but I think people are just fundamentally on the wrong track if they believe that reviewing the SLUP is a significant barrier or barrier in any way, compared with the much more material barriers that have been identified.

So I would encourage people to read the SLUP. It is not an inaccessible document and it really is high level. I do not think people would really disagree with much of what is in there.

Thanks.

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir, and I thank the President of the Environment & Infrastructure Committee for her resilience in this Question Time.

But I would like to pick up on an answer that she gave to a question before and would she agree with me that, notwithstanding the decisions made in this Chamber, actually they do not come to fruition when it comes to the IDP and I would cite the Cobo Alice Field as an example, that we sought to safeguard that field in this Chamber and actually we now see the size of the building that has been built on that field and I think everyone that was involved in that decision was quite frankly shocked that the decision of the States meant nothing when it actually came to the practicalities of planning approvals?

The Bailiff: Deputy de Sausmarez, I do not think that question arises out of the answer that you originally gave because obviously there has been a bit of creep from the original answer given, which was – and it could have been as brief as ‘no’ – but, no, I am not going to permit that question to be answered.

Your third question to the President, please, Deputy Falla.

Deputy Falla: Thank you, sir.

Will the Committee *for the* Environment and Infrastructure consider reviewing the Strategic Land Use Plan as soon as possible to facilitate opening up brownfield and other sites, such as redundant glasshouse sites, more suitable for development than greenfields such as those proposed by the DPA in its IDP review?

The Bailiff: Deputy de Sausmarez to reply, please.

Deputy de Sausmarez: Thank you, sir.

1985 The SLUP already supports a prioritisation of the development of brownfield sites over greenfield sites in the main and local centres where development should be concentrated and seeks to protect the rural environment from development due to the adverse effects of urban sprawl. The Committee hopes that in future the IDP will consider policies that better reflect the prioritisation of brownfield sites over greenfield sites, within and around the main or local centres, to enable community growth and the reinforcement of sustainable centres, as expressed in the SLUP.

1990 There are numerous brownfield sites and redundant glasshouse sites, which are located within the main and local centres and therefore can be developed. In fact, the evidence the Development & Planning Authority has published, as part of its proposals, show that there is a significant over-provision of land that could be developed for housing, which is located within the centres, including on brownfield and redundant glasshouse sites, near to the services and facilities that such communities need to thrive.

1995 The Committee notes that some of the sites proposed by the DPA in their targeted review include redundant glasshouses. There is no evidence that a review of the SLUP is justified or required at this time, especially given the considerable resource that would be required to do so. The Committee does believe, however, that the full IDP Review should consider policies to realise the SLUP's prioritisation of brownfield sites over greenfield sites within the centres.

2000 **The Bailiff:** Supplementary question, Deputy Falla.

Deputy Falla: Thank you, sir.

2005 The Committee believes that the full IDP Review should consider policies to realise the SLUP's prioritisation of brownfield sites over greenfield sites within the centres. Will the Committee then be making representations to the inspector to reflect this view?

The Bailiff: Deputy de Sausmarez.

2010 **Deputy de Sausmarez:** The scope of the IDP Review underway at the moment is more restricted because it is not the full IDP Review, it is a targeted IDP Review and my understanding is that the scope does not expand widely enough for that kind of representation to be made. However, as stated in the answer, the Committee is keen that it is included, very specifically, in the scope of the full IDP as and when that is brought.

2015 **The Bailiff:** Supplementary, Deputy Burford.

Deputy Burford: Thank you, sir.

2020 Would the President agree that to open up redundant vinery sites for development, except, obviously, those in the centres, just purely because they are redundant vinery sites would be a planning mistake on a par with ribbon development?

The Bailiff: Deputy de Sausmarez.

2025 **Deputy de Sausmarez:** Yes, ribbon development is a form of urban sprawl and the development of ad hoc redundant vinery sites in places outside of the centres is also urban sprawl and, as I mentioned in my answer to question one, that has a whole raft of negative effects, including undermining the economic and indeed social viability of the centres and increasing the cost of housing.

2030 Just to make it a little bit less theoretical, if development takes place in centres where you already have concentrations of infrastructure, it is much easier to extend infrastructure such as electricity, water, waste water, telecoms, gas, etc. and much less expensive. Not to mention transport links, that is a whole other kettle of fish. If you are having to roll that infrastructure out to disperse

communities, little hamlets, then those infrastructure costs are borne not actually just by the cost of developing those homes but actually by all of us consumers as well. It is also much more difficult to provide good public service and public transport links to remote, disperse communities.

These are some of the many reasons that urban sprawl is a really negative thing and should be avoided and that is what our spatial strategy does. That is what it guards against.

The Bailiff: Deputy Gollop.

Deputy Gollop: Whilst I support the President's comments on the public transport, both the main question and the answer confuses me because it would appear that redundant glasshouse sites outside the urban areas are not brownfield but greenfields but, as a consequence, an ideal site near a social centre in the non-social centres, rural parts of the Island, is by definition unable to be developed, not because of the Island Development Plan or its revisions, but because of SLUP.

So would the President agree with me that the Strategic Land Use Plan effectively stops most, if not all, of these glasshouse sites being available for development, even if they are not necessarily ecologically damaging?

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Sir, I am going to have to ask Deputy Gollop, if you do not mind, to repeat his question, because I did not understand what he was saying. Is he suggesting, obviously there are local centres, which are located in rural parts of the Island, so if you do not mind, sir, if Deputy Gollop could please repeat his question, I will have a stab at answering it but at the moment I do not understand the point that he is trying to make.

We do, of course, have local centres, that are in rural parts of the Island, and anything within those local centres, the default position is that they are developable, notwithstanding whatever constraints are put on them for other reasons.

The Bailiff: Deputy Gollop, do you want to have another go at the question?

Deputy Gollop: Yes. I think the question from Deputy Falla implies, simplistically perhaps, that all glasshouse sites are brownfield, whereas many would be classified as greenfield. There are separate categories in Jersey – especially if they are in the rural areas. But the rural areas also include social centres in parts, airports and things, and also include areas that are less attractive environmental areas than others.

My question is, without a revision of SLUP does it not mean that some possible sites for development, which would be acceptable to the community for housing or other purposes, or community hubs, not occur, not because of the Island Development Plan but because of SLUP, which prohibits them, rather than on a site specific or merit basis?

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: I think the answer is no, if I have understood Deputy Gollop's question right. I do not think the problem is at all related to SLUP. The SLUP sets out that development should be concentrated within and around centres, whether they are main centres, being the Town and Bridge, or our local centres, some of which are in a rural environment.

I still do not understand the point that Deputy Gollop is trying to make, unless he is trying to make the point that within some of those rural centres there are redundant vineries, which would be considered greenfield sites, as opposed to brownfield sites, and therefore would not be prioritised under the SLUP.

But it is a question of prioritisation. I think it is still possible to develop either brownfield or greenfield sites within the centres and actually the IDP, as it stands, does not even have a mechanism

2085 to differentiate or create any sort of material difference between them, or preference between them, so I do not think that Deputy Gollop's point holds water, at all. Maybe I have still misunderstood the question but I do not think so.

In material terms, if a redundant greenhouse site is within a centre, be that a main centre or a rural or local centre, then it is considered to be in an area that is developable.

2090

The Bailiff: Deputy Taylor.

Deputy Taylor: Thank you, sir.

2095 If I understand the thrust of Deputy Falla's question and the answer that came from Deputy de Sausmarez, Deputy Falla is seeking more suitable land for development in the greenfield, such as those proposed by the DPA and it's IDP Review, and I wonder if Deputy de Sausmarez would agree with me that, given we have, within the Island Development Plan, an allocation of 2,549 units of accommodation, against a forecasted five-year demand of 1,500 units of accommodation, that is a buffer of roughly 1,000, the more suitable land for development would be somewhere within that
2100 1,000 buffer and that is where we should target our energy as part of this IDP Review?

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

2105 Notwithstanding the fact – and the Committee does make this clear and I think the DPA have taken this on board – that the SSHI, which is about to be re-run, the modelling is about to be re-run, we anticipate could come up with a higher indicator in terms of housing need, certainly on a personal level I do agree with Deputy Taylor that actually there has been identified an over-provision of land to meet the housing need of the Island and my personal preference is that we do
2110 everything we can to encourage the development of that land.

The Bailiff: Deputy Inder.

Deputy Inder: Thank you, sir.

2115 I think the President may agree with me that just identifying the word greenhouse is fairly simplistic and there are a lot of very good fields sitting under redundant greenhouses and any derelict greenhouse, sitting in API, is never going to be built on, not without some kind of review. Would she agree therefore, then, and given one of her responses elsewhere, and related to something Deputy Taylor said, it is not a problem with us getting our crayons out and drawing
2120 around new pieces of land, the problem with have got is we are not delivering them privately, we are not delivering socially, either? Would she agree that is the real problem?

The Bailiff: Deputy de Sausmarez.

2125 **Deputy de Sausmarez:** If Deputy Inder has been paying any attention at all, he would know that we have been talking about nothing else. If he would like to go to gov.gg/guernseyhousingplan and read the associated reports and if he would like to just stop talking through my answer and listen for a moment he will see that we have identified a very significant raft of problems –

2130 He has just done a neck slicing motion at me. I do hope he takes the opportunity to withdraw that.

The Bailiff: Deputy Inder.

2135 **Deputy Inder:** I am happy to but, sir, with the greatest respect, Deputy de Sausmarez has a style about her in which she blames everyone else. She has been angry all the way through her questions and it is true, I did ... She has been angry in her responses, condescending and patronising and I do

not think it is reasonable for me to sit here and take it and I believe this should be noticed. But I will withdraw the silly remark that I made.

Thank you.

2140

The Bailiff: Deputy Inder, Deputy de Sausmarez, all Members, the whole purpose of coming into this room is to conduct questions and answers at the moment in a civilised way. (**Several Members:** Hear, hear.) It is not about doing anything over and above that. I simply encourage all Members, when questions are being asked and answered, to focus on what question you want to ask, trying to ask a question in a way that is focused so that there is a single question, rather than multiple questions, which become increasingly difficult for the Presidents who are answering those questions to answer, and to treat the response that is given to any question with the respect that it deserves.

2145

Deputy de Sausmarez, do you have anything further you want to say in answer to the question?

2150

Deputy de Sausmarez: I have slightly forgotten what the original question was, sir, but I think I was actually – funnily enough and ironically, perhaps – agreeing with Deputy Inder that the SLUP is not the issue, which is actually a theme that has run through the answers to the main questions and to the supplementary questions, no matter how relevant they have been or not deemed to be to the original answers. And to evidence this, any Member, all they have to do is look at the Guernsey Housing Plan and the reports that underpin it to understand that this has indeed been something that the Committee has been working on and will be coming forward with in a really short space of time with some practical recommendations for what we can do about it.

2155

2160

The Bailiff: Supplementary, Deputy Matthews.

Deputy Matthews: I know, sir, you are not keen on Members of the Committee asking their own Presidents questions but I was going to ask the President if she agrees with me that there is sometimes some confusion between whether some effects that people see are caused by the SLUP or are caused by the IDP's interpretation of the SLUP. I think this is an example of one of those.

2165

Looking at the spatial strategy of the SLUP, it talks about development around the urban centres, and then it says 'and around the edges of the other main parish or local centres, to enable community growth and the reinforcement of sustainable centres.' To me that would seem to mean that there should be some limited development around parish centres and it is perhaps the definition of what constitutes a centre that can cause some effects that people think of as being caused by the SLUP but is actually to do with how the SLUP has been interpreted, with all the sustainability indicators and things like whether or not there is a nearby school or a recycling centre, which is actually one of the things that the States itself has closed.

2170

That is one of the things that could be a factor for either the IDP review or for a SLUP review but either way around the result could be –

2175

The Bailiff: The time for a question has expired, Deputy Matthews.

Deputy Matthews: Thank you, sir.

2180

The Bailiff: Deputy Gollop.

Deputy Gollop: Deputy Matthews has clarified my thinking in that I think my question is, whilst acknowledging it is possible to have housing or other development within a social centre but an interpretation of the SLUP would be that it would not be possible to have it as urban sprawl within a rural area, is there not potentially flexibility in the Island Development Plan to have sites that are adjacent to social centres, not necessarily within but clearly linked to appropriate social centres?

2185

The Bailiff: Deputy de Sausmarez.

2190

Deputy de Sausmarez: I think the DPA's proposals at the moment do indeed gauge the concept of development adjacent to existing centres. I do not think there is any question over that.

The Bailiff: Deputy Dyke, supplementary.

2195

Deputy Dyke: Thank you, sir.

Deputy de Sausmarez mentioned redoing the figures for housing needs in due course. Could I ask her to confirm that when she does that, will she take into account a lot of the States-owned sites that at the moment we are not taking into account because there are various difficulties with them that might delay them for more than five years?

2200

I think the number of possible units on them is somewhere between 300-400 at the lower end and 700-800 at the upper end. So that is quite an important element to take into account in terms of what we have and can develop, rather than adding more sites on the edge of the centres, which we are now doing. If she can confirm that they will take that into account?

2205

The Bailiff: I am afraid, Deputy Dyke, it does not arise out of the answer that was originally given and therefore I will not ask Deputy de Sausmarez to reply to it.

Deputy de Sausmarez: But sir, it would be helpful to clarify –

2210

The Bailiff: No, I am afraid not. You can deal with that, if you want to, outside of this Meeting. The simple answer to the question would have been much shorter than the original answer given and there would not have been very many supplementaries got out of it, anyway.

We have had more than an hour of questions. It is in my discretion as to whether or not I continue questions at this stage or whether we defer the questions. But on the basis that Deputy Falla is going to ask the next set of questions, what we will do is we will just continue and finish all of the questions at this stage and then we will move on to the other business.

2215

So, moving onto something completely different, now, Deputy Falla, your next question, please, to the President.

Hemlock Water Dropwort – Present near playground

2220

Deputy Falla: Thank you, sir, and I do trust that the next set of questions will be less inflammatory.

Is the Committee *for the Environment & Infrastructure* aware that a large area of the highly poisonous invasive weed Hemlock Water Dropwort has become well established on an area of land directly adjacent to the children's playground at Saumarez Park and are there any plans to tackle this health and safety issue?

2225

The Bailiff: Deputy de Sausmarez to answer, please.

Deputy de Sausmarez: Sir, the Noxious Weeds (Guernsey) Law, 1952, states that an occupier of land must not allow noxious weeds that are in flower or seed to grow on that land. Its principal purpose is to protect grazing animals and agricultural land across the Island, rather than being a public health requirement. The guidance published by the States of Guernsey advises that the best method of control for Hemlock Water Dropwort is the cutting of the stem before plants flower.

2230

2235 I am assured that this is the general policy applied by the Land Management Service. The site has been inspected and a small number of Hemlock Water Dropwort plants were found, which will be cut back as soon as possible. It was also noted that there was a large area of Fool's Watercress, which may have been misidentified as Hemlock Water Dropwort.

2240 **The Bailiff:** Your second question to the President, please, Deputy Falla.

2245 **Deputy Falla:** Is the Committee aware that the stream running close to the children's playground at Saumarez Park is totally obscured by overgrown plants, including Hemlock Water Dropwort, giving the illusion of a solid land mass in an area where small children run and play and therefore presenting a safety issue?

The Bailiff: Deputy de Sausmarez to reply, please.

2250 **Deputy de Sausmarez:** The grassland around an area of water adjacent to the playground is regularly cut by States' Works under the contract managed by Land Management Services. As many people will have noticed, the recent weather has led to rapid plant growth. The area requiring attention will be addressed as soon as possible to ensure the area of water is obviously visible.

2255 **The Bailiff:** Supplementary, Deputy Falla.

Deputy Falla: Thank you, sir.

Does the grounds maintenance team and its contractors have sufficient capacity to carry out the work necessary to fulfil the Committee's mandate to maintain public grounds, gardens and floral plantings?

2260 **The Bailiff:** Deputy de Sausmarez.

2265 **Deputy de Sausmarez:** Well this might not be a short answer, actually. It is a very pertinent issue. I am sure all Committees are going through their budgeting process at the moment and I have to advise Deputy Falla and other Members of the States that there is enormous pressure on budgets, especially for a Committee who is very operational and who has got a lot of operational workers who can run through contracts such as these.

2270 It is a case of either finding genuine efficiencies, rather than public service or amenity cuts in this case, if you will pardon the pun, or reducing the amount that can actually be delivered for the same budget and it is an incredibly difficult problem. I can assure Deputy Falla this is something that the Committee has looked at with a very keen eye to try to make sure that we are not cutting public service provision, in this case the management of important areas of land and recreation. But it is a challenge.

2275 **The Bailiff:** Second supplementary, Deputy Falla.

Deputy Falla: Would the issue that the President just identified stretch to the keeping clear of roadside weeds, which seem to be particularly prevalent across the Island at the moment?

2280 **The Bailiff:** It does not really arise out of the answer given to the original question, but Deputy de Sausmarez.

2285 **Deputy de Sausmarez:** I think it kind of does. My original answer, maybe not to this question, maybe to a previous question, as about the environmental conditions, which have been such that there has been enormous vegetation growth, so it is something that has been particularly noticeable and actually that is something that the Committee is working quite proactively with STSB on. But I

think we have to draw a distinction between any growth that presents an actual danger or potential deterioration to infrastructure and stuff that maybe just does not look quite the same way as it might otherwise do.

2290 Because I do not think our mandate is necessarily to ensure that the Island is looking immaculately tidy, it is about making sure that we take a proportionate approach and certainly make sure that there are no risks to people's safety or indeed to the infrastructure. So that is the top priority.

2295 **The Bailiff:** Deputy de Lisle, supplementary?

Deputy de Lisle: Supplementary, sir.

 Could I ask Deputy de Sausmarez whether in fact the Douzaines cannot become involved actually in terms of assessing these stream sites and asking the parties involved, the owners, to in fact
2300 remove such highly poisonous, invasive weeds?

The Bailiff: That does not arise out of the original answer given. There is no need to answer that, Deputy de Sausmarez.

 Deputy Le Tissier.

2305

Deputy Le Tissier: Thank you, sir.

 Referring back to the previous answer from the President, would the President agree with me that one of the reasons why the Island is looking so untidy, with lots of weeds is because now gangs of men have to go around with shovels, spades, whatever instrument, and cut off the top of the
2310 weeds, leaving the roots, whereas in the past a simple spray with weedkiller would have been something which would have killed off right down through the roots?

 Thank you.

The Bailiff: I am not persuaded that arises out of the original answer so although there was a reference to rapid plant growth, it was in the context of the site at Saumarez Park. Anyone else want to try a supplementary?

2315 Your third and final question, please, Deputy Falla, to the President.

Deputy Falla: Will the Committee instigate a thorough assessment of the stream site, so that it
2320 can be cleared, landscaped and appropriately replanted to ensure public safety?

The Bailiff: Deputy de Sausmarez to reply, please.

Deputy de Sausmarez: The area Deputy Falla refers to is that which used to house play
2325 equipment called a spider's web, which was subsequently removed. Land Management Services are working with two local charities, Wooden Spoon and the Friends of Saumarez Park Playground to reinstall a piece of play equipment there as well as make other improvements to the area. Land Management Services will monitor the presence of Hemlock Water Dropwort and continue to maintain the area.

2330

The Bailiff: No one is rising, so we will move onto the final question, which is to be posed by Deputy Queripel to the President of the Committee for Home Affairs.

COMMITTEE FOR HOME AFFAIRS

**Guernsey Prison –
Relocation of UK inmates**

2335 **The Bailiff:** Your question please, Deputy Queripel.

Deputy Queripel: Thank you, sir, and I have two supplementaries as well. (**The Bailiff:** Alright, thank you.)

2340 Five young Londoners were recently caught trying to smuggle £30,000 worth of illegal drugs into the Island and are consequently, now serving sentences of between four and six years here in our jail, at great expense to the taxpayers of the Island. I am sure there is a perfectly valid reason as to why they are serving their sentences here, so can Deputy Prow please relay the reason to me as to why they cannot serve their sentences in the UK, as opposed to here in Guernsey?

2345 **The Bailiff:** And the President of the Committee, Deputy Prow, to reply, please.

Deputy Prow: Thank you, sir.

2350 When an individual commits a crime, they face the legal consequences of that jurisdiction's laws. As such, an individual who has received a custodial sentence as a result of an offence committed and tried in the Bailiwick would commence serving their sentence at Les Nicolles. Where a prisoner is unlikely to be able to resettle in the Bailiwick on release, current policy is that they are transferred to their home jurisdiction. The lack of prison accommodation in England and Wales at the moment as a barrier to relocation.

Thank you, sir.

2355

The Bailiff: Supplementary question, Deputy Queripel.

2360 **Deputy Queripel:** Sir, the President said in his response that where a prisoner is unlikely to resettle in the Bailiwick on release, they are transferred to their home jurisdiction. In relation to that, can the President please tell me who makes that decision and also how they come to the conclusion that the prisoner is unlikely to resettle here in the Bailiwick?

The Bailiff: Deputy Prow.

2365 **Deputy Prow:** Thank you, sir.

The decisions are made by the Prison Governor and his very able team and it is all part of the offender management process, which is principally about rehabilitation and taking efforts to make sure offenders, particularly of serious crimes, do not reoffend.

2370 An assessment is made on that basis and if it is understood during that process that a prisoner is unable, for many reasons, to settle in the Bailiwick, then attempts will be made to see if that prisoner can serve their sentence in a UK prison close to where they reside. But as I have said, this is extremely difficult at the moment because the pressures on the prison service in the UK are enormous.

Thank you, sir.

2375

The Bailiff: Second supplementary, Deputy Queripel. Did you say you had two?

Deputy Queripel: Yes, sir. Thank you.

2380 The President said in his response that individuals face the consequences of that jurisdiction's Laws. So, seeing as these five individuals are serving their sentences here, can the President please tell me if the UK are contributing to the cost of those individuals serving their sentences here?

The Bailiff: Deputy Prow.

2385 **Deputy Prow:** Sir, the offender management process is as I have described. If a person commits an offence in this jurisdiction, a sentence is imposed by a Court in this jurisdiction. It is this jurisdiction's responsibility for that offender and for the costs, in the same way as if a Guernsey resident was arrested and convicted for an offence in the United Kingdom. Guernsey would not be liable.

2390 The arrangements that are undertaken between our Prison and the UK prison service are all around offender management regime. Thank you, sir.

The Bailiff: Supplementary, Deputy Gollop.

2395 **Deputy Gollop:** The interesting answers Deputy Prow has given almost provoke another question that, given the extreme lack of places in the United Kingdom and the possibility there may be offenders with Guernsey links who have offended in the UK and been sentenced to a custodial term, could not our Home Department and Prison maybe make some additional revenue by using our spare capacity to alleviate low risk overcrowding in the UK?

2400 **The Bailiff:** Deputy Prow.

Deputy Prow: Thank you, sir.

2405 That suggestion is not new – to the horror of the Prison Governor! (*Laughter*) I think the logistics of that arrangement and indeed the types of prisoners would cause him concern. We have an absolutely excellent prison, we have a working prison, we have education in prison and we have an excellent offender management system and I would suggest that Guernsey should be bolstering that rather than trying to get more prisoners from the United Kingdom.

Thank you, sir.

2410 **The Bailiff:** Deputy Leadbeater.

Deputy Leadbeater: Thank you, sir.

2415 I am aware that historically *The Leopardess* was used to repatriate prisoners to the UK. Does the President know if the fact that it is no longer serviceable has a contributing factor to the situation we have seen in respect of the prisoners alluded to by Deputy Queripel?

The Bailiff: Deputy Prow, it does not really arise out the answer given, but Deputy Prow.

2420 **Deputy Prow:** Thank you, sir. No, I am not aware.

The Bailiff: Deputy Ferbrache.

2425 **Deputy Ferbrache:** Is the President aware that people can still be repatriated by airplane, which has happened a lot anyway, dealing with Deputy Leadbeater's point?

But more materially, to put this question to bed forever, hopefully, or certainly for the foreseeable future, is it not the case that the UK authorities are unlikely, for the foreseeable future, as they have been for some time in the past now, to accept prisoners back unless they have absolutely got to?

2430 **The Bailiff:** Deputy Prow.

Deputy Prow: I completely agree with Deputy Ferbrache.
Thank you, sir.

The Bailiff: Members of the States, that ends Question Time.
Greffier.

2435

Billet d'État XII

ELECTIONS AND APPOINTMENTS

POLICY & RESOURCES COMMITTEE

1. Election of the Chairman of the Guernsey Financial Services Commission – Mr John Aspden elected

Article 1.

The States are asked to decide: -

Whether, after consideration of the Policy Letter entitled "Election of the Chairman of the Guernsey Financial Services Commission", dated 14th May 2024, they are of the opinion:-

1. To appoint John Aspden as Chairman of the Guernsey Financial Services Commission until the expiration of his term of office as an ordinary member on 2nd April 2026.

The States' Greffier: Article 1, the Policy & Resources Committee – Election of the Chairman of the Guernsey Financial Services Commission.

The Bailiff: I invite the President of the Policy & Resources Committee, Deputy Trott, to open in respect of this, please.

2440

Deputy Trott: Sir, do I at this stage need to move the motion?

The Bailiff: No, because this is the first item, which is the election of the Chairman of the Guernsey Financial Services Commission, not the second Item, which is where you might want to move the motion.

2445

Deputy Trott: Understood, sir.

The Policy & Resources Committee wishes to propose Mr John Aspden as the new Chairman of the Guernsey Financial Services Commission. Mr Aspden is a distinguished finance professional, with significant experience in investment and banking in the private and public sectors. After an early period at the Bank of England, he has had a noteworthy executive career in international finance, holding roles including managing director of Matheson InvestNet Limited, at the time Hong Kong's largest independent distributor of, and adviser on, collective investment for retail investors, as well as being the Deputy General Manager of the International Bank of Asia Limited.

2450

2455

Importantly, Mr Aspden now co-chairs the Basel Consultative Committee, one of the world's senior regulatory bodies and he also chairs the Group of International Finance Centres Supervisors, of which the GFSC is a member. During his tenure he has transformed the GIFCS into a highly respected global advocate of international finance centres, with important formal representation at both Moneyval and the Financial Action Task Force.

2460

He has been an ordinary member of the GFSC since April 2017. I chaired back then the selection panel that chose him from a distinguished list of other candidates. He has been an excellent Vice-Chairman, having led the GFSC's audit risk committee. He is simply an outstanding candidate, a former director general of the Isle of Man's Financial Services Commission and, once again, sir, we

2465 are very lucky to have people of his calibre willing to offer their services to us in a role of this significance. I recommend him wholeheartedly to this Assembly.

The Bailiff: This is effectively the election of the Chairman of the Guernsey Financial Services Commission but does anyone want to speak on the matter? In that case, I will invite the Greffier to open the voting on the Proposition to appoint John Aspden as the Chairman of the GFSC.

2470

There was a recorded vote.

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

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

The Bailiff: In respect of the Proposition to elect the Chairman of the Guernsey Financial Services Commission for the term of office indicated in the Proposition there voted in favour, 36 Members; no Member voted against; no Member abstained; 4 Members did not participate in the vote and I will declare the Proposition duly carried, which means that Mr Aspden has been elected.

2475

Next item, please, Greffier.

POLICY & RESOURCES COMMITTEE

**2. Election of an Ordinary Member and Chairman of the
Guernsey Financial Services Commission –
Motion withdrawn**

Article 2.

Whether, after consideration of the Policy Letter of the Policy & Resources Committee entitled 'Election of an Ordinary Member and Chairman of the Guernsey Financial Services Commission' dated 24th April 2024, they are of the opinion:-

1. To appoint Julian Winser as an ordinary member of the Guernsey Financial Services Commission for a three-year term with effect from 19th June 2024 until 18th June 2027.

2. To appoint Julian Winser as Chairman of the Guernsey Financial Services Commission for a three-year term with effect from 19th June 2024 until 18th June 2027.

2480 **The States' Greffier:** Article 2, Election of an Ordinary Member and Chairman of the Guernsey Financial Services Commission.

The Bailiff: On this occasion, Deputy Trott, if you wish to, you can move the motion to withdraw this particular item of business.

[Motion to withdraw.](#)

To resolve that the propositions in respect of the policy letter entitled 'Election of an Ordinary Member and Chairman of the Guernsey Financial Services Commission' dated 24th April 2024 (P.2024/35) be withdrawn.

2485 **Deputy Trott:** Yes, I will do that, because I think the Assembly, or more accurately, listeners to this debate, deserve an explanation. There is an explanatory note, which I shall read:

Following publication of ... [an earlier] policy letter, the Policy & Resources Committee was advised of Mr Winser's intention to retire from his role with the Guernsey Financial Services Commission.

2490 He was, at the time, sir, as you are aware, the Chairman, this was going to be an extension of that tenure and as a consequence we submitted the second policy letter, which we debated just a few moments ago and, in doing so, unanimously approved Mr Aspden's promotion from Deputy Chairman to Chairman. So the policy letter has therefore been superseded, hence its requirement to be withdrawn.

Thank you, sir.

2495 **The Bailiff:** And Deputy Soulsby, do you formally second the motion to withdraw?

Deputy Soulsby: Yes, sir, I do.

2500 **The Bailiff:** Thank you very much. Does anyone wish to debate the motion to withdraw or can I simply put it to the vote?

No, in that case, as there is no debate on the motion to withdraw, I will invite the Greffier to open the voting on the motion to withdraw, proposed by Deputy Trott and seconded by Deputy Soulsby.

There was a recorded vote.

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

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

2505

The Bailiff: On the motion to withdraw, proposed by Deputy Trott and seconded by Deputy Soulsby, there voted in favour, 36 Members; no Member voted against; no Member abstained; 4 Members did not participate in that vote and therefore I will declare the motion to withdraw successful, which means there is no need to deal with the substantive Propositions.

2510

Can we lay the legislation next, please, to this Meeting, Greffier?

LEGISLATION LAID BEFORE THE STATES

**The Social Insurance (Classification) (Amendment) (Guernsey) Regulations, 2024;
The Control of Poisonous Substances (Fees) (Guernsey) Regulations, 2024;
The Health and Safety (Fees) Order, 2024**

The States' Greffier: The following legislation is laid before the States: the Social Insurance (Classification) (Amendment) (Guernsey) Regulations, 2024; the Control of Poisonous Substances (Fees) (Guernsey) Regulations; 2024; the Health and Safety (Fees) Order, 2024.

2515 **The Bailiff:** Well, Members of the States, we will note that all three of those Statutory Instruments have been laid before this Meeting. There have been no motions to annul but there is still an opportunity in September.

LEGISLATION FOR APPROVAL

STATES' ASSEMBLY & CONSTITUTION COMMITTEE

3. Reform (Guernsey) (Amendment) Law, 2024 – Proposition carried

Article 3.

The States are asked to decide:-

Whether they are of the opinion to approve the draft Projet de Loi entitled "The Reform (Guernsey) (Amendment) Law, 2024", and to authorise the Bailiff to present a most humble petition to His Majesty praying for His Royal Sanction thereto.

The States' Greffier: Article 3, the States' Assembly & Constitution Committee – The Reform (Guernsey) (Amendment) Law, 2024.

2520

The Bailiff: I invite Deputy Meerveld, as the President, to say anything he wants to in opening.

Deputy Meerveld: Thank you, sir. I am sure Members have read the motion and I look forward to the debate.

2525

The Bailiff: Deputy Gollop.

2530

Deputy Gollop: Sir, I enjoyed being on SACC, I think most of the time. But, like Deputy Queripel I was occasionally in a minority of one, or maybe two, and there are some issues here that stress me a bit. It might seem odd to the public today but within living memory in Guernsey, we had at least one notable personality who stood for election who had received a variety of prison sentences for questioning authority. He actually came within 30 votes of being elected and at the same time we saw people in the UK, especially from Northern Ireland, who were elected whilst serving prison sentences.

2535

I know the view of the Assembly was made clear in January, about maintaining and enhancing the five-year Rule and I do not fully understand why we need the year people are actually in jail, presumably that means they automatically lose their seats if they are in the UK or Guernsey or Jersey. But the first part of it seems to indicate that it is quite specific. The second, it seems to imply it is anywhere in the world, which is intriguing in itself. But there you go.

2540

Because this Reform (Guernsey) Law, the explanation is focused on perhaps the imprisonment but it also comes to recounts as well. The first part, which is 1.2(i) has not at any time during the five years immediately preceding the debate been sentenced to an offence by a Court in the UK or any of the Channel Islands or the Isle of Man to prison for six months, without the option of a fine, unless that sentence was quashed.

2545

But the second part is neither in prison nor detained in the UK, any of the Channel Islands or the Isle of Man, 'nor is unlawfully at large, after having been sentenced for an offence by a court ... to imprisonment for a period of one year or more' whether in the Bailiwick or elsewhere. It implies the person could be imprisoned for a political offence in, I do not know, a country in Asia or Africa or wherever, what is left of the Iron Curtain countries, as well, but even if they had escaped they would not be eligible to stand here. It is a little bit convoluted the way it has come out.

2550

But my main point is it was at variance with what the Commonwealth Parliamentary MPs, in doing their post-parliament election report, suggested. But that is the will of the States and I just wonder how relevant, really, the second paragraph of the legislation is and how frequently it would ever come into relevance.

2555 I suppose my main beef is not about that at all, but it is about the recounts, because having sat up all night the other week, seeing the UK elections, they do not cover the recounts as well as they did, I would say, in media terms, but there were a number and that was why the polling came in so late, four, five, six in the morning in many cases, and it would appear that recounts were called when it was pretty obvious the direction of travel, a very simple electoral system, people only voting for one candidate, adding them up, but even when there was a gap of 1,000 or two, people requesting recounts.

2560 I did think on the Committee we went too low, when we said for the lower of 50 votes or 1% of the number of votes, because although we have great faith in what turned out to be very accurate electronic counting machines, I do suspect the political reality will be that if somebody has a difference of 51 votes or 1.1% behind the successful 38th candidate, or however many seats we have in the next election, and you are Tailend Charlie, you are 39, I think there will be people saying the results should have been looked at.

2570 So I think although the principle of reducing the margin of recount was absolutely right, I think we went too low. I do not know if my words of wisdom will come back to haunt me. I do support the legislation as is, though, but with some reservation.

The Bailiff: I do not see any other Member rising, so I will turn back to the President, Deputy Meerveld, to reply to anything that Deputy Gollop has said.

2575 **Deputy Meerveld:** I always enjoy Deputy Gollop's musings. Let us put this to the vote, thank you.

2580 **The Bailiff:** Members of the States, I will invite the Greffier to open the voting on the single Proposition as to whether you are minded to approve the draft *Projet de Loi*, entitled the Reform (Guernsey) (Amendment) Law, 2024.

There was a recorded vote.

Carried – Pour 37, Contre 0, Ne vote pas 0, Did not vote 2, Absent 1

POUR	CONTRE	NE VOTE PAS	DID NOT VOTE	ABSENT
Aldwell, Sue	None	None	Inder, Neil	Bury, Tina
Blin, Chris			Taylor, Andrew	
Brouard, Al				
Burford, Yvonne				
Cameron, Andy				
De Lisle, David				
De Sausmarez, Lindsay				
Dudley-Owen, Andrea				
Dyke, John				
Fairclough, Simon				
Falla, Steve				
Ferbrache, Peter				
Gabriel, Adrian				
Gollop, John				
Haskins, Sam				
Helyar, Mark				
Kazantseva-Miller, Sasha				
Le Tissier, Chris				
Le Tocq, Jonathan				
Leadbeater, Marc				

Mahoney, David
Matthews, Aidan
McKenna, Liam
Meerveld, Carl
Moakes, Nick
Murray, Bob
Oliver, Victoria
Parkinson, Charles
Prow, Robert
Queripel, Lester
Roberts, Steve
Roffey, Peter
Snowdon, Alexander
Soulsby, Heidi
St Pier, Gavin
Trott, Lyndon
Vermeulen, Simon

2585 **The Bailiff:** In respect of this Proposition, there voted in favour, 37 Members; no Member voted against; no Member abstained and 3 Members did not participate in the vote and therefore I will declare the Proposition duly carried.

COMMITTEE FOR HOME AFFAIRS

4. Offences (Fixed Penalties) (Guernsey) Law, 2009 (Amendment) Ordinance, 2024 – Proposition carried

Article 4.

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Offences (Fixed Penalties) (Guernsey) Law, 2009 (Amendment) Ordinance, 2024" and to direct that the same shall have effect as an Ordinance of the States.

The States' Greffier: Article 4, the Committee for Home Affairs – the Offences (Fixed Penalties) (Guernsey) Law, 2009 (Amendment) Ordinance, 2024.

2590 **The Bailiff:** I will invite the President of the Committee, Deputy Prow, to open the debate if he wishes to do so.

Deputy Prow: Yes, thank you, sir.

Very briefly, this follows a policy letter that was agreed back in January this year to increase the fixed penalty tickets regime by £25.

2595 Thank you, sir.

2600 **The Bailiff:** Deputy de Lisle, you have submitted a motion, under Article 7(1) of the Reform (Guernsey) Law, 1948, seconded by Deputy Blin, to suspend the Rules of Procedure. Do you wish to address that motion, first, to, if it is carried, enable you to move the amendment?

[Motion to suspend the Rules of Procedure.](#)

To suspend the Rules of Procedure to the extent necessary to permit the Proposition set out below to be considered.

To insert the following at the end of the Proposition:-

"subject to the following amendments:-

(a) in clause 1(2) – for "£65", substitute "£45", for "£95", substitute "£80", and for "£125", substitute "£115", and

(b) in clause 1(3) – for "£55", substitute "£35", for "£85", substitute "£70", and for "£115", substitute "£105"

Deputy de Lisle: Yes, sir. Thank you.

If you recall, you kindly invited Deputy Blin and I in January to lay our amendment, which was submitted late, again, this time sir, as there was a matter of time pressure at that January Meeting. If I can outline the main issue here –

The Bailiff: It is just the motion at the moment, Deputy de Lisle, not the amendment.

Deputy de Lisle: I beg your pardon, sir.

The Bailiff: Just the motion, as to why the amendment should be capable of being debated, not the substance of the amendment.

Deputy de Lisle: Right. That is that, by increasing as Deputy Prow has said, by £25 across all bands, it means that the very worst offences in Band C carry the lowest increase in fines, a 25% increase on the current £100, to £125, which is a 25% increase, whereas the lowest offences, if you wish to put it that way, will be subjected to a 65% increase. So it is a huge increase with respect –

The Bailiff: Deputy de Lisle, that is the substance of the amendment. At the moment I simply want you to explain to Members why they should approve the motion under Article 7(1) to suspend the Rules because you are late. This is something that could have come in weeks ago. So why should the motion be allowed?

Deputy de Lisle: As I said, sir, the amendment was actually available in January but because of time pressure it was not actually laid. Your reaction, sir, to that was that we should come back at this time and lay that amendment

The Bailiff: Yes, in good time. Why have you done it late? Is there anything further you want to say on the motion, Deputy de Lisle? No.

Deputy Blin, do you formally second the motion?

Deputy Blin: Yes, I do, sir.

The Bailiff: Thank you very much. Is there any debate on the motion to suspend?
Deputy Le Tocq.

Deputy Le Tocq: This is ridiculous. *(Laughter)*

A Member: Hear, hear.

The Bailiff: But at this stage is there any other comment from any other Member?
Deputy Prow.

Deputy Prow: Thank you, sir.

As you have already pointed out, this is an extremely late motion and no consultation on the motion has been had with the Committee. I ask this Assembly to kick this completely into touch. The Assembly voted overwhelmingly in favour: Pour, 34; Contre, 2; and absent in the Assembly was

four. It was therefore very powerfully agreed. It is worth noting that the two Contres were in fact the movers of the motion.

2650 Thank you, sir.

The Bailiff: Deputy Queripel.

2655 **Deputy Queripel:** Sir, late motions take place in this Chamber all the time. This is nothing new. I understand the time pressures that Deputies are under. Sometimes you just are not able to keep up with things. I am all in favour of this motion and I ask Members to please support it and let us get on with the debate. If you do not want to support what Deputy Blin and Deputy de Lisle are asking you to support, do not support it, but let us at least have that debate.

Thank you, sir.

2660

The Bailiff: Deputy Blin.

Deputy Blin: Thank you, sir.

2665 In late January, when Deputy de Lisle laid the amendment, it was decided by the Assembly not to listen to it and it was guillotined and it was just pushed aside. There was a communication that actually we could come back and do it at this time. I appreciate you say that maybe the timing had been left late but we were under the impression it was to come at this point so that we would have the opportunity to go through exactly what we were trying to achieve in January.

Thank you, sir.

2670

The Bailiff: And Deputy de Lisle, would you like to reply to the debate on the motion?

2675 **Deputy de Lisle:** Yes, sir. I think Deputy Blin has expressed the fact that we were somewhat guillotined out of the opportunity to actually debate what we had actually proposed as an amendment in the January debate and therefore we are asking the goodwill of this Assembly to hear us out at this time. (**A Member:** Hear, hear.)

2680 I appreciate Deputy Prow's point, that he felt that all was done, but in fact we had good reason. We had actually submitted our amendment at the January debate but it was not considered and I think we should have come back, actually, and considered that at that time but time was limited during the January debate.

Thank you, sir.

2685 **The Bailiff:** Well, Members of the States, I am going to put the motion pursuant to Article 7(1) of the Reform (Guernsey) Law, 1948, proposed by Deputy de Lisle and seconded by Deputy Blin to you. Those in favour; those against.

Members voted Contre.

2690 **The Bailiff:** I will declare that lost.

Deputy Queripel: A recorded vote, sir, please.

The Bailiff: Yes.

2695 Greffier, as and when you have got a Proposition up for us, will you open the voting, please, Greffier.

There was a recorded vote.

Not carried – Pour 8, Contre 27, Ne vote pas 4, Did not vote 0, Absent 1

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

The Bailiff: The voting on the motion pursuant to Article 7(1) of the 1948 Law, proposed by Deputy de Lisle, seconded by Deputy Blin, is that there voted in favour, 8 Members; 27 Members voted against; 4 Members abstained, 1 Member did not participate in the vote and that is why the motion is declared lost so the amendment cannot now be put.

Does anyone wish to engage in general debate following the opening some time ago by the President? No, in that case, there is nothing to reply to, Deputy Prow, and I will invite the Greffier to open the voting on whether you are minded to approve the draft Ordinance amending the fixed penalties legislation.

There was a recorded vote.

Carried – Pour 32, Contre 5, Ne vote pas 2, Did not vote 0, Absent 1

POUR	CONTRE	NE VOTE PAS	DID NOT VOTE	ABSENT
Aldwell, Sue	Blin, Chris	Roberts, Steve	None	Bury, Tina
Brouard, Al	De Lisle, David	Snowdon, Alexander		
Burford, Yvonne	Gollop, John			
Cameron, Andy	Matthews, Aidan			
De Sausmarez, Lindsay	Queripel, Lester			
Dudley-Owen, Andrea				
Dyke, John				
Fairclough, Simon				
Falla, Steve				
Ferbrache, Peter				
Gabriel, Adrian				
Haskins, Sam				
Helyar, Mark				
Inder, Neil				
Kazantseva-Miller, Sasha				
Le Tissier, Chris				

Le Tocq, Jonathan
Leadbeater, Marc
Mahoney, David
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

The Bailiff: In respect of the draft Ordinance, there voted in favour, 32 Members; 5 Members voted against, 2 Members abstained, 1 Member was not participating in the vote, but I will declare the draft Ordinance duly carried.

POLICY & RESOURCES COMMITTEE

5. Matrimonial Causes (Bailiwick of Guernsey) Law, 2022 (Commencement) Ordinance, 2024 – Propositions carried as amended

Article 5.

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Matrimonial Causes (Bailiwick of Guernsey) Law, 2022 (Commencement) Ordinance, 2024" and to direct that the same shall have effect as an Ordinance of the States.

The States' Greffier: Article 5, the Policy & Resources Committee – the Matrimonial Causes (Bailiwick of Guernsey) Law, 2022 (Commencement) Ordinance, 2024.

The Bailiff: I will invite the President of the Policy & Resources Committee, if he so wishes, to open the debate.

Deputy Trott: Yes, I think there is some value in just saying a few words.

In 2020, this Assembly agreed to reform the legislation that relates to divorce, annulment and judicial separation. The resulting Matrimonial Causes Law was approved by this Assembly at our Meeting in July 2022, and Royal Assent was granted at the end of that year.

The draft Matrimonial Causes (Bailiwick of Guernsey) Law, 2022 (Commencement) Ordinance, 2024, introduces no fault divorce, simplifies the procedure to allow couples to process divorces themselves where possible and removes the ability to contest a divorce and requirement for the courts to consider reconciliation.

These changes received very strong support during the review process, which included public consultation, and the commencement of this legislation has been highly anticipated over the last 18 months. Now, sir, I know it is unusual to refer to an amendment that has yet to be laid but it might speed up processes by saying that if –

You do not want me to do that, sir? I shall not attempt to speed up processes.

The Bailiff: Deputy St Pier, you have submitted an amendment. Do you have a substitute seconder for it?

Deputy St Pier: I do, sir.

The Bailiff: Who is that, please?

Deputy St Pier: Deputy de Sausmarez.

The Bailiff: Thank you very much. Do you now wish to move that amendment.

[Amendment.](#)

To delete the proposition and replace with: "Whether they are of the opinion:- 1. To approve the draft Ordinance entitled "The Matrimonial Causes (Bailiwick of Guernsey) Law, 2022 (Commencement) Ordinance, 2024" and to direct that the same shall have effect as an Ordinance of the States. 2. To direct the Policy & Resources Committee to give consideration to raising the minimum age of marriage from 16 to 18, as part of any future review of the Marriage (Bailiwick of Guernsey) Law, 2020."

Deputy St Pier: I do, sir, and given the mood of the Assembly on that last motion, I am glad that this was submitted in good time and therefore no motion to suspend the Rules is required.

(Laughter)

I am also grateful to those Members who have encouraged this amendment and I am grateful to Deputy Bury, who had intended to support it and of course Deputy de Sausmarez, who is now standing in her stead, given Deputy Bury's absence. It is a simple amendment. It does not – I say again *it does not* – increase the minimum age of marriage from 16 to 18, it simply directs P&R to give consideration to doing so as part of any future review of the Marriage Law.

I suspect what Deputy Trott may have been about to say, sir, is that I understand that P&R will not oppose the amendment and I would like to thank them for that and having given that indication to Deputy Bury and myself. We are advised that they, i.e. P&R, expect to undertake such a review before the next round of the UN Convention on the Rights of the Child reporting in 2030, which is also the United Nations' pledge date to have ended child marriage. Consistent with our commitment to meet our international obligations, P&R, I suspect, pragmatically recognise that this appears to be consistent with the international direction of travel.

Sir, it would have been much simpler to have made this provision a part of the Marriage Law before its adoption in 2020, but regretfully we missed that opportunity. Subsequent to this, Royal Assent was given in April 2022 to the Marriage and Civil Partnership Minimum Age Act in England and Wales to raise the age of marriage there from 16 to 18.

Deputy Ferbrache, I am sure, will be the first to remind us, we are not England and Wales. But it is worth understanding why they felt this move was necessary. It was treated primarily as a child protection issue as a result of forced marriages in some communities. Now, forced marriages can, and of course and do, happen to adults too. But facilitating them for children under the age of 18 is an entirely different proposition.

Whilst there is no evidence to respond to Deputy Helyar's email request, presently of forced marriages for children under the age of 18 in the Bailiwick, post-Brexit we are experiencing rapid and significant changes in the demographic composition of our population. We submit that it would be irresponsible and naïve to assume that the pressures which exist in some communities elsewhere, for young people to marry before the age of 18, and which drove the change for minimum age in England and Wales as a child protection issue, will not in time manifest themselves and impact on our own community.

2775 The premise of the amendment is that it would be more responsible to plan to give consideration to this before, not after such an issue has become a problem locally and, in any event, in advance of the next round of the UN Convention on the Rights of the Child, reporting, as I said, sir, in 2030.

2780 There may be a view that it is not necessary to ban something that is not a problem in Guernsey. But we do that all the time if we think it is needed. For example, the States have voted recently to prohibit the growing of tobacco in Guernsey and later in this Meeting will be asked to prohibit fur farms and the production of *foie gras* locally. These issues have not been identified –

Deputy Inder: Point of correction, sir.

2785 **The Bailiff:** Point of correction, Deputy Inder.

Deputy Inder: We did not vote to stop the growth of tobacco. In fact that was defeated.

The Bailiff: Deputy St Pier.

2790 **Deputy St Pier:** These issues have not been identified as current problems but we are being asked to do the responsible thing in prohibiting them, as we will later in this Meeting, before, not after they become a problem.

2795 Historically, it might have been imagined that having a provision enabling 16-year-olds to get married with parental consent was about a 16-year-old finding she was pregnant and the couple wanting to get married as a result. There were no doubt good public policy reasons for this at the time. Not least in the best interests of the baby to minimise the risk of he or she being born out of wedlock.

Fortunately, in practice, this provision has not been used in recent memory. However, its very existence in the modern era, better facilitates forced marriages by parents of their children.

2800 I am pleased to receive the support of the Dean of Guernsey for this amendment, who emailed Deputy Bury and myself last week in the following terms and he has confirmed his email may be quoted in this debate. He wrote, saying: 'I am delighted that you are asking the Policy & Resources Committee to consider raising the minimum age of marriage in Guernsey from 16 to 18 years of age. I have raised questions about whether Guernsey would bring its Law into line with other jurisdictions – that is to make 18 the minimum age for marriage – both for safeguarding reasons and to prevent exploitation, but have received the answer that this change was not on the agenda. I hope that your amendment will be warmly welcomed by Members of the States of Deliberation and that a change can be made without excessive delay. Thank you for your most welcome initiative.'

2810 Sir, I hope that Members will on this occasion follow the advice of the Dean and support this amendment.

The Bailiff: Deputy de Sausmarez, do you now formally second the amendment?

2815 **Deputy de Sausmarez:** I do, sir, yes.

The Bailiff: Thank you very much. Deputy Ferbrache.
I have called Deputy Ferbrache.

2820 **Deputy Ferbrache:** Sorry, sir, I apologise, I missed that.

2825 I am grateful, sir, it is Deputy Trott's birthday today. It is mine on Friday. I am a bit older than Deputy Trott – albeit appearances can be deceptive. But in relation to that, Deputy St Pier has already anticipated my comment. I appreciate this would not today raise the age from 16 to 18 and I am grateful to hear from what the Dean has said. I think he is completely wrong and I think it is absolutely wrong.

We are not living in Karachi. We are not living in Leicester. We are not living in Mormon America. We are living in Guernsey. (**A Member:** Hear, hear.) And I am fed up with people saying, well our community is changing, therefore we change. This is Guernsey. We have Guernsey values and we should actually try and uphold Guernsey values.

2830 In the UK, I do not think you can vote until you are 18. In Guernsey, 15, 16 years ago, whatever it was, the States decided that people could vote at the age of 16. So we are saying they are old enough to be able to take a vote as to whether they want to elect Deputy Meerveld, me, or anybody else in connection with this particular Assembly but they are not old enough to decide, as has been the centuries-old tradition of Guernsey, for a long time, that they can get married at the age of 16.

2835 I know that Policy & Resources either supports or does not oppose, whatever the phrase may be in relation to this. I am surprised. I would have thought they would have had much better things to do with their time than this but it shows they have obviously got a little bit of time on their hands and they want to parley with this.

2840 It is something we can put to bed now. Absolutely put to bed now. It is not something that we the people of Guernsey, we that have lived here with our families for hundreds and hundreds of years, should be countenancing because they do it in Karachi, they do it in Leicester, they do it in Mormon America. It is a worry about forced marriages there. I did ask Deputy St Pier, and I think he will confirm it when he replies, if he had any evidence at all of any forced marriage in Guernsey. I am not aware that he has got back to me saying that. I appreciate in his explanatory note he says there is not, so he has covered that in that way, really, I suppose.

2845 It is not a problem that exists. And he talks about other problems that do not exist that we still pass legislation. So what? This is actually taking somebody's right away that they already have, in the circumstances of the Law, to be able to do it. I know this is not going to delay the 2022 Law being implemented. I appreciate that. That has taken too long anyway. Partly the fault of the Court, partly the fault of the Bar, partly the fault of others. We should not, two years on, 18 months or whatever it is – Deputy Trott gave the exact date, I think 18, 19 months ago – that it gave the date of Royal approval. We should be updating our matrimonial laws much quicker than we have done.

2850 We should not be now throwing a curve ball into it for some time in the future, spending time that we do not want to have. I am proud to be a Guernsey person. My children's mother is English, 2855 I have got nothing against that, my mother's name was Brown before she got married, albeit her family had been over here for 200-odd years, I have got a French – well, she is dead now – grandmother. So cosmopolitan stuff flows through my veins but for somebody to say because our community may change, the make-up of our community may change, we should change fundamental Guernsey values, I abhor. This is Guernsey. If you come and live in Guernsey, you live 2860 in Guernsey according to our values, our heritage and our rights as individuals.

The Bailiff: Deputy Inder.

2865 **Deputy Inder:** Just briefly, sir, Deputy St Pier said in the explanatory note one would be irresponsible. He says that post-Brexit we are experiencing rapid and significant changes in the demographic composition of our population. That is only two years ago. I am intrigued which either races, countries, or colours he is talking about. Or cultures or religions maybe. Because the minimum age in the Philippines, and we have got some great staff over here – I will go through all of these countries and I welcome every single one of them – Philippines the minimum age to marry in the 2870 Philippines is 18 years old. No exceptions.

A lot of Kenyans in Guernsey. The minimum age, no exceptions, 18 years old. South Africans; minimum age 18, no exceptions. A lot more South Africans in Guernsey post-Brexit. Uganda, 18. Ghanaians, 18. Strangely enough, we have had 3,000 Latvians over here over the past 10 or 15 years, I think it is now probably 1,000-1,500. Their minimum age is 16.

2875 So what I would really like to know from Deputy St Pier, is what he has noticed over the last two years, is it race, colour or religion? I do not understand what has driven this. Because of all the people now contributing to this Island, in their own countries their minimum age for marriage is

actually 18 years old. I would really like to know, is he in fear of, is it Christians? Is it tribes within Kenya? Is it colour? Is that what he is identifying? Because we have had 3,000 Latvians here for what, 15 years, probably, now down to 1,500. The minimum age in Latvia is similar to Guernsey, it is 16 years old.

Without the dynamism of Deputy Ferbrache I am not entirely sure what the problem is that we are trying to fix because all of those countries, all of those guests who are working very hard in our hospitality and the health sector and community, Ghanaians, Ugandans, South Africans, Kenyans and Filipinos, all who have come here post-Brexit, it is all 18 years old. What is Deputy St Pier noticing?

The Bailiff: Deputy Trott.

Deputy Trott: Thank you, sir.

Curiously, I was 16 when I first met Deputy Ferbrache, 44 years ago. It has felt like longer, I will be honest! For good order, I never considered asking him to marry me, of that you can be sure. I rise to end speculation over whether Deputy St Pier's belief that the Policy & Resources Committee does not oppose this amendment. He is accurate. We do not and can we move on?

The Bailiff: Deputy Roffey.

Deputy Roffey: I cannot help feeling some people are rather over-thinking this. I believe moving to what is really rapidly becoming an international norm of 18 to enter into such a serious contract as marriage is probably worthy of consideration. I say so not because of forced marriages, although I understand that might be an issue in some parts of the world and it might potentially, conceivably, we could never say it cannot happen here being Guernsey, but that is not my main reason. I just think 16 is a very tender age to enter into a contract that locks you into such a massive, life-changing situation.

I remember being on the old Housing Authority – yes, we did used to have one, Deputy Kazantseva-Miller – and we could not issue any tenancies to people who were 16 or 17, because they were not of age to enter into those contracts, I was told. It seems bizarre to me that people of that age are regarded as too young to enter into some contracts and yet such a fundamental contract that can have such an impact on your life is deemed to be perfectly acceptable.

I think the reason why 16 was chosen, all of those years ago, is because the age of consent had been set at 16. It could not really be much older than that because nature would not allow it to be any older than that. In fact our nearest neighbours, France, was 15. But at the same time, in those more puritanical days, the idea of sex without marriage being endorsed by the Government was something that one should be aghast over. So if they were saying it was alright to give consent to sexual relations at 16, they almost had to say it was alright to get married at 16, otherwise they were saying it was okay to have sex outside of marriage. In those days that would have been regarded by the governments of the time to be a very bad message.

Well, I think we have fundamentally left those days behind and therefore I think it is legitimate to step back and say at what age should you be able to enter into something that has such a profound legal and other consequences in relation to yourself, your goods, your services – not your services but I suppose they are your services. I think 16 does feel to me to be too young.

I am not pre-committing to supporting moving it to 18 or I will not be here, I imagine, when it comes back. But I do definitely think it is worthy of looking at. As Deputy Inder has said, many other countries, 18 is the norm. In France, where the age of consent is 15, I went onto an internet search last night and asked what the age in America was, it was 18.

So I think there is a case for doing this and I will not lose sleep if this does not go through but I intend to support this amendment. Not to create a whole load of extra work but because the Marriage Law is going to be looked at anyway in our review of international conventions. It just seems absolutely sensible that this should be considered at that time.

2930 **The Bailiff:** Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

2935 Deputy Roffey has already touched on what I perceive to be something of an unhelpful equivalence between voting and marriage, which Deputy Ferbrache drew on in his speech. But Deputy Ferbrache also talked about Guernsey values and I completely agree with him. I think we should be basing our Laws on Guernsey values. But when you look up the definition of child marriage, every definition I have found under all the relevant international organisations, like UNICEF or Save the Children and all the relevant international conventions, some of which we are trying to have extended to us, like CEDAW, they do define child marriage as marriage before the
2940 age of 18.

So that age does seem to be something that is set in international precedent and therefore it just seems eminently reasonable that as and when our Marriage Law is reviewed, which Deputy St Pier has assured us will be helpfully in time with the timeline that he expressed in his opening speech, then I think it is perfectly reasonable that we should put a mark in the sand to say that this
2945 is something that should be considered.

The amendment itself of course is not prescriptive. It is not saying that it should come into force right now. It is a very pragmatic amendment just saying that it should be considered but it is an active, proactive line in the sand to steer whatever P&R Committee is tasked with that to give it its consideration.

2950 Because actually, I think I am right in saying that the previous P&R Committee said, 'Oh yes we think we should have considered that but it just slipped the net at that particular time.' This is just a helpful way of putting something into the form of a Resolution that means that it will not slip the net again. It is not going to have immediate effect. In fact it probably would not take effect for some time but it would bring us into better alignment, I think, with international norms around the world.

2955 Thank you.

The Bailiff: Deputy Le Tocq.

Deputy Le Tocq: Thank you, Mr Bailiff.

2960 I agreed, along with my colleagues on P&R, that we should not oppose this amendment because I made a commitment when I was chair of the Children & Young People Board that it should be considered along with the next phase of the legislation. So what Deputy de Sausmarez has just alluded to is absolutely the case.

I largely agree with what Deputy Roffey has said in terms of the arguments. However, I think this
2965 needs to be balanced because in my mind the arguments that Deputy Ferbrache has made would certainly be felt and held by quite a number of people here in Guernsey. I think the main issue in today's culture is effectively in arranged marriages, if that was to occur in Guernsey, the effective legalisation of rape within a marriage, which we should certainly be aware of, it would be foolish of us not to look at that.

2970 However, there are different ways of actually dealing with that. We have, as a community, undermined marriage for the last 50 years and, more importantly, from my particular viewpoint, we have not supported parenting or encouraged parenting. Years ago, it was possible to be a parent at 16 or 17 and you were supported by your community. That is frowned upon today and I think that in our current demographic situation is actually appalling. I would like us, as a Government,
2975 and as leaders of this community, to be more supportive of parenting. I put that as a higher priority than the particular Proposition, although as I said I am not opposed to it.

The Bailiff: Deputy Aldwell.

2980 **Deputy Aldwell:** Thank you, sir.

We all have very different opinions on this and we know that the last marriage of a young person took place in 2003 here. This amendment seeks to look at protecting children and we seem to be sending out mixed messages of what a child is. In October 2007, the States decided that young people were mature enough, at 16, to vote in the General Election, and dropped the age to do so from 18 to 16. These young people have a powerful, mature voice. Nobody could doubt that when we hear them speak in our Youth Parliament on an array of important topics.

Young people can work full time at 16, many complete their GCSEs and go into our finance industry, signing a contract of employment. We certainly do not think of them as child labour. They have taken responsibility and become part of our Guernsey's workforce. Young people can join the Armed Forces, with parents' consent, at 16 and again we think of them as young people, taking responsibility seriously, serving king and country. We do not think of them as children and they are certainly not treated as children.

Young people wishing to get married in Guernsey can only do so with a parent's consent and it has been said in the past that the marriages may have occurred when a young person has found themselves with child and they wish to take responsibility, marrying the father to raise their child in a loving, family secure unit.

A marriage is a commitment. Yes, a legal agreement is signed, as is employment an agreement. As is an agreement in joining the Armed Forces. Young people can have a say in how Government is run and they have been given the vote to do so. Young people can work full time, take responsible roles and help build our economy. Young people can sign up, take responsibility and serve King and country with parents' consent.

If we took away the right to get married on the very rare occasion at 16, with those parents' consent, remembering this is not England, this is Guernsey, are we taking away the opportunity of those young people to take responsibility and commitment to forming a family unit as they would wish? I am not minded to support this amendment. Like others, I do not quite understand what we are trying to fix.

Thank you,

The Bailiff: Deputy Gollop.

Deputy Gollop: Thank you.

As Deputy Aldwell rightly says, we have heard a diversity of opinions and I am actually probably quite close to where Deputy Le Tocq is, which helps, being on P&R with him, and also indeed with the general sentiments of Deputy Aldwell, Deputy Ferbrache and Deputy Inder, even, because I think we are a bit confused about this whole business of when a child is a child and when a child is an adult. We have different rules: 17, driving, it used to be 20 in Guernsey and 21 in England, 18 for certain things.

I actually agree, of course, with Deputy Roffey and Deputy St Pier that there is an international direction here and a normative happening and these are the sorts of arguments the Policy & Resources and the wider States should be looking at. The UK, to my surprise under a Conservative Government, in a way, made it 18.

But it does raise a few ethical issues. I am interested that the Dean has courageously put across his view, the Anglican Dean of Guernsey. I wonder if the view would be identical from the Roman Catholic Dean or evangelical ministers or indeed leaders of other faiths on the Island because of course the point has been well made that the 18, as Deputy Le Tocq indeed implied, was in order to discourage so called sinful sex outside marriage.

But I certainly would agree with Deputy Le Tocq's view that we do not support families enough. Yes, of course, we do not want loads of children born to young people who should be doing other, interesting things with their life and education. Actually Deputy Aldwell has touched on another topic that we have not got to grips with yet, although we may do, with the Education Law, and that is I believe the UK and Jersey have effectively 18 as a kind of school leaving age, education leaving age, and we still have 16 here. Although that is a debate for another day.

But when you look around the world, there are variations. Apparently the age of marriage is still 16 in Scotland and not in England. In American states, unfortunately it can be as low as 15 in one heartland state and it depends on parental consent, or not parental consent. Two intriguing points, Mississippi, not known for its liberalism, has an age of marriage of 21 for those without parental consent. China has 22 for one gender. There does seem a trend that slightly authoritarian types of community want later and later marriage ages, so we have to bear that in the mix as well.

I know this amendment is well-meaning and I agree with Policy & Resources that we do need to look at this in the round and take legal and other advice but I do think there are three snags with it. The first is how you equate it with other ages of majority, whether you are working, or voting, or whatever. Although I agree with Deputy Roffey that at 18, the marriage contract is a particular commitment.

But I think there are two other problems apart from adding to our legislative burden. One is, one negative side of it, I thought, in the English debate, that we do not want to see here, but has been hinted at, is that it was brought in into the UK not to answer a general problem but to answer what was a specific problem of safeguarding within one or two ethnic minorities and that worried me because I thought it was prejudicial and perhaps rather pointed towards other cultures, other religions, because we have to balance what is acceptable in our society with people's own customs and faith. So that concerns me.

The other point that concerns me is if you have only had one case in 25 years, which may have had completely different factors behind it, is it really a pressing issue that we need to devote a lot of resources to? But I will vote for the amendment along P&R lines.

The Bailiff: Deputy Taylor.

Deputy Taylor: Thank you, sir.

I have really conducted my speech in response to Deputy Aldwell because I think she raised some good examples of age restrictions that are applicable and I have got a few of my own, which I actually think are more relevant to the actual consideration of marriage and the big day because, at 16, if you are getting married and you wanted to raise a toast during your speech, your parents would have to purchase the alcohol. Do not be surprised if they are reluctant to do so, as it is your mum and dad who will no doubt be giving you a lift home!

Will you spray 'Just Married' onto the back of their car? Assuming someone over 20 years old will buy you the spray paint, you might be able to. *(Laughter)* Whilst you will not be setting off any real fireworks in the bedroom on your wedding night, because you are too young to buy them, you can legally set off some metaphorical fireworks with your now legal partner.

But do not get any ideas about buying a pack of ciggies for afterwards, because at 16 you are still on the young person's wage and that is an expensive habit. If you want to change any of these random age rules, get yourself registered to vote, because you can, and set yourself a two-year timer to remind you when you can become a Deputy.

All confusing stuff but I will tell you what is not confusing, simply directing P&R to consider the minimum age of marriage in the future. So I will support this amendment and I ask other Members to do so, too.

Thank you.

The Bailiff: Deputy Mahoney.

Deputy Mahoney: Thank you, sir.

Just briefly, we have to be careful here don't we? Because when people start using the word children it is a very emotive word: children, child. It certainly starts to bring out the protective side of anyone that is a parent of children, we must protect them at all costs, etc. None of us want anything nasty to happen to ours or other children.

Deputy Aldwell makes a point re child labour, which is well made. We do not mind taking tax off this child labour at 16 years and one day old. That seems to be okay with everyone's mind. I cannot help but feel there is a bit of an odd thing going on at the moment. We seem to have trains going in different directions.

On one hand, we have the train that is sitting in the bump it up you are not responsible at 16, you should be 18 or whatever age it should be, already having gone down in 2007 it is okay that you vote at 16. But anyway, a different issue.

Then, of course, it will be interesting to see those that are supporting this amendment. I suspect that in our fairly near futures, the Assembly, whether I am in it or not, will have policy letters in front of us concerning gender reassignment and all sorts of issues around those things and I suspect lots of people that are today saying you are not responsible enough at 16 to enter into marriage but at way younger ages than that you can make life-changing decisions about how you want to live the rest of your life. And I just see that as two trains in opposite directions and there is a crash coming somewhere.

I do not understand that. If someone that has not spoken yet and is going to support this has a different view that, no, in fact, I definitely will not support any of the gender stuff – and that is a minefield, I am not going to go into that and that is not the debate we are having here, because frankly I do not understand how 16 is too young for me to marry someone and yet a 12, 13, 14-year-old can say, I am this sex now and no one can tell me different and the Law will have to put up with it. I do not get that.

There are other issues about voting. People have made them, I am not going to go into them. But there was one thing. Deputy Inder has picked it up and I must admit when I read through all of it the one phrase, and perhaps Deputy St Pier when he sums up could just speak to it, although he has been asked to already, was the phrase 'demographic composition' did stick in my throat somewhat. If he can explain what is actually meant by that phrase, that was the one thing that did stick in my craw.

I will not be supporting, I think it was Deputy Ferbrache who said we have got plenty of other stuff to do, whether it is considering or not. The way the States does things, even when we are considering stuff, it takes up an awful lot of time, officers, Law Officers and everyone else. I know it says in the future but to me if we can vote at 16, I do not see why my child cannot decide to get married. I might not like it but that is I think how it should be.

Again, the gender stuff, two trains, different directions, and that bothers me.

The Bailiff: Deputy Queripel.

Deputy Queripel: Thank you, sir.

I am somewhat confused by what Deputy Ferbrache said in his extremely passionate speech in which he made some really profound points. He ended his speech by saying, 'This is Guernsey! We have our own values here in Guernsey. Anyone coming here to live needs to realise they have to live by those values.' (**A Member:** Hear, hear.) But the reality is we bow down to other jurisdictions all the time. And we do exactly what they tell us to do because we want to be everybody's friend and we do not want to upset anyone.

Of course, we all attest to aspire to an inclusive society. We welcome all nationalities here into Guernsey with open arms. By doing that, surely we need to realise every nationality brings their own traditions and values with them, as they have a right to do, of course. It is no longer a case of if you come to Guernsey to live and you do not like our way of life and our traditions, you can always leave. That time has gone. That time has long gone, whether some of us like it or not.

Moving back to the amendment, it asks us to agree to direct P&R to give consideration to raising the minimum age of marriage from 16 to 18 as part of any future review of the Marriage Law. I do not see anything wrong in doing that, which is why I am going to support the amendment. Deputy Ferbrache said he wants to nip this in the bud. So, to state the obvious, if you want to nip it in the

3135 bud, you will vote against the amendment. If you at least want this work done, you will vote in favour of the amendment.

Thank you, sir.

The Bailiff: Deputy Oliver.

3140

Deputy Oliver: Sir, can I please say Rule 26(1).

The Bailiff: Can I please invite those Members who wish to speak in debate on this amendment to rise in their places, please? Is it still your wish, Deputy Oliver, to move the motion? (**Deputy Oliver:** Yes.)

3145

The motion is pursuant to Rule 26(1), that debate on this amendment, subject to hearing Deputy St Pier in reply, be terminated at this point. Those in favour; those against?

Members voted Contre.

The Bailiff: I will declare that lost.

3150

I am going to go with Deputy Burford next. Deputy Burford.

Deputy Burford: Thank you, sir.

I am a little concerned at some of the false equivalences that are being made because I really struggle to equate taking up a job, which you can leave the next day, or casting one of any 240,000 votes that get cast in an election and maybe voting for different people the following time, is in any way on a par with getting married. I cannot be persuaded by those arguments.

3155

I was rather brought to my feet, perhaps unsurprisingly, by Deputy Mahoney, because I do not think there are two trains going in different directions here. I do support 18 as the minimum age for marriage. I am quite sure if it had been 18 in our legislation and someone had brought a Proposition for it to be reduced to 16, people would go, what are you on, what are you thinking? It would be deemed to be completely mad.

3160

But on the gender stuff, which is not the subject of this debate, but just to say I would also be supporting no irreversible interventions for children and young people under the age of 18 and I am very pleased to see that Wes Streeting, the new Labour Health Secretary, has actually banned puberty blockers and continued the ban that existed from the previous government.

3165

As far as I am concerned the trains are going in the same direction and I support raising the age to 18 –

I will give way to Deputy Mahoney.

Deputy Mahoney: I thank Deputy Burford for giving way and that was why I was clear to say ‘some’ people. I appreciate some will say the same as me, that you should not be able to make those decisions but I would bet a pound to a dollar to a cent here that some people would vote one way on this but then would vote the other way. I thank Deputy Burford for giving way.

3170

Deputy Burford: Yes and I am quite sure some might but I think the consensus is certainly moving, and has been for some time, to both being 18 and I hope on that basis Deputy Mahoney will see fit to support this amendment, as it will be in line with the train going in the same direction on the other matter.

3175

Thank you.

3180

The Bailiff: Deputy Leadbeater.

Deputy Leadbeater: Thank you, sir.

3185 It seems like many Members are straying into general debate on a policy letter that has not even been written yet, to be honest, because this Proposition 2, isn't it?

To direct P&R to give consideration to raising the minimum age from 16 to 18 as part of any future review.

I think that they would probably give consideration to that anyway.

We have heard from Deputy Trott that P&R do not oppose this amendment so I think we should just crack on and vote purely on the amendment and not on the emotional side of whether it should be what age or whatever.

3190 Thank you, sir.

Two Members: Hear, hear.

The Bailiff: Deputy Soulsby.

3195

Deputy Soulsby: Thank you, sir.

I would like to get back to the amendment because we are not saying let us just change the age and get married right now but whether we should consider it is worth reviewing the age of marriage that we currently have. I do understand the emotion on this. These are personal issues. I understand Deputy Ferbrache putting his case very strongly why we should not look at it at all but, for me, I believe there is a case to be made, to look at the age of marriage that we have currently got.

3200

Deputy Le Tocq spoke about forced marriage and it is true, the younger you are, the more likely you are to be coerced, either by family or culture, or both, but there are other issues that do exist around marrying at a very young age. There is a likelihood of educational disruption, for a start. I know a lot of chances are far reduced if you do not get a good education at the beginning, along with not having financial dependency, which often goes hand in hand with getting married at a very young age.

3205

We also know, and it goes hand in hand with marriage and the reason for marriage in the first place, that there are increased health complications from pregnancy and childbirth at such a young age, as well as a higher risk of abuse and domestic violence. Also, ironically, talking about the rights to get married at 16, there is a higher likelihood of getting divorced when marrying at such an age. Talking about it is a right is one thing but whether it is a successful right is quite another.

3210

I did think we did go a bit off-piste with Deputy Mahoney talking about changing gender. I think any desire to do so at that age would require parental consent because it should not be forgotten that the definition of a child is in our Law, the Children's Law, and that is set at 18. So by definition in our Law, a 16-year-old is still a child.

3215

Now, there are arguments for the age of marriage to be reconsidered, especially now given that the Marriage Law itself is going to be looked at. It is not like it is setting in stream yet another piece of work. This will be something that can be looked at in the round and, given the arguments made by Deputy St Pier and others, I absolutely think it is something we should be looking at, at this stage.

3220

The Bailiff: Alderney Representative Roberts.

3225

Alderney Representative Roberts: Thank you, sir.

I was not going to speak on this but I do feel strongly about this. The age of consent at the moment is 16. So the consent and the right of marriage should remain the same and together. The age of consent means pregnancy can occur and those couples should be inclined to marry as should be their right. In other words, they can get pregnant but they cannot marry. That, to me, is totally wrong.

3230

Young people are maturing earlier these days and consideration should be taken to this. The age of consent and marriage should not differ. It is common sense. Do not take away a young

person's right to marry at a time when they have so many rights and adult responsibilities in this modern age. It would be a step in reverse gear with absolutely nothing gained.

3235

The Bailiff: Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Thank you, sir.

I am brought to my feet by some of the comments being made that I would like to address. The first one was Deputy Le Tocq's and I am very happy to give way in case I misinterpreted his comments because I believe he mentioned that keeping the age at 16 and not reviewing the age for marriage, potentially leads to legalisation of rape within marriages. I am very happy to give way to Deputy Le Tocq if I have misinterpreted what he has mentioned. Obviously, any kind of rape is illegal and just because potentially there may be a forced marriage it should not lead to a legalisation of rape within marriages. I am happy to give way for him to clarify the comment he has made in relation to legalisation of rape within marriages. Thank you.

3245

Deputy Le Tocq: Yes, I thank Deputy Kazantseva-Miller for allowing me to clarify what I was referring to. I was being as brief as I possibly could but it complicates matters if an arranged marriage occurs where, particularly the young woman, would not of her own accord be obviously willing to do so, and then is in a position where she is legally obliged and finds it difficult to make a complaint of that. It is certainly something that we do need to look at because in some cultures that is certainly the case.

3250

That is what I was referring to but I do think that there other ways of achieving that without taking away, necessarily, the right for those with responsibility and parental approval, to get married at 16.

3255

Deputy Kazantseva-Miller: Thank you, I am grateful to Deputy Le Tocq for clarifying that position. I think the issue I have got right now with this –

3260

I am happy to give way to Deputy Ferbrache.

Deputy Ferbrache: I thank Deputy Kazantseva-Miller for giving way.

She provoked in a nice way Deputy Le Tocq to intervene, encouraged him to intervene, but at one time the Law was you could not rape your wife. That was abolished a long time ago. That can happen whether somebody is 16, or 62, or 43, so I do not understand his analogy because you can rape a woman – a man too but it is generally a woman – within marriage. So I think that is a very poor analogy.

3265

Deputy Kazantseva-Miller: Thank you.

3270

The problem I have got with the current amendment and the proposals is that I believe, and it has been confirmed by Deputy St Pier, that there is no evidence whatsoever, right now, today, in our society, to show that there is any problem of keeping the age at 16. Deputy Soulsby gave some examples of potential problems of early marriage but, again, we have absolutely no evidence to show that that is a problem or that is the case.

3275

Deputy Burford mentioned that if the age happened to be 18 we would be thinking it was crazy to lower it to 16 but, again, we have had the age for marriage at 16, is there evidence of any problems right now in the community of that age being at 16? The problem is right now, as we speak, there is no evidence to showcase that there is a problem. Should we, as an Assembly, be concerned with this, given all the priorities and issues we should be dealing with, real, life-affecting problems our community is facing today and in the next five years? It does not sound like.

3280

If this was to become a problem then future P&R or whichever Committee will be involved can consider, based on any emergent evidence that problems might arise from keeping the age at 16, they can still consider this specific issue as part of any future review of the Marriage Law. Just as an additional point, this amendment is in relation to the Marriage Law Ordinance, which is making

3285 divorce easier. Yes, marriage is important, and it is a big step but actually we are making it easier and easier to also get divorced. So let us not get caught up in the argument that marriage somehow is also the end of it all and a contract for life because we are trying to make it flexible for couples if they deemed appropriate to do so, to divorce.

I am leaning to not voting for this amendment purely on the considerations because we do not have an identified problem and because this specific issue can still be absolutely considered by future P&R and nothing that can prevent them from having that consideration anyway without this specific amendment.

Thank you.

The Bailiff: Deputy Matthew.

Deputy Matthews: Thank you, sir.

I mostly think I agreed with the sentiments that Deputy Le Tocq expressed, especially in that, as a society, we just have not really done an awful lot to support parenting, especially for young people, supporting parenting. In fact, to an extent we have been actively hostile towards that concept. I think a lot of that has perhaps been driven by this fear that has existed for most of my life of over population and actually it is only in recent years that we have reversed that and realised the issues we are facing now are a dearth of births and we are facing things like having to close schools and all sorts of things because we have not got the demographics that we used to have years ago.

People have said they do not see an equivalence between the ages of marriage and voting ages, but actually I do. I think increasing the age to 18 would send a signal that 16-year-olds just are not mature enough to make important decisions. I think that contradicts our decision to lower the voting age to 16.

To that extent, I agree with Deputy Aldwell in her points and actually I also think that the age of marriage should match the age of consent because that is what would allow any young parents to legitimise their decision if they so wished, as Alderney Representative Roberts made very well in his speech.

For those reasons I would not support the amendment, although I accept it does mean that P&R is still able to consider these matters if they wished to. But for me I think it is unnecessary and I would not support the amendment for those reasons.

Thank you, sir.

The Bailiff: Deputy Dyke.

Deputy Dyke: Thank you, sir.

I think I do not have a lot of new things to say that have not already been said. But as a matter of basic principle, if we are going to pass a Law to ban something then there should be a clear reason to do so and, as Deputy Kazantseva-Miller has pointed out, there does not appear to be such a reason. If you start with that basic principle and agree with it then it might be best just to leave this alone and spend our time on all the other things we need to deal with.

The point that the marriage contract is such is that it is so serious and you can never get out of it, again, as Deputy Kazantseva-Miller has pointed out, we are about to change that. So I do not think that is really a point. Our friend, our Deputy from Alderney, has also made the point that there is some logic, and I think it is true, in matching the age of consent for sexual activity with the age of consent for marriage, given that one can lead to pregnancy and it is possible that you will in those circumstances want to get married. Possibly not.

I have not seen any reason to remove a right that is currently there by legislation so I would not vote in favour of this amendment.

The Bailiff: As I do not see any other Member rising, I will invite Deputy St Pier to reply to the debate on the amendment, please.

Deputy St Pier: Sir, a rather long debate that has brought out some strong opinion, which was inevitable. I do not intend to really respond to much in the debate to be honest because I think Deputy Leadbeater was the one who, as he often does with his direct comments, nailed it, when he reminded the Assembly that the Proposition is to give consideration to raising the minimum age for marriage as part of any future review. That is all that is being asked of the Assembly.

We have disappeared down some rabbit holes in relation to gender reassignment and Guernsey values. Guernsey values at one time were against same sex marriage. Guernsey values at one time did countenance or prevented a wife from complaining about rape from within a marriage. Guernsey values change and I would suggest that Guernsey values do not necessarily seek to embrace child marriage. As others have said, those under 18 remain children in accordance with the Children's Law and of course the equivalent of consent in sexual relations is not pure because actually to get married you need the consent of your parents, at the age of 16 or 17.

So I urge Members simply to focus on what is in front of them, which is simply a direction to give consideration for raising the minimum age of marriage from 16 to 18, as part of any future review. It is not tying up resources that might otherwise be used at a point that P&R would deem fit when they see it necessary to review that Law at some point in the future. It is a very simple amendment, as I said at the beginning, and I urge Members to support it.

The Bailiff: Members of the States it is now time to vote on the amendment to the Proposition, proposed by Deputy St Pier and now seconded by Deputy de Sausmarez and I will invite the Greffier to open the voting on the amendment, please.

Amendment.

There was a recorded vote.

Carried – Pour 21, Contre 16, Ne vote pas 1, Did not vote 1, Absent 1

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

The Bailiff: On this amendment, proposed by Deputy St Pier and seconded by Deputy de Sausmarez, there voted in favour, 21 Members; 16 Members voted against; 1 Member abstained; 2 Members did not participate in the vote and therefore I will declare the amendment duly carried, which means that we now have two Propositions.

Does anyone want to speak in general debate on the Propositions? I do not see anyone rising and therefore, what I am going to do to finish this Item is to ask the Greffier to open the voting,

when he is ready, on the two Propositions, as amended. Now is there any request to vote differently on the two Propositions, because the first Proposition now is to commence the 2022 Law, by the draft Ordinance, whereas the second Proposition is the consideration of reviewing the Marriage Law?

3370 Nobody is requesting a separate vote and therefore I will invite the Greffier to open the voting on the two Propositions together, please.

Propositions 1 and 2.

There was a recorded vote.

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

POUR	CONTRE	NE VOTE PAS	DID NOT VOTE	ABSENT
Aldwell, Sue	Roberts, Steve	Helyar, Mark	Oliver, Victoria	Bury, Tina
Blin, Chris				
Brouard, Al				
Burford, Yvonne				
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				
Parkinson, Charles				
Prow, Robert				
Queripel, Lester				
Roffey, Peter				
Snowdon, Alexander				
Soulsby, Heidi				
St Pier, Gavin				
Taylor, Andrew				
Trott, Lyndon				
Vermeulen, Simon				

3375 **The Bailiff:** In respect of the two Propositions, following the successful amendment, there voted in favour, 36 Members; 1 Member voted against; 1 Member abstained, 2 Members did not participate in the vote and therefore I will declare both of those Propositions duly carried and we will now close today's Meeting and stand adjourned until 9.30 in the morning.

The Assembly adjourned at 5.32 p.m.