



**OFFICIAL REPORT**

**OF THE**

**STATES OF DELIBERATION**

**OF THE**

**ISLAND OF GUERNSEY**

**HANSARD**

**Royal Court House, Guernsey, Wednesday, 23rd October 2024**

*All published Official Reports can be found on the  
official States of Guernsey website [www.gov.gg](http://www.gov.gg)*

**Volume 13, No. 20**

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

**Representatives of the Island of Alderney**

Alderney Representatives E. A. J. Snowdon

**The Clerk to the States of Deliberation**

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

**Absent at the Evocation**

Deputy J. F. Dyke (*indisposé*); Deputy S. J. Falla (*absent de l'île*);  
Deputy M. P. Leadbeater (*relevé à 9h 56*); Deputy R. C. Murray (*indisposé*);  
Alderney Representative S. Roberts (*relevé à 9h 56*)

## Business transacted

Evocation .....	1479
Convocation .....	1479
In Memoriam – Former Deputy Russell and former Deputy Collenette .....	1479
<b>Statements .....</b>	<b>1481</b>
General update – Statement by the President of the Committee <i>for</i> Education, Sport & Culture .....	1481
General update – Statement by the President of the Committee <i>for the</i> Environment & Infrastructure .....	1494
<b>Questions for Oral Answer .....</b>	<b>1507</b>
Bailiwick ports and airports – Maximising commercial activity and treating as economic enablers .....	1507
Conviction in 1942 of a number of police officers – Publication of policy letter .....	1511
Appendix Reports .....	1513
Guernsey Legal Aid Service 2023 Annual Report – Motion to debate carried .....	1513
Scrutiny Management Committee Annual Report 2023 – Motion to debate withdrawn .....	1514
<b>Billet d'État XVIII .....</b>	<b>1515</b>
Legislation Laid Before the States .....	1515
The Income Support (Guernsey) (Amendment) Regulations, 2024; The Social Insurance (Contributions) (Amendment) Regulations, 2024 .....	1515
Legislation for Approval .....	1515
1. Domestic Abuse and Related Provisions (Bailiwick of Guernsey) Law, 2024 – Proposition carried .....	1515
2. Tobacco Products (Guernsey) (Amendment) Ordinance, 2024 – Debate commenced .....	1522
<i>The Assembly adjourned at 12.31 p.m. and resumed its sitting at 2.30 p.m.</i> .....	1524
2. Tobacco Products (Guernsey) (Amendment) Ordinance, 2024 – Debate continued – Proposition carried .....	1524
3. Publication of Official Notices (Guernsey) Law, 2024 (Commencement) Ordinance, 2024 – Proposition carried .....	1526
4. Contributory Benefit and Contribution Rates for 2025 – Propositions carried .....	1527
5. Report by the Guernsey Appeals Commissioner on the findings of the Investigation Panel dated 21st April 2023 relating to three Code of Conduct complaints – Proposition carried .....	1540
Appendix Report .....	1556
Guernsey Legal Aid Service – 2023 Annual Report – Report noted .....	1556
6. Schedule for Future States' Business – Proposition carried .....	1561
<i>The Assembly adjourned at 5.17 p.m.</i> .....	1563

*PAGE LEFT DELIBERATELY BLANK*

# States of Deliberation

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

[THE BAILIFF *in the Chair*]

## PRAYERS

*The States' Greffier*

## EVOCATION

## CONVOCATION

**The Deputy Greffier:** Billet d'État XVIII 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, 23rd October 2024, at 9.30 a.m. to consider the items listed in this Billet d'État, which has been submitted for debate.

5

## In Memoriam –

### Former Deputy Russell and former Deputy Collenette

**The Bailiff:** Well, Members of the States, sadly we must start this Meeting by paying tribute to two former Members of the Assembly. That is Deputies Brian Russell and Rodney Collenette.

A former Deputy for St Peter Port, Brian Russell died on 5th October, aged 86, and former Deputy for the Vale, Rodney Collenette, died on 17th October, aged 87. Rodney Collenette's service fell within the last term served by Brian Russell, so from the election in 2000 for roughly three years they were contemporaries.

I will start with Brian Russell, who was born in Guernsey on 10th May 1938. After leaving school, he went into the hotel trade and was, for many years, with a group which ran several hotels in St Martin's. He was also a lead in the Guernsey Hotel and Tourism Association (GHATA). He was the brother of the late former St Martin's Douzaine representative, Bob Russell and, although he also lived in St Martin's, he chose to stand in St Peter Port, as many then did.

After an unsuccessful attempt in 1985, he was elected as a St Peter Port Deputy at the 1988 General Election but he lost his seat in 1991. He then rejoined the States at a by-election in early 1993, which was caused by the resignation of Deputy Valerie Renouf on grounds of ill health and thereafter he served until he retired at the 2004 General Election.

During his time as Member of the States, Brian sat on various Committees. During his first term as a Member, he was initially elected to the Arts Committee and the Board of Health and later he joined the Tourist Board and the Post Office Board. When he was re-elected to the States, he was again a Member of the Tourist Board for several years. Those were the days when being from the hospitality sector was regarded as an advantage for membership of the Tourist Board.

Brian was also a member of the Island Reception Committee and the Liberation Day and then Liberation and Millennium Celebrations Committees. Later he did short spells on the Horticulture Committee and the States' Education Council but resigned from those Committees on becoming  
30 the President of the Board of Health.

After his earlier membership of the Board of Health, Brian had rejoined that Committee as a non-States' Member in 1992 and he continued in that capacity until 1997 when he moved to a States' Members' seat on the Board. He became its President in early 1998 when Conseiller Sue Plant resigned from the States.

35 He held the position for fewer than three years, resigning in 2000, citing difficulties working with some fellow members of his Board. His resignation letter, as published in the Billet for that year, includes the words:

It is no secret that I find the current Committee system inappropriate for running a health service. I would prefer a ministerial system.

He was succeeded as President by Deputy Roffey. It is apparent that Brian had been a dedicated  
40 President. His previous hotel experience was beneficial when the Board introduced a cook-chill process for hospital catering. I further understand that on a CPA trip to the Isle of Man, Brian chose to visit a brand-new hospital in that Crown Dependency, rather than taking organised tours offered.

He was compassionate on social and disability issues. Outside interests included a passion for steam trains and he had wanted to experience all the remaining lines across the UK. Brian was predeceased by his wife Paulette, leaves daughters Hayley and Sara, grandchildren and a great  
45 grandson, along with wider family, to all of whom we extend our sincere condolences.

Rodney Collenette was born in St Sampson's on 7th November 1936. He qualified as an accountant and only finally retired from what has become Collenette Jones at the age of 81. Two of his sons are directors and, perhaps typically, his focus was on working with small, local firms, rather than reaping the more lucrative work no doubt offered by larger accounts.

50 As was customary in those days, Rodney was a member of the Vale Douzaine for many years and later went into politics. He first sat on a States' Committee many years before he became a States' Member, joining the Arts Committee in 1991. He remained on that Committee right through to the end of his time as a Deputy.

He took office as a Deputy for the Vale on 1st May 2000. He resigned from the States in May  
55 2003, on the grounds of ill health, but fortunately his health recovered and he was able to resume an active life right up until his recent demise.

In his time as a Member of this Assembly, he served on only three Committees, the aforementioned Arts Committee, briefly on the Electricity Board before it was commercialised, and on the Heritage Committee. I can recall giving advice to that latter Committee, particularly about  
60 the demolition of the old prison to create space for the modern extension to this Royal Court building.

Throughout his life, broadly reflected in those Committees on which he sat, he loved music, singing and the arts generally. He was a member of several choirs, including the Guernsey Choral and Orchestral Society and indeed he had sung in the Town Church Choir, of which he had been a  
65 member for decades, only days before his death.

Together with Richard de la Rue, who took his seat on the Arts Committee; as well as others, he was very much at the forefront of the successful campaign to save the former Church of St James from demolition and to make it into the arts and entertainment venue it is today. He was also a member of GADOC. Many people will recall his stand-up routine as the archetypal old Guernseyman  
70 Algernon Le Gallichon. Rodney was a proud Vale resident so his on-stage alter ego was frequently rather scathing of his rather slow-witted cousins, who lived in the upper parishes!

Many of us will have fond memories of Rodney's abilities as a raconteur and I, for one, will miss the jokes he told. A particularly memorable one being about a pig and a wheelbarrow! His love of

his native Island was reflected in his longstanding membership of La Société Guernesiaise. He was  
75 a member of its council for nearly 20 years and was elected as its President in 2011.

Rodney leaves his wife Liz, sons Jon, Mike and Phil, and grandchildren, along with wider family,  
to all of whom we also extend our sincere condolences.

Members of the States, this month we have lost two true Guernsey gentlemen so will you now  
please join me in rising for a period of silence, to honour the memories of former States' Members  
80 Brian Russell and Rodney Collette.

*Members stood in silence.*

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

## Statements

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

**The Bailiff:** Our first item of business, for real, will be a Statement made on behalf of the  
85 Committee for Education, Sport & Culture, and I invite the President of that Committee, Deputy  
Dudley-Owen, to deliver that Statement, please.

**Deputy Dudley-Owen:** Sir, I will start this update as I mean it to go on: with good news. Today  
we publish the latest external inspection report from Ofsted. It confirms, following a less favourable  
90 report in summer 2022, that Les Voies School has made great strides and is now judged to provide  
a good quality of education to its students; to have good leadership and management; that the  
behaviour and attitude of its students is good; and that the school's approach to, and support for,  
student's personal development and welfare is also good. This also follows a reinspection for  
St Sampson's High this June that confirmed an equally impressive leap forward.

95 The dedication of the leaders and staff in these schools – and in fact in all our school settings  
and education services – is to be applauded. All too often, we can be quick to judge but slow to  
praise, so I want to encourage Members to join my Committee in recognising these achievements  
and to give praise where praise is due.

100 We are proud to say all of our external inspections now show that schools and settings in the  
Islands compare well with those in England. Behaviour, personal development, and early years are  
particular strengths locally, with higher proportions of our settings judged as good or better than  
in England in these areas.

105 We know, via the honest and open discussions that take place in our interim governance  
meetings, that a very small number of our settings need – and are getting – additional support to  
reach the right standard; and we know, because I have just demonstrated that we have done it  
elsewhere, that rapid improvement is possible. We also want to increase the proportion of schools  
judged as 'excellent' across our indicators, so we score at least as highly as England at this higher  
level too.

110 Speaking of education governance, we have been delighted by the response to our call for  
community representatives to join our Interim Governance Boards. We have had the privilege of  
interviewing candidates over the last few weeks and were blown away by the quality of  
applicants. This week we commence their induction programme and, subject to final safeguarding  
checks, our Community Reps will attend their first Interim Governance Board meetings, next month.

115 A quarter of these positions have been filled by people currently serving on School Committees, and we are thrilled that their expertise and knowledge will also be put to good use in these wider roles. We plan to onboard parent and staff representatives early next year, as the final piece of our proof-of-concept work, running in parallel to the development of long-term governance proposals to be published next month.

120 Although he is not here today, I would like to place on record my thanks to Deputy Falla, who now represents the Committee for Economic Development on the Sixth Form Centre's Interim Board, with Deputy Vermeulen as well, already filling a similar role for The Guernsey Institute, alongside industry representatives.

125 Turning next to educational outcomes, this year the overall achievement of full-time learners aged 16 to 19 at TGI College improved on 2023's outcomes by 5.9% to an 86.9% achievement rate, this is 7% above the equivalent UK figure. One hundred and 80 apprentices completed and achieved their qualifications, bringing our achievement rate to 74%, outperforming the UK by 20%. The TGI's University Centre supported 15 students to complete their nursing degrees, eight of whom gained first class honours. At the Sixth Form Centre, there was a 100% pass rate in IB subject certificates and a 98.1% pass rate in A-levels.

130 Across the Islands, 69.8% of all GCSE results were graded 4 and above. This compares favourably to England where the same measure was 67.4%, and we want to widen this gap in future years. Our focus on English has proved successful, with the percentage of students in States' schools obtaining at least a Grade 4 in English increasingly out-performing England.

135 The results from standardised assessments of reading in primary schools are extremely strong, with performance at the end of Year 6 significantly above the equivalent in England.

I have previously said that maths is now receiving a focus similar to that for English, across all phases. Results from standardised assessments in primary schools have risen since 2022, but there is still work to do and it will take time to see the full benefit of these efforts.

140 Alongside the focused work taking place inside our classrooms, we remain focused on our construction programme at Les Ozouets. Members will have seen that the old St Peter Port School building has been entirely demolished, and enabling works, such as the construction of a new on-site roadway, are underway. The second phase of the construction tender process is due to complete next month, and we remain on track to complete Phase 1 of the new build in early 2027.

145 Alongside this, education digital transformation has continued at pace. All schools now have improved networks and Wi-Fi; teacher devices have been upgraded and new student desktop devices have been rolled out. Four hundred and eighty-five interactive screens have been installed in classrooms right across the Islands and 4,300 – I will repeat that, 4,300 – new student devices, Chromebooks and iPads, are on order and will be rolled out over the next six months. Google and Apple domain consolidation and upgrade is underway, and we have commissioned Google, Apple and Microsoft strategic partners for support.

150 Alongside this, a new staff upskilling programme has been commissioned and is being rolled out. This is vital to ensure the new technology is exploited and used consistently, so that teaching and learning keeps pace with rapidly evolving advancements, and our students are well-equipped for the modern workplace or the next phase of their education journey.

155 Sir, our schools, settings, HR and communications colleagues have developed a new recruitment strategy that has successfully reduced our reliance on agency teachers. Of a total teaching and lecturing headcount of 621 people, in September 2024 only 27 were agency staff, some of whom are intentionally placed in line with our workforce strategy because we will need fewer teachers in the secondary phase when the new target operating model goes live in September 2025.

160 In the primary phase, using diverted rather than new money, we have created a small pool of full-time, Island-wide teachers. These teachers are deployed to primary schools needing cover for short-term absence, or to release teachers to attend training and development opportunities. Our Island-wide teachers also have full access to our CPD offer, which means they provide consistent teaching based on current best practice. They also gain experience in a range of settings and year



165 groups and provide a talent pool from which we can draw should in-year vacancies arise. We are now exploring whether a similar arrangement might work in the secondary phase.

September saw the launch of our new Code of Practice for children and young people with additional learning needs. Following this initial implementation period, it will be fully embedded for the start of the next academic year. The education leadership team has also launched a programme, 170 pioneered using our in-house expertise, supporting the development of high-quality inclusive teaching practice across education. These two initiatives together are a springboard which will make for the biggest transformation across education. Simply put, as pedagogy improves, so do outcomes for learners.

For the youngest members of our community, the Early Years team is delivering a programme 175 to staff in the Islands' private nurseries and pre-schools leading to a formal Special Educational Needs qualification. We know that recognising the early signs of additional needs, and putting the right support in place straightaway, improves educational outcomes and life chances.

In combination these three initiatives, which align with the principles of the Island's Prevention of Discrimination legislation, aim to ensure that the needs of every child and young person are met 180 and that they are appropriately supported all the way through their individual developmental and learning journeys.

And speaking of our youngest children, the States' Early Years Team, which comprises professionals from ESC and HSC, hosted our fourth Joyous Childhood Conference for the Early Years work sector in September. Guests included six international Early Years specialists offering a variety 185 of workshops and learning opportunities, and we were fortunate indeed to host the energetic and inspirational Baroness Floella Benjamin as the keynote speaker.

The Early Years integrated team model, forging partnership working between HSC and ESC, is being investigated across other service areas via the work of the Special Educational Needs and Disabilities Alliance.

190 Members should be reassured that, guided by our Education Strategy, education in Guernsey over the last four years has been undergoing a significant transformation, being modernised and improved for the 21st Century.

Turning to other areas of our mandate, this Statement affords me the opportunity to comment on the Committee's 2025 financial position. Our Budget submission requested an uplift that would 195 enable us to strengthen the work of Arts Commission; allow the Sports and Health Commissions to progress all aspects of the Plan for Sport; and support the community work taking place at St James'.

These organisations support the physical and mental wellbeing of Islanders and, done well, their work reduces some of HSC's burden, and enhances Guernsey's attraction to locals, visitors and relocators alike. Much of that uplift does not feature in the proposed 2025 Budget, so we are 200 supporting those bodies to do what they can with much more modest resources than they and we had hoped. Sir, through you, I urge members to keep in mind these real-world implications when we debate the 2025 Budget in a couple of weeks' time.

Progress is being made on the Beau Séjour Sustainability Review, working towards a sustainable and future-proofed target operating and delivery model for community leisure, if indeed that is 205 what feedback tells us our community wants and needs. The Committee hopes to report back to P&R with initial findings, including a needs analysis and future options, in Q1 2025.

This review presents a significant opportunity for a whole system approach to community leisure, also supporting the physical and mental wellbeing of Islanders, mindful of current and future challenges facing the Island. We continue to support the Sports Commission and the Health 210 Improvement Commission to deliver the Plan for Sport, despite the financial challenges I have mentioned.

Culturally, today we have issued a media release which begins to set out the plans that are well underway to help us mark the 80th anniversary of the Island's Liberation. The Town seafront and piers will host a wide range of entertainment and activities on 9th May, with other events taking 215 place across the Island both on and around Liberation Day itself, ensuring this milestone anniversary of one of the most significant days in our Island's history is a memorable one for the whole

community, as we really do start to see the memory of our first Liberation Day in 1945 passing from living memory into the history books.

And finally, sir, as you personally know from your own offices' activities, we are strengthening our links with Normandy, with early stage planning to take some post-16 students to the Global Peace Forum next year in Caen, and work starting with colleagues from a number of jurisdictions to collectively make plans to celebrate the life and legacy of William the Conqueror as we excitedly look towards the 1,000th anniversary of his birth in a couple of years' time.

Thank you.

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

Now, Deputy Leadbeater and Alderney Representative Roberts, is it your wish to be relevéd?

**Alderney Representative Roberts:** Yes please, sir.

**Deputy Leadbeater:** Yes please, sir.

**The Bailiff:** We will mark you both as here.

There is now an opportunity for Members to ask questions on any matter falling within the mandate of the Committee *for* Education, Sport & Culture.

Deputy Gabriel.

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

I was pleased to hear the update from the President and I would like to ask her about education head count. She mentioned there are 621 educational providers, with only 27 being agency. But she did not mention any vacancies and I would like to know if she has the vacancy rate and if it is healthy or not and what the challenges are around vacancies in education?

Thank you.

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

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

I am grateful to Deputy Gabriel for the question. The vacancy rate is a positive one insofar as it is lower than it has been in previous years. I have not got the exact figure to hand but I am happy to, in accordance with our Rules which allow me some time to respond to that question, I think it is Rule 10, in due course.

Certainly, to say the challenges remain in maths and science and that is as a result of what we know is a global challenge in recruiting teachers in those particular subjects and that has occurred for various reasons. Certainly, we are tackling those challenges head on and in a creative way and seeking to be the best we can with the resources that we currently have. But yes, I am happy to provide the vacancy rate shortly.

**The Bailiff:** Deputy Gollop.

**Deputy Gollop:** Deputy Dudley-Owen has already touched on one theme and I am afraid I am partially responsible, maybe, for some of the problems, but I would like to know whether Education, Sport & Culture, within the extreme limitations of their budget, which they wisely used for Liberation Day, schools and everything else, and sports, why we cannot have perhaps more support for the arts, if possible? Because I hear through the grapevine that some arts organisation, post-COVID, are not finding it as easy as they did to find sponsorship or alternative means of funding, but they do contribute to social prescribing, they contribute to wellness,

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

**Deputy Dudley-Owen:** Thank you, sir, and thank you to Deputy Gollop for his question because he focuses on a very important part of our mandate, which sits within the S&C and indeed Deputy Gollop will know that the Budget submission from the Committee reflected our support for those commissioned services.

It is also very well known, now, that many of these organisations are finding it extremely difficult, if not impossible, to find funding outside of the States, therefore I will say that we are trying our best to support these organisations and it is a conversation that will be looked at and debated in the forthcoming Budget debate where we will be able to give far more detail about that.

**The Bailiff:** Deputy Le Tissier.

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

During the education debate, there were two amendments proposed by Deputy Roffey and they were both carried. To paraphrase, because I only have limited time, it instructed ESC to return to the States with proposals for devolution of powers to the proposed governing bodies and to return to the States with a supplementary policy letter.

Now, according to *Hansard* at the time, Deputy Trott warned that if you did not do so there would likely be a vote of no confidence and he would be one of the proposers. I would like to ask when we might expect to see this, bearing in mind the dates for applications to the Interim Governance Boards closed in September, so it seems rather late now?

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

**Deputy Dudley-Owen:** Thank you, sir, and thank you to Deputy Le Tissier, because I think it affords me the opportunity to make the clear distinction between governance and the model that we are trialling in Committee, which is actually part of our mandate, because education governance is part of the Committee mandate. It is our duty to do so and this is the way that we have chosen to do it.

Also, the question of devolution and delegation of powers, which actually to a large extent, sits with Policy & Resources, because they have the responsibility for enabling services. Indeed, work has continued and, as I said in my update Statement, which Deputy Le Tissier I am sure heard, we are planning to come to the Assembly in the very near future, publish our proposals before the end of the year, for the governance model and we will, obviously, be talking about devolution and delegation with that scope.

**The Bailiff:** Deputy de Sausmarez.

**Deputy de Sausmarez:** Thank you, sir, and I thank the President for her update. My question follows on from Deputy Gabriel's, actually. I was really pleased to hear that reliance on agency staff is down and that vacancies seem to be positive, and I am not expecting the President to have this information at her fingertips but she might be able to bundle it into the information she is sending around in response to Deputy Gabriel.

Irrespective of those facts, there does seem to be a high amount of churn within and between the schools, which seems to be causing a fair bit of disruption in some quarters. I know one child, for example, that will have had four form tutors in just nine months, with very little notice of those changes and obviously that is a pastoral role, so it is quite disruptive. I have had reports from different parts of the school estate. There do seem to be a lot of changes and I wondered if she might be able to add that information into the information that she will circulate in response to Deputy Gabriel's question?

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

**Deputy Dudley-Owen:** Thank you to Deputy de Sausmarez for raising that and yes, we will look into that and respond.

**The Bailiff:** Deputy Soulsby.

**Deputy Soulsby:** Sir, there are growing calls amongst many, such as the Sutton Trust, National Literacy Trust, to improve our oracy in schools and give an equal status to literacy and numeracy, due in part to the life skills it gives, such as confidence, motivation and resilience. Can the President provide assurance that the Committee are ensuring oracy is embedded in all elements of school life and provide a brief example?

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

**Deputy Dudley-Owen:** Well, thank you to Deputy Soulsby for raising this and actually I have heard Deputy Soulsby speak about this before when we engaged in the Women in Public Life conversation last year, I think it was. Certainly, in terms of the all-encompassing literacy, it is absolutely vital that children are able to read, write and communicate and very well. Speaking is something that we know has been an issue, actually raised in our Early Years, 19% of our little children are not entering school with speaking skills and this is a real concern for us.

The focus on English, so to speak, or literacy, has been very sharp over the last few years and we have assessments and Ofsted inspections that show that reading is a strength in all phases and work is underway to develop writing in line with recent research and there is a greater focus on handwriting for younger children, crafting effective sentences, etc. And speaking and talking is a vital part.

We know that behaviour is a form of communication but giving children the oral skills to be able to effectively articulate their feelings is vital in relationships. Yes, it is a really important area and Deputy Soulsby is absolutely right to focus in on an area that the Committee has rightly prioritised.

**The Bailiff:** Deputy St Pier.

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

It is appropriate, given your earlier comments about the late Deputy Rodney Collenette to refer to the States' decision in February 1990 to agree the States would provide an annual grant to St James' in 1990 that was to be £45,000 and to approve provision of a suitable sum for the purpose of making an annual grant, which will be included in the Budget for 1991 and subsequent years.

I appreciate that Deputy Dudley-Owen has not been the President of all the responsible Committees since 1990. However, would she agree with me that the States, even if they have managed to honour the letter of those Propositions, have probably not honoured the spirit and this Assembly, and all States' Members need to understand the consequence of that, indeed for St James' and the wider community?

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

**Deputy Dudley-Owen:** Yes, thank you and thank you to Deputy St Pier for raising that. He and I sat in a meeting with Deputy Soulsby not that long ago actually, with the management of St James', the board of St James', talking about this. Obviously, as a former Treasury Minister, he will know that it did not manifest itself on his watch, either.

Yes, there has been a long history of under-funding of some of these organisations. I do not really want to go into the Budget debate now but this will be the subject of mine and Deputy Haskins' focus when we debate in the forthcoming weeks.

**The Bailiff:** Deputy Inder.

**Deputy Inder:** Thank you for the update.

375 Maths forms the basis of all careers, effectively. You need it all through life. In the President's update, she went on to say that recruitment of maths teachers is a global issue. I think that is what she said. Would the President consider declaring staff retention in maths as a critical shortage and work with P&R to find a solution that may include greater enhancements of all the packages to fix that?

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

**Deputy Dudley-Owen:** Thank you to Deputy Inder for asking what, often, is a thought-provoking question, which standing on my feet, being able to declare yes, we could do that, or no, it is not a good idea, is actually difficult. It raises the spectre of a consideration. We have  
385 actually been working, obviously, with P&R, via the HR services to ensure, because we were getting to a critical point in our recruitment and retention, not just for maths teachers but actually we have now stabilised, obviously with the stabilisation of the Secondary School Partnership, now that the staff reorganisation has completed and we have some certainty in terms of our post-16 environment to a greater degree, that has helped immensely.

390 The UK is offering subsidies for their teachers. They are seeking to train 6,000 more in short order. We need to look at what we are offering our staff members. ESC is not in control of the Budget for employment of staff and certainly that is something that we do speak to P&R about but again, looking at the wider strategic picture, it is all about the money that we have got in our coffers and we do not have much at the moment and obviously that will be covered, again, in the Budget  
395 debate coming forward.

So, yes, we are absolutely focused on recruitment. I will take the thought away from Deputy Inder and we will think about that and come back.

Thank you.

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

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

Can I ask the President what improvements are being provided in specific support for high achievers and pupils with additional needs because I note that, even in the latest Ofsted report, with  
405 respect to Vauvert Primary School, they are mentioning the fact that this was an area for improvement and I know that a number of parents are concerned now with the relationship between the private schools and the public school system that in fact specific support should be given to the additional needs for high achievers and pupils with needs of their own particular ability area.

410 Perhaps the –

**The Bailiff:** Deputy de Lisle, the time for asking the question has expired, so Deputy Dudley-Owen to reply, please.

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

From Deputy de Lisle's question, thank you to him for asking, we really need to go back to the area that I spoke to in my update speech, where we have introduced a code of practice for additional learning needs and also, in tandem with that, the high quality in inclusive practice that is being  
rolled out to improve pedagogy across the system.

420 It is absolutely; the high quality and inclusive practice and the principles therein, speak exactly to what Deputy de Lisle is asking about. The practice and the approaches employed by staff through the practice are going to increase the ability for those learners that he is specifically talking about to be stretched and challenged and go to a depth that they are capable of that others in the classroom might not be able to.

425 It is about providing the specialists in front of them, the teachers themselves, to be working with those students and to be taking them further and deeper than the other learners within the classroom might be. Of course, if we are in a mixed ability cohort, then all of those learners need to have the attention from staff members and it is about adaptable, agile teaching and being able –

430 **The Bailiff:** Deputy Dudley-Owen, your time for replying has also expired.

**Deputy Dudley-Owen:** ... to meet the needs of each child.

**The Bailiff:** Deputy Burford.

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

My question follows on, to a degree, from that of Deputy Inder. To what extent, if any, does the President consider that the current recruitment framework that has to be followed hampers recruitment of teachers in particular in STEM subjects?

440 Thank you.

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

445 **Deputy Dudley-Owen:** Thank you to Deputy Burford for the question because a special focus, as I have said, has been given on recruitment and retention over the last year, by various elements of the States of Guernsey, in order to start to look at recruitment in a different way, advertising campaigns starting to be more targeted around that and more creative in terms of platforms that we are using and we really did have a pleasing number of applications; and, obviously, the fact that we are recruited to in the way that we are is really pleasing, at the beginning of this year.

450 But also there is a view of taking learnings from those experiences and making things better, improving on what was not done so well but strengthening what was done well. We know that accommodation remains a serious problem for all our recruits, whether they are in STEM. We know that there is a short window between the start of term, which creates pressure for admin, which can be a problem for new staff, and we are looking to improve onboarding processes.

455 The new recruitment campaign launches early in 2025 and there are revised Visios and other marketing materials. Certainly in terms of targeting STEM, this is an area, following on from Deputy Inder's question about do we have a crisis in that area, there is global shortage and it is about making sure that we are a really attractive jurisdiction for staff members to come to. If we can pay them well then that really helps but it does raise the –

460 **The Bailiff:** Deputy Dudley-Owen, once again the time for answering has expired.  
Deputy Oliver.

**Deputy Oliver:** Thank you, sir.

465 Many little girls nowadays are actually developing earlier than they used to. Within primary schools there are very few facilities for changing rooms or anything. They do have sports three times a week and I know, particularly, not the infants, it is more the juniors that really start to get a little bit embarrassed. I know my daughter is saying, mummy, how come whenever you go everywhere there are male and female toilets and changing facilities, yet in my school there is not?

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

**Deputy Dudley-Owen:** Thank you to Deputy Oliver. I know what she is referring to. I am aware of this issue and I am aware that it is being dealt with operationally, working with a particular school. But she is absolutely right. It is something that possibly, if you have got older children, you may not be aware that in the last 10, 15 years, little children have begun to develop and mature their

pubescence earlier and it is something that we need to be cognisant of in terms of how we are also delivering PSHE as well and working with our SHARE nurses and also the facilities that we are providing our juniors in primary school.

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

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

The compulsory school age in Guernsey is from five years old, even though children are expected to start Reception at four. This means that some parents may decide it may not be beneficial for their children to start Reception at four, but to delay the start till when they are five. This may be specifically pertinent to children that may be summer born.

I am very grateful to the Committee for engaging in a very constructive and proactive manner on the recent case of a premature summer-born child, whose parents wanted to delay the start of their Reception until they were five. This case highlighted that this area of policy and guidance required improvements by the Committee. Could the President give us an update when this policy update will be completed?

Thank you.

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

**Deputy Dudley-Owen:** Thank you and thank you to Deputy Kazantseva-Miller, who did actually give me advance notice of the question this morning. But I have not had the response in terms of the exact date that the review would be completed but I would like to thank Deputy Kazantseva-Miller for working constructively with the Committee on this matter and also representing her constituents in this matter, which has assisted us in getting the customer, the parents' view of the policy and how it has affected them in a real life way and will obviously contribute very constructively to the review of that policy.

**The Bailiff:** Deputy Vermeulen.

**Deputy Vermeulen:** Thank you for your update, President.

In your answer to Deputy Burford, you were talking about matters that affect retention of teachers and you touched on housing. Would you agree with me that the availability and affordability of connectivity to and from the Island, with friends and family also visiting teachers, has a large effect on your retention?

**The Bailiff:** I am not entirely convinced that that falls within the mandate of this Committee but, Deputy Dudley-Owen, do you want to reply?

**Deputy Dudley-Owen:** I would like to thank Deputy Vermeulen for tying that in rather cleverly, if not slightly tenuously. Indeed. When staff members who are guest workers, so to speak, are coming to relocate into Guernsey, of course it is a factor. They are moving to an island and that is completely different to living on the mainland so, alongside that, come the challenges that living on an island can present and I think that sometimes it is a surprise to members of staff about our connectivity; but equally so we do know to balance that train fares are not particularly cheap in the UK, where people have to spend money cross country, or indeed air fares.

I would say that the frustrations lie more often in not being able to get off the Island because of fog and weather, rather than the price of connectivity, which I think sometimes some people do complain about but I would not say that it is a particularly high factor in retention, people moving off because of the connectivity issues. But obviously it must play a factor for some members of staff but it is not something that I have heard of in our top three priorities around retaining staff. But obviously, Deputy Vermeulen, it will play a factor for some.

**The Bailiff:** Members of the States, the 20 minutes have expired but as there are still Members wishing to ask questions, in particular any Member who has not yet asked a question, then we will continue with questions to the President of the Committee *for* Education, Sport & Culture for a short time. Quite how long that will be remains to be seen.

Deputy Blin.

**Deputy Blin:** Thank you, sir, and I would like to thank the President for a very good Statement on all aspects of education.

I would like to ask her, historically Guernsey has always had a contingent of ESOL or EAL teachers to help, whether they be pupils, from Portugal, Madeira, Latvia over the years. Since the removal of the five-year population, the changing of the EPP portal and therefore an increase on the eight-year long-term permit, has this had any impact on the need of resources for more ESOL teachers and has this had any impact on the monetary strain on resource?

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

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

Thank you to Deputy Blin for his question because it is one that has been of interest to the Committee and has been revealed within the scope of our Interim Governing Board work, which goes to show the value of that work. We know that, for example, in our Town schools, we have a greater number of different languages being spoken than we may have experienced before and that, yes, obviously, you do need the English as an additional language (EAL) support that that brings with it.

But we also know that once children have become fluent in a language that actually, being bilingual allows them to sometimes leave a bit ahead of some of their peers because of the benefits that having the dual language affords them in their cognitive abilities. There are two factors there. Also in terms of the vulnerabilities, we have got a bit of a blunt tool to measure vulnerabilities and EAL is classed as one of those. It is something that is a theme that has arisen from our work on the Interim Governing Boards and we are exploring that, alongside uniform allowance.

But yes, Members will have heard me talk about the extent of different languages spoken in our Town schools, especially that has risen and actually being seen across the Island but invariably it does provide a need for different resources.

**The Bailiff:** Deputy Gollop.

**Deputy Gollop:** Thank you.

As a partial follow-up to Deputy Le Tissier's question, I have had the honour recently to be chairing the parochial working party, the Douzaine Liaison Group. We had a great presentation from Deputy Dudley-Owen on both Liberation Day and the education governance. My question is, although the new system is coming into play and we welcome the quality of the candidates that are clearly coming through, do we still need, for the foreseeable future until we see the Law, to elect people at the forthcoming parochial elections and as a Douzenier I am aware that the school committees will continue and should attract candidates and that system will continue indefinitely up until the States, through legislation and debate, change the system, assuming we do? Is that correct?

Although we are in a transitional mode, that does not mean the existing system must come to an end.

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

**Deputy Dudley-Owen:** Yes, thank you Deputy Gollop, for seeking to clarify that point because it is very important. The school committee system, which is currently, as required by Ordinance for



the existing Education Law, provides committees for just over half the amount of schools that we have and also is very much required to focus on buildings and behaviour, or conduct and facilities.

That is one of the reasons that the wider scope of the IGBs, which allows every single school to have a Governance Board, and a very broad view for those governors to be able to support the head teachers, has been put in place as part of our mandate to govern education.

But absolutely, we need to think pragmatically that those school committees that do currently exist for a limited amount of schools, until the new proposals are approved and then the Ordinance is implemented, that is a *status quo* that remains. But school committees are aware of this and as per the Douzaine Liaison Group, we have been liaising with the parishes as well.

**The Bailiff:** Deputy St Pier.

**Deputy St Pier:** Thank you. A lot of exercise this morning, sir.

Deputy Dudley-Owen has acknowledged on behalf of the Committee the work which needs to be done and is being done in relation to improving outcomes in English and maths in particular. Is she in a position, either now or subsequent to the Meeting, to be able to articulate what the ambitions are, what are we aiming for, what does good look like? What, in due course, once the steps that she has referred to have been taken, should we be expecting in relation to those subjects and over what kind of timeline? I accept that if she is not in a position to do that now on her feet, it would be useful, perhaps, for Members to receive that in due course.

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

**Deputy Dudley-Owen:** Yes, thank you and thank you to Deputy St Pier.

What we as a political Committee have not done is said that we are aiming for a specific number target but, clearly, it is an aspiration of ours to increase the amount of young people leaving school with a Level 2 pass in literacy, in maths, and English. Sorry, I said literacy, I meant English and maths. So those two qualifications are, we know, a benchmark for employers and for many other qualifications going on that that child has got General Certificate in Secondary Education and it is very important.

So we need to ensure that many more children are passing that exam but also cognisant of the fact that some children, it is the Attainment 8 figure, as well, is really important, about their general academic achievement in secondary school, and also enabling retakes to take place because that particular exam, those exams, take place on one particular day, they are high stakes exams and not all children will be able to take them: illness, the nerves of it, etc. But having really sensible retake opportunities in a timely fashion will allow a greater number of our community to be able to succeed in those particular exams.

We know it is really important and that is why we have had to focus on it. We know that maths is improving in the primary phase and therefore the outturn of that, and in early secondary, the outturn of that would be visible in –

**The Bailiff:** Deputy Dudley-Owen, I am afraid the time for replying has expired.

**Deputy Dudley-Owen:** ... later GCSEs. But I will follow up.

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

**Deputy Kazantseva-Miller:** Sir, the provision in Herm School, or the Herm classroom, my understanding is that there are only now two children in primary school, one in the junior, one in the pre-junior department – the word is escaping me – infant department. I also understand that some of the children choose to actually be educated full time in Vauvert School. Could the President give us an update on what the expected cost of the provision for the Herm Classroom School is

going to be for next year? I appreciate she may not have this detail but could potentially give it to the Assembly in writing.

635 Thank you.

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

**Deputy Dudley-Owen:** Thank you, sir, and thank you to Deputy Kazantseva-Miller for raising this matter, which I know is extremely contentious in this forum and I understand why.

640 However, it must be said that the provision for the two children who I understand are in the junior phase is extremely high and the Education Committee, by a majority, do not believe that it is an optimal provision for those children. Next year it changes again, but we will have one child who is in the junior phase, Year 6, and another one in Reception, which becomes even more difficult to provide a good level of education as we would be expecting from our schools.

645 However, we have written to P&R recently to outline our concerns again but also, I would be very happy to provide an update to States' Members on the cost of this provision.

**The Bailiff:** Deputy St Pier.

650 **Deputy St Pier:** My final question, sir, I am sure you and others will be relieved to hear.

I am building really on Deputy Inder's question about the challenges around the recruitment and retention of maths teachers in particular. Is it the case that one of the challenges around the standard of maths is that there are simply too many maths lessons being taught by those teachers for whom maths is not their first subject and that is one of the consequences of the recruitment and retention challenge that Deputy Inder referred to?

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

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

We are seeking maths specialists and we do have maths specialists to teach our secondary school children, especially. That is not the case so much in primary, where we have generalists, but certainly in our secondary phase and obviously for our Level 3 it is an absolute requirement. But so it is for our Level 2s as well.

665 One of the issues around the teaching of maths is how the pedagogy has actually evolved over many years and this is where the high quality and inclusive practice, in improving pedagogy, really starts to kick in around the teaching of some of these more thorny subjects, about making sure that the cognitive load is managed, making sure there are recall sessions at the beginning of every single lesson, making sure that there are small jumps in learning so that children are able to keep up.

670 But actually what we also see is the advancements in AI and responsive technology can be really transformative for children as well. There are many things that have advanced and changed since we were at school but actually, very interestingly, some of those practices that existed since we were at school have still retained up until recent years – I am not saying now because obviously we have changed a lot in the last four years and we have become conscious of much more research where we know that things work and things do not. To the point, the maths has been a real issue but that is not just in Guernsey, it is UK-wide. This conversation is global about why some countries really succeed well at maths and others do not.

**The Bailiff:** Deputy Dudley-Owen, once again the 90 seconds have expired. You have got to keep an eye on the clock. It is important here and it is all to do with counting, isn't it? (*Laughter*)

680 I will take Deputy Matthews who has not asked a question, before Deputy Burford, and then we will stop questions to the President.

Deputy Matthews.

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

I thank the President for the update and building on the questions from Deputies Gabriel and de Sausmarez, which I know the President was going to provide an update on the vacancy and turnover rates, in education settings where there is high vacancy or turnover, or use of agency staff, it can sometimes pose challenges to school discipline. Does the Committee track the number of  
690 incidences of poor behaviour, of bullying, and what are the trends in each school setting?

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

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

695 This is, again, a great example, thank you to Deputy Matthews for raising this, of the value of the work of the Interim Governing Boards, because via those particular Boards, we are able, as governors, to look at the behaviour and pastoral care relationship policies of each of the individual schools.

Now obviously where those are thematic, those come up to the political Committee so that the  
700 political Committee is not too close to the schools because we know that is not a very helpful thing. But we are able to see surveys, which have been done by teachers, surveys that have been done on parents and indeed students themselves.

The recent St Sampson's Ofsted inspection, if Deputy Matthews is able to read that, will speak  
705 to the level of behaviour there, which is really positive. That is a safe environment now for children, they feel safe in that environment, so the level of behaviour, the positive relationships, we see the evidence of that throughout all of our schools.

Yes, of course, there are pockets of behaviour that are not so positive but where staff are working  
together for a consistent approach, things change and it takes quite a while for that improvement  
to come through but actually, in the case, as I said in my speech, the rapid improvement in  
710 St Sampson's, in Les Voies, is evidence that we can do it and that we can do it well.

**The Bailiff:** And Deputy Burford.

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

715 Just building on Deputy St Pier's question, the President opened her speech by talking about the Ofsted ratings of 'good' in some of our schools. I am just wondering, in terms of the ultimate aim, I believe around about one sixth of schools in the UK are rated by Ofsted as 'outstanding'. Is that what we are aiming for in Guernsey for our schools?

Thank you.

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

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

Of course. We are aiming for our education offering, the States-maintained education offering,  
725 in fact the States' system offering, to be excellent across the board. We want our schools to be outstanding and we have got to reach for the stars and be very aspirational.

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

**The Bailiff:** We will now turn, Members of the States, to the Statement on behalf of the Committee *for the Environment & Infrastructure*, and I invite Deputy de Sausmarez to deliver that, please.

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

The Committee has re-run the SSHI model using current data to project the Island's strategic housing needs over the next five years. As Members know, this indicator informs a number of housing and planning policies. We will publish the full details on the modelling very shortly, but the headline output from this recent modelling projects that 1,488 additional units of accommodation will be needed to 2028 – a modest decrease compared with the indicator of 1,565 agreed by the States in March last year.

The split between private and affordable remains very similar: an additional 815 units of private accommodation are needed over the five-year period, down from 844, while the state-subsidised affordable housing sector needs an additional 673 units, down from 721. These numbers are within the agreed 10% plus or minus variance, so there is no need to return to the States to debate an adjustment to the indicator.

Housing supply – and more specifically the delivery of new housing – is, despite this slight lessening in need, one of the most pressing domestic issues facing the Island. Historically, the States has kept intervention in the private market to a minimum, preferring to let market forces do their thing, but the evidence is clear and stark: the market is not delivering either the number or the size of homes that the people of this Island need, and that our economy needs. Guernsey's housing market is in systemic failure and a range of Government interventions are required to address this failure.

Members will, I hope, by now be familiar with the macro-economic factors that are negatively affecting housing supply: the triple whammy of Brexit, COVID and Ukraine which have led to inflated costs for materials and labour, less availability of labour, and less accessible, more expensive finance.

However, on the ground, the situation is a little more nuanced. There is quite a lot of construction work taking place, but where it is focused on house extensions or renovations it is typically not contributing to a net increase in our housing stock. The zero-rating of GP11 has had no discernible effect in stimulating larger developments, and there still appears to be a sizeable difference between the number of planning permissions granted and the number of new units actually being delivered.

Several of the Guernsey Housing Plan workstreams that the Committee is currently progressing are focused on addressing this issue. Evidence shows that between 2016 and 2023, planning permission for around two thirds of all units lapsed, and those that were developed typically took more than three years from permission to completion.

Most of the developable land in Guernsey is held by people that seem to have no immediate plans to build, so the Committee is developing a package of incentives and – as a last resort – penalties to unlock that land for housing sooner, and we are in the process of scheduling site-by-site discussions over the next few weeks with developers to understand what would make stalled sites viable. Alongside this, our work also explores the options for the States to establish its own delivery vehicle.

Because of the challenges the market is experiencing in building new homes, it is more important than ever to make efficient use of our existing housing stock, which is what our downsizing review supports. The Island's population projections show that there is a burgeoning need to meet people's housing requirements as they age. Fifty-six per cent of pensioner households have two or more spare bedrooms, which is great when that is their preference, but our recent consultation showed that many are looking for somewhere smaller, better suited to their needs and more manageable, accessible and affordable.

The Committee is developing proposals to facilitate downsizing for those that choose to do so, not only to support older people to live independently at home for longer, but also to support the whole housing chain more broadly, by freeing up larger properties for second-stage movers and families currently struggling to find a larger property to meet their needs.

Meanwhile, while the evidence shows a slight improvement in affordability indicators for private rental accommodation, the sector, which supports more than a quarter of Guernsey households, is still under considerable stress. The Committee has recently concluded its consultation on minimum housing standards, which informs legislation that will be brought to the States this political term to guard against unacceptable living conditions for tenants in the sector. There will also be a register of rented dwellings to provide confidence that properties meet certain basic standards.

The next phase of this work is to consider the broader protections for both tenants and landlords, looking at the minimum statutory rights and responsibilities. A public consultation on the Committee's draft proposals will be launched in the next month. These provide legal protections and clarity for landlords, while at the same time introduce basic rights that would protect tenants from unfair treatment and reduce the risk of homelessness.

Work to implement the Electricity Strategy continues apace, including on offshore wind. E&I is represented on the P&R subgroup tasked with understanding the potential opportunity for an offshore wind farm in Guernsey's territorial waters, and the Committee will be bringing forward a policy letter on one of the key enabling features, the establishment of an offshore renewable energy commission, in the next few months.

Work is also progressing well on Guernsey's pathway to net zero, which assesses the options for improving the Island's emissions profile and delivering on the States' policy ambitions over the next 25 years, taking into account Guernsey-specific circumstances. Following detailed consultation with relevant industry groups and other stakeholders, Siemens and Aether have produced a technical report that assesses different options and pathways. The Committee will bring forward viable recommendations early next year, following a targeted consultation which is underway right now.

The Nature Commission's publication of Guernsey's first State of Nature Report earlier this month is a timely reminder of the worrying trends with respect to the Island's environment. The report is a comprehensive review of all available biodiversity data and highlights the loss of habitats and reduction in species over the last 30 years and beyond.

It also sets out some of the issues that are contributing to these losses such as changes in land management and land use, invasive non-native species, pollution, and the impacts of climate change. Crucially, the issues facing our biodiversity are largely anthropogenic – i.e. caused by humans – and therefore we can all contribute to addressing them. The report sets out what our community, including individuals, businesses, and government, can do to help.

There is a lot that we are already doing to address the concerns raised in the report, beyond the introduction of water pollution regulations and the strengthening and updating of animal welfare legislation.

Our farmers manage a significant proportion of the Island's countryside, and in the new year we will be presenting proposals to the Assembly to help our struggling dairy sector to support its contribution to Guernsey's environment, landscape, and cultural heritage. We are now in the final stages of that work, checking the evidence base, which involves some independent verification on the cost of milk production and consulting with other relevant committees and States' colleagues.

We are also working with the UK government to extend membership of the Convention on Biological Diversity to Guernsey in order to demonstrate internationally our commitment to nature recovery, which is important for access to new trade agreements opportunities.

Work has also begun to develop a Blue Economy Supporting Plan and a Marine Biosecurity Plan for our waters. The Marine Biosecurity Plan will protect our marine environment and blue economy from the risks posed by pathogens, diseases, and non-native species. The Blue Economy Supporting Plan will help to ensure existing and new economic activities – offshore wind energy production, for example – are undertaken sustainably so that future generations can continue to benefit from our amazing marine resource.

830 But action is already taking place in practical terms as well. The Committee has responsibility for the management of land and beaches, and we take care to balance the needs of people and nature in doing so. There are several initiatives under way, working alongside our wonderful charity partners, to protect and restore nature, such as working with Guernsey Conservation Volunteers to protect Bluebell Wood from the expansion of the invasive stinking onion.

835 Perhaps the most prominent part of our work on invasive non-native species, our Asian Hornet Strategy, remains on track despite the challenges last year, and we are looking to increase the use of La Société's Conservation Herd to enhance some of our coastal grassland sites to limit the incursion of scrub which is one of the threats that the State of Nature Report highlights.

840 The work to inform the future strategic use of Les Vardes Quarry is comprehensive and necessarily technical and complex. There has been, from both water and inert waste perspectives, a lot of engineering design work, associated capex and op-ex costs, and strategic environmental assessment reports to help determine feasibility and to enable direct comparisons between waste and water options, taking into account the Island's long-term needs.

845 Scenarios that have been explored include the use of Les Vardes Quarry for inert waste only, for water storage only, and for water storage after inert waste disposal, which the first phase of work determined was technically possible – albeit there is no known precedent for this kind of hybrid use anywhere else. The full range of options includes, but is not limited to, the potential use of Longue Hougue Quarry for inert waste rather than water storage, and a desalination plant. The analysis obviously also has to include other sites and other configurations of uses to enable meaningful comparisons.

850 There are various wider considerations to be taken into account as well. Both Guernsey Waste and Guernsey Water have of course had a lot of input into this work, alongside the Finance Team, States' Property Unit and people with the relevant strategic, environmental and engineering expertise. The policy letter, which we will bring to the Assembly as soon as possible, will therefore help to inform States' Members' decisions in relation to the optimal future use of Les Vardes, taking  
855 into account the Island's long-term strategic requirements with respect to both inert waste and water storage.

Meanwhile, detailed proposals for the introduction of periodic technical inspections have now been developed in close consultation with the local motor industry. Depending on the speed that the legislation can come forward, the phased introduction of these tests could be extended next  
860 year from public service vehicles – which are already tested – to vehicles in international circulation and then on in phases to all other eligible vehicles, starting with the older ones.

The standards align broadly with the UK's, with some adjustment for local factors and local legislation where appropriate, such as with respect to tyre tread depths. As Members will remember, a testing frequency that is proportionate for Guernsey cars has been agreed as once every three  
865 years once a vehicle has reached five years old.

Public transport improvements continue incrementally. The Committee has been working with the Guernsey Taxi Drivers' Association to improve the taxi service for the travelling public in a number of areas, and the bus service continues to perform well. Members will be aware that Stagecoach has won the competitive tender for the new contract starting in April next year, and we  
870 are planning for an orderly transition so that bus passengers do not experience any disruption to the service.

We are frustrated that the timely progression of the Better Transport Plan for the north of the Island is one of the casualties of the IDP Review. Because of the change of approach, officers who would otherwise be working on that plan have instead been diverted to carry out work on additional  
875 sites for the DPA to help inform the revised approach to the review. However, as soon as the work for the DPA is complete, the Better Transport Plan will again be that team's priority.

Data on commuter travel into Town shows that over the past couple of years there has been a 4% decrease in car travel overall, with a 7.5% reduction in solo-occupancy car travel, which is the least efficient mode in terms of space, energy and cost. This decrease is all the more remarkable in  
880 the context of the notable increase in the size of the Island's population over the same timeframe.

There has been a very significant increase in uptake of non-motorised modes of transport, with a 42% increase in bike travel and a 54% increase in walking over the two-year period, supported by incremental infrastructure improvements that have made non-motorised travel safer and more convenient.

885 Speaking of infrastructure, our programme of proactive coastal defence work continues to be effective, with upcoming projects planned for the defences near Admiral Park and L'Erée, among others. Members will, I am sure, be aware of the importance of strategic flood mitigation to our economy, not just to protect development and infrastructure that we already have, but also to enable vital development in the near future, including the provision of housing in low-lying areas.  
890 That is why the onshore flood defence at the Bridge is an immediate priority and we are pleased that P&R have underscored their support for this project as well as a strategic approach to coastal defences more generally.

895 The Committee has been pleased to contribute to various pieces of work that relate to the strategic use of land and sea and infrastructure, for example the local planning briefs for the harbour action areas, the Pool Marina and the work that the Guernsey Development Agency is leading. We always take the opportunity to encourage long-term strategic planning, the integration of flood defences and other climate change mitigation and adaptation measures from the earliest stages so that they can be integral to large scale development and help to deliver various environmental, social and economic benefits.

900 That will, I hope, give Members a flavour of the work that E&I has done since the last update, and I look forward to taking questions on any area of our mandate.

**The Bailiff:** Deputy Vermeulen.

905 **Deputy Vermeulen:** Thank you for your update, President.

I want to talk about bat surveys, scaly crickets, slow worms and the like. I have heard from two major developers over the last fortnight, one of them describing the process as a nightmare, which was close to me at Vazon, another one in St Martin's, a former hotel made to do a bat survey when he wants to build houses there.

910 Of course, this delays him and the process is proving costly and in time as well and the survey comes back with no bats there at all. Will the apparent over-consultation be reviewed so as to speed up the permissions for much-needed housing?

**The Bailiff:** Deputy de Sausmarez.

915 **Deputy de Sausmarez:** Sir, I believe that the question that Deputy Vermeulen has asked should be actually directed to the President of the DPA, because it sounds like, my interpretation of what he is describing, it sounds like those are processes that relate to the planning application process and therefore they do not fall within the mandate of E&I.

920

**The Bailiff:** Deputy Queripel.

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

925 Can the President please tell me what stage E&I are at, regarding publishing a report they are working on with Home Affairs, looking into the challenges involved in preventing traffic offences, which, as I was informed in response to a Rule 14 Question recently, will include looking at how owners of excessively noisy vehicles can be dealt with?

**The Bailiff:** Deputy de Sausmarez.

930

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

Yes, I am pleased to report to Deputy Queripel and others that, after much anticipation, the two Committees actually did have a joint meeting earlier this week, I think it was, or last week, in the last few working days, certainly, and we have had an opportunity to talk with the experts who have done the work on that.

However, I cannot give Deputy Queripel any concrete answers yet because the two Committees are yet to agree on the next steps. However, I would say, in answer to his question, we are at quite an exciting stage and no one has anticipated this work with more enthusiasm than me because it has been a very long time coming.

I cannot speak on behalf of both Committees because that would be premature but I am personally hopeful and relatively optimistic that there will be some measures that we will be able to implement that will make a material, positive difference in that respect.

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

**Deputy Dudley-Owen:** Thank you and I thank the President for her informative update this morning.

This is a question that Deputy de Sausmarez and I have conversed about very briefly, so she will not be surprised that I am asking it. It is related to the serious matter of homelessness. I understand that sheltered accommodation has become an issue for prisoners on release, recently. It has been in the media. I do want to understand what is being done in this area, because I really do not know what the States' policy is around providing support, sheltered accommodation and homelessness for Islanders who are very sadly finding themselves in that position?

**The Bailiff:** Deputy de Sausmarez.

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

As Deputy Dudley-Owen will be aware, in common with most other jurisdictions, the provision for homelessness quite often sits with third sector organisations who are actually best placed to provide the kind of support, so there is provision for certain groups of people, depending on certain criteria, and some of that is already, of course, provided through the third sector and some by HSC.

Deputy Dudley-Owen will be aware, if she has had an opportunity to read the update report for the Guernsey Housing Plan, that the specific work on homelessness in terms of a homelessness strategy, is something that we do not have the resources to do until next term. Sorry, not next term, next year. That is something that we would seek to accelerate if we are given additional resource through the budgeting process, of course.

But that is not to say that we are not doing anything. It is difficult to know where the baseline level of understanding about homelessness is but if we look at all the issues that factor very heavily in terms of homelessness, including from the report that was actually done by the Community Foundation a year or so ago, we know that the quality of homes, affordability, etc, are some of the key factors that put people at risk of homelessness.

Obviously, in my update I provided a statement about the work that we are doing, for example in increasing minimum housing standards –

**The Bailiff:** Deputy de Sausmarez, the time for your reply has expired. So I go to Deputy de Lisle, next.

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

In relation to flood protection, Guernsey could see a one metre rise in sea levels by 2100. I am really pleased to hear of the initiatives being taken in the west and in the L'Erée area, where of course that area is subject already to a flooding. But there was no mention of the Town front and what might be taking place there. I would like to ask what is being done to protect the front of



St Peter Port from rising sea flooding, which is occurring actually regularly now, at least once or twice a quarter? So what is being done in that urgent area? You did not mention that as a point.

985

**The Bailiff:** Deputy de Sausmarez.

**Deputy de Sausmarez:** I did actually make a reference to this, albeit it was probably quite subtle, so I will underscore it for Deputy de Lisle's benefit and spell it out in relation to St Peter Port. The most effective flood mitigation measures for the type of threat that Deputy de Lisle is describing, for example sea level rise over the next 70 or 80 years, should be integrated with any major infrastructure works relating to the Harbour.

We have been feeding into the processes that relate to that, in terms of the Harbour Action Areas, the local planning brief work that the DPA has been leading on, and indeed the Pool Marina work and the work that Guernsey Development Agency is doing. So we are absolutely making sure that those kinds of considerations are integral to any plans that come forward. That is really the best way to protect Town – which is protected, incidentally; I take his point about the quay, but actually the bulk of Town is helped by its topography because of course there is a very steep hill behind the waterfront.

But Deputy de Lisle can rest assured that we are absolutely making sure that the kind of flood risk mitigation measures that he is referring to is integral to the long-term strategic planning that is underway at the moment.

**The Bailiff:** Deputy Le Tissier.

1005

**Deputy Le Tissier:** Thank you, sir, and thank you to the President for the update.

I would like to go back to that old chestnut, would the President tell me how it is decided which roads are deemed necessary to have the road weeds cleared as a priority? Is there a formal assessment process in place? If there is a process and it is documented, can she publish that?

1010

Thank you.

**The Bailiff:** Deputy de Sausmarez.

**Deputy de Sausmarez:** Certainly, street cleansing is something that falls within one of our service level agreements (SLAs) and it has also actually been a victim. I have mentioned before that our Committee has had to squeeze the lemon until the pips have squeaked and unfortunately that is one of the areas that has had to be reduced because we have been forced to look for savings. This is the fiscal situation that I know other Committees find themselves in too.

There will be an operational formula, I suppose. I am not aware that it is published anywhere. I think it will be in the SLA but I am certainly happy to put Deputy Le Tissier in touch with the operational staff who will be able to give him more information about that.

**The Bailiff:** Deputy Leadbeater.

1025

**Deputy Leadbeater:** Thank you, sir.

I read yesterday of another attack by a dog, this time a nine-year-old child in a public space. I have been told anecdotally that Guernsey has more dogs or what are considered dangerous breeds *per capita* than in the UK. Is the President concerned about this and will her Committee now consider introducing dog-free times at say, Sausmarez Park where those who have had adverse experiences with dogs, and others who are scared of them, can go for a walk safe in the knowledge that they will not encounter any dogs? Because currently there is no public space in the Island where those who are scared of dogs can go for a walk without any concern.

**The Bailiff:** Deputy de Sausmarez.

1035 **Deputy de Sausmarez:** Sir, I will certainly pass that suggestion onto the team responsible for managing Saumarez Park and indeed other public areas. It is a point that Deputy Leadbeater has articulated and articulated, I would say, very clearly and emotively before.

In relation to the point that he raised about dangerous dogs, this was something that we alluded to in the recent debate on animal welfare legislation and I think it was picked up on some Rule 14 questions, maybe. But we are looking to introduce a licensing system. I cannot say of the veracity or otherwise of any anecdotal evidence of how many dangerous breeds there might be. At the moment we do have importation rules, as Deputy Leadbeater will be aware, but for his reassurance we are also looking to introduce a licensing system, which would mean that we have much better visibility and data and leverage over any such breeds that are indeed in the Island.

1045 **The Bailiff:** Deputy Parkinson.

**Deputy Parkinson:** Thank you, sir.

I think I heard the President say that she hoped to bring a policy letter to the States on water, inert waste storage and similar subjects 'as soon as possible'. Could she perhaps be a bit more precise? When can we expect to see this policy letter?

**The Bailiff:** Deputy de Sausmarez.

1055 **Deputy de Sausmarez:** Yes, this is the moment where I hold myself hostage to fortune. I do not know exactly the date of publication but I believe we are aiming for the first States' Meeting in February. So there we are. I will be held hostage to fortune if that one slips but we are indeed looking to publish that as soon as is possible. Deputy Parkinson, I know, shares my enthusiasm to resolve this issue.

1060 **The Bailiff:** Deputy Helyar.

**Deputy Helyar:** Thank you, sir.

The President did not mention the review of Open Market policy in her update. There is unprecedented pressure for prestigious Open Market property in the Island at the moment, which could valuably assist the Exchequer in collecting some more tax, which would help with everybody's budgets. When can we expect that work to be finished?

**The Bailiff:** Deputy de Sausmarez.

1070 **Deputy de Sausmarez:** Yes, that is something that we have been involved in a very detailed consultation about, including with the people who are responsible for, or whose job it is to encourage and support people moving to the Island who may well be looking to live in Open Market accommodation.

1075 I believe that the current situation is we are still waiting for the feedback from some of our internal consultations. The external consultation, we have had all the feedback that we have requested, but I believe that before we can make a final decision, we are just waiting for the Committees that we have consulted with to get that feedback to us so the Committee can consider it. But we are indeed in the latter stages of that consultation process that will help inform the finalised policy.

1080 **The Bailiff:** Deputy Gollop.

**Deputy Gollop:** The President rightly spoke, not just on behalf of E&I but maybe ESS too, of the need to be fair to tenants and improve and modernise protection and legislation. But is there not also an argument that I know they support too, of being fair and protective to the landlord? Because

we run the risk, as other jurisdictions have found, that blunt legislation could lead to an exit from the market and unless the States is able to put in more resource to acquire social housing quickly, we would find ourselves worse off.

1090

**The Bailiff:** Deputy de Sausmarez.

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

1095 Yes, as I said in my update Statement, the next phase of work is indeed to enhance protections for both the tenants and the landlords. We absolutely recognise that landlords are not just part of the solution here. They are absolutely essential. More than a quarter of Guernsey households live in our private rental sector. We need good landlords and they do not have adequate protection in law at the moment, and tenants do not either. But that is exactly the focus of the next phase of work, which we will be going out to consultation on next month.

1100

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

1105 **Deputy Kazantseva-Miller:** Sir, building on the flood defence question, I appreciate the President made reference to the longer strategic flood defences, which given the rate of how we invest and build our infrastructure, could take decades to materialise; in the meantime, we urgently need interim flood defence solutions, especially at the Bridge.

1110 Could the President please give us more concrete details? How much funding has been allocated to this workstream and when we can actually expect those interim flood defences to be completed to predominantly unlock the urgently needed housebuilding that is required on the many sites in the north.

Thank you.

**The Bailiff:** Deputy de Sausmarez.

1115 **Deputy de Sausmarez:** Yes. On the first point that Deputy Kazantseva-Miller raised, I would say that infrastructure is not an end in its own right. It is something that is inherently derivative and I think one of the things that has hampered major infrastructure decisions has been the States' inability to make strategic decisions. That is where the problem has been. What has helped flood defence at the Bridge for so long has been the lack of strategic decision over, for example, the future harbour requirements and, prior to that, questions over Leale's Yard.

1120

1125 However, in answer to her specific questions, we are very much at the mercy of the procurement process. I get weekly updates from the responsible officer and that officer is going through diligently all the processes required by the procurement function. That is a matter for P&R. But I can say, and again I am holding myself hostage to fortune here, and the other thing of course is that it is very important that defence does the job that we need it to do, especially in relation to unlocking housing. So it is very important that we talk with, for example, the organisation that did the flood risk mitigation for one of the GHA sites, to make sure it meets their needs so that site can be unlocked for example.

1130 That has meant that we have had to go back and adjust the design. That is going through the processes that it needs to go through in terms of the procurement process. But we are looking to start that work in the latter half of next year.

**The Bailiff:** Deputy de Sausmarez, your time is up.  
Deputy Roffey.

1135

**Deputy Roffey:** Thank you, sir.

Following Deputy Parkinson's success in getting a possible date for the debate of the Les Vardes policy letter, I wonder if I could tempt the President of E&I to giving the same sort of prediction in relation to support for Guernsey's farming industry?

1140 **The Bailiff:** Deputy de Sausmarez.

**Deputy de Sausmarez:** Ah, in for a penny, in for a pound! The Meeting following that!

1145 The Committee knows which States' Meetings it would like to debate certain policy letters but of course ultimately it is a decision for this Assembly, once we publish the policy letter, to schedule that work and P&R will obviously have a hand in that too.

I am hoping that is also something that we can debate in February next year. Deputy Roffey will be aware of the kinds of checks that are being gone through now and the urgency, and the Committee is very alive to that.

1150 **The Bailiff:** Deputy Oliver.

**Deputy Oliver:** Thank you, sir.

1155 Over the recent months, we have seen a real decline in the rented market, the private renting market. Is the President worried that yet another thing that they have to do with this, you mentioned a registry for the rental property, is actually going to scare more landlords off, so we are going to have an even bigger decline in rental market properties?

**The Bailiff:** Deputy de Sausmarez.

1160 **Deputy de Sausmarez:** Deputy Oliver can take reassurance from the fact that there has been a very significant consultation exercise and the results in that survey were really encouraging. I think what has scared people, before they were aware of some of the detail, was the thought that it would be unduly burdensome, cumbersome, expensive and actually the proposals are really light touch, proportionate, pragmatic and I do not think they are going to pose any kind of problem for the vast majority of landlords.

1170 In respect of minimum standards as well, we are not talking about gold plating, we really are talking about minimum standards. The kind of standards that the vast majority of landlords, I am sure, already meet. So these really are practical, pragmatic, reasonable and I do not think they will be unduly burdensome and we are really encouraged by the feedback that has come back through that consultation and landlords were well-represented in that process.

**The Bailiff:** Deputy Inder.

1175 **Deputy Inder:** Sir, just on flood defences around St Sampson's. I just remembered, and I winced a bit, back in March 2024, when at the Scrutiny meeting, I think it was Deputy de Sausmarez described what is effectively a dwarf wall across the Bridge, that cost us around £2.1 million. That is what she said in the Scrutiny review, and that is public.

1180 That seems an awful lot of money for a dwarf wall, stated at knee-height, running across the Bridge. I do not expect her to answer that now but this is the opportunity, I really would like her to give the States some kind of ... do some background work on it, because as I say I am really trying to understand it because that seems an awful lot of money. I am not expecting an answer now, I am just asking for a commitment.

1185 **The Bailiff:** Deputy de Sausmarez.

**Deputy de Sausmarez:** Yes, thank you.

I would say first of all it is not quite as dwarf as Deputy Inder has suggested – (*Interjection*) If Deputy Inder will just let me answer the question that he has just asked me. That may have been the case at that point in time, however the process that I have just described in answer to Deputy Kazantseva-Miller's questions does mean there has had to be some rescoping and redesigning and it is a little higher than that.

More importantly, we are not just talking about a wall that you just plonk on the road, the most expensive work is what happens under the ground, not above it. It has had to get longer, it has had to get higher since the point in time that Deputy Inder – and there is no point in him shaking his head, I am telling him the facts – that because of what we were advised, because it is there to protect existing development and also to enable developments such as housing, which we know the Island really needs to move forward, the scope of that project has had to increase a little bit.

The detailed plans are going back through the process that I described earlier. But basically this is very technical stuff. It is not just something that you call up your local bricklayer and get them to pop a wall in. It is all about what is under the road and we know that as soon as we dig our roads, there is a lot of stuff, we put a lot of infrastructure under the roads, and that is where the majority of the cost comes from.

**The Bailiff:** Well, Members, similarly, the 20 minutes passed some time ago but, in all the excitement, I missed it. We will extend questions to the President for a little bit longer, particularly to enable those who have not asked a question yet, to ask a question, and then we might take some repeat persons as well.

Deputy Ferbrache.

**Deputy Ferbrache:** Sir, I am not necessarily expecting the President to answer the question now, she has already outlined the large amount of work her Committee are doing, but how many policy letters is she expecting to bring to this Assembly during its lifetime? Will it involve extra public service workers, and if so, at what cost?

**The Bailiff:** Deputy de Sausmarez.

**Deputy de Sausmarez:** I think this is always the case. I am aware that another Committee I sit on is also bringing policy letters. That is kind of our job. So we are bringing the policy letters. I do not think there are any surprises in any of the work. Some of it was delayed because, for example, the P&R that Deputy Ferbrache sat on withheld the funding to progress some of these sooner. So for example, the pathway to net zero work is about 10-12 months delayed because of that. We were very much hoping that we would have already brought that letter by now.

But in terms of additional public service resource, having a quick scan down the policy letters, other than the housing standards legislation, which has already been approved, that is a resource that has already been approved by this Assembly, I cannot see that there is anything that looks as though it is likely to do that. So I do not think that Deputy Ferbrache's concerns are well placed in that respect.

But yes, that is our job. We will be bringing forward the policy letters that have been very well trailed and I look forward to debating them and all the other policy letters that we know tend to come forward in a bit of a flood towards the end of the political term. But yes, we have been hampered by delays because of the withholding of some of that work, which is why there is a particular concentration this time.

**The Bailiff:** Deputy Blin.

**Deputy Blin:** Thank you, sir, and I would like to thank the President for her informative Statement and particular thanks for the additional comments regarding the Energy Commission, the establishment of that and the work that they are doing with the subcommittee offshore wind group.

1240 My question refers to what she knows will be coming always, regarding the disturbance and noisy vehicles and I am extremely pleased to hear the excitement in her voice about the impending implementation of certain things.

I would just like to get assurance, if I am going to be waiting before Christmas to actually see some of that implementation, if it is likely to come then, and whether she could give us some indication of what this would look like? If that would be something she could share with the Assembly.

**The Bailiff:** Deputy de Sausmarez.

1250 **Deputy de Sausmarez:** The reason I cannot really give Deputy Blin particular detail is because it is a genuine cross-Committee piece of work and I think I would be cutting Deputy Prow and his Committee's grass if I were to make assumptions on behalf of his Committee before we have had a chance to agree them formally.

We have had a very useful discussion. I know from a conversation between Deputy Prow and I just a couple of days ago, we do think there is a good opportunity for some quick wins in this respect, but I do not think, sadly, I am at the point in time right now where I can confirm because it would not be fair for me to talk on behalf of another Committee as well as my own.

But I can assure Deputy Blin that as soon as we do have something to report, we will do so, with very loud fanfare!

1260 **A Member:** Not too loud!

**The Bailiff:** Deputy Le Tissier.

1265 **Deputy Le Tissier:** Thank you, sir.

Well we have run out of time. I have got two questions, so I will have to choose one of them. I am going to choose the Stagecoach one. Why didn't we take the opportunity to ask Stagecoach to own the buses? That would have saved us having to buy them. Is the President still expecting to, or hoping to, buy electric buses?

1270 Thank you.

**The Bailiff:** Deputy de Sausmarez.

1275 **Deputy de Sausmarez:** Deputy Le Tissier will be reassured to know that was thoroughly explored within the tender process and actually there was an option, but obviously if you are requiring your operator to own the buses, are we expecting them to buy them off us and what kind of commercial trade-offs would that involve.

So obviously that was explored in great detail and the Committee is in the process of looking to trial some electric buses. Obviously, there are some infrastructure requirements that go along with that so we are taking, again, quite a pragmatic approach to that, rather than just deciding on something that might affect the whole fleet in one go.

**The Bailiff:** Deputy Helyar.

1285 **Deputy Helyar:** Thank you, sir.

On the same theme as my last question, given that the President was unable to answer it because certain people had not responded to consultation, the list in the update of projects potentially coming in the policy letters, which were mentioned in Deputy Ferbrache's question, come at a huge price tag, which the Island cannot currently meet. I was therefore somewhat concerned that Open Market inscriptions, which could benefit the Island's economy immediately – and I mean

immediately – was not even merited the priority to be mentioned in the update. Will the President give an undertaking that this work will be pursued as a matter of priority?

**The Bailiff:** Deputy de Sausmarez.

1295

**Deputy de Sausmarez:** Sir, this is a matter that the Committee is prioritising. Actually, I made a conscious decision not to mention it in the update because we are coming towards the stage where we will be able to say more about it. It is prioritised and we are hoping that we will be able to talk about that very soon.

1300

But I think Deputy Helyar would hopefully agree with me that a large amount of speculation over the Open Market has historically shown to be quite unhelpful to the Open Market and so that is why it was actually a conscious decision not to make a big song and dance about it in the update. But I can absolutely assure him that a very large amount of very detailed consultation with a wide range of stakeholders has been under way over a good amount of time and we have worked on this policy iteratively together.

1305

We have then gone to the relevant Committees and, as I have said before, we are waiting for those Committees' final feedback before we can make a final decision. But I would describe the work as fairly imminent, depending on whether we can get that feedback quickly.

1310

**The Bailiff:** Deputy Gollop.

**Deputy Gollop:** I might talk about omnibuses another time but I will ask a question about octopuses. In another Island they are having a key debate of where the rights of conservationists are perhaps pitted against the rights of fishermen. But I believe in our waters, the latest challenge to the fish eco system is the arrival of a lot of octopi or octopuses eating up the scallops, fish and other problems, creating financial and other hardships for the fishermen. Are there any biodiversity policies or fishing policies, working perhaps with Economic Development, which can assist Environment & Infrastructure in saving our traditional fish stocks, as well as our industries?

1315

1320

**The Bailiff:** Deputy de Sausmarez.

**Deputy de Sausmarez:** Yes, sir. Before I answer Deputy Gollop's question, I really should have just pointed out that in relation to Deputy Helyar, I think it was a misconstrue to suggest that all the policy letters we are bringing are somehow going to be incredibly expensive. I think that is a misrepresentation, but anyway.

1325

In response to Deputy Gollop's question, I did mention two matters in my update which were around the Blue Economy Supporting Plan and the Marine Biosecurity Plan and those will both help assist in achieving the objective that Deputy Gollop has set out.

I would also like to give credit and thanks to the third sector organisations who do work incredibly hard on the front line of a natural environment, including our marine environment. We do work very closely with them and I would say that the establishment of the Nature Commission is a step forward in terms of co-ordinating and helping direct more strategic thinking across the full range of people and entities working towards objectives in terms of protecting our nature, our marine environment and people whose livelihoods depend on it.

1330

I am really pleased to see that Deputy Gollop has just whipped out from one of his many piles of paper the summary report from the State of Nature Report and I would recommend Members to take a read of it if they have not already had an opportunity to do so. There is a full report, there is a summary version, which is a little bit more accessible –

1335

1340

**The Bailiff:** Deputy de Sausmarez, time is up again.  
Deputy Oliver.

**Deputy Oliver:** Thank you.

In Guernsey, it is one of the most expensive jurisdictions to actually purchase a house and there are various reasons for that but one of them, I believe, is actually the bond, that no other jurisdiction around this area has and, to be honest, in my view it does not really protect the banks any more or any less than if it was in England.

Does the President agree with me that actually one of the ways in helping the affordability of house prices is actually to get rid of the bond?

**The Bailiff:** Deputy de Sausmarez.

**Deputy de Sausmarez:** Before I answer that, I would just like to point out, and I will answer that, that, yes, affordability is obviously one of the most pressing problems and there has been a slightly more positive movement in terms of private sales. We have seen an 11% real terms decrease since 2022 and the price to earnings ratio has indeed come down. So it is moving in the right direction but it is still too high.

On a personal level, I do agree with Deputy Oliver. I have long complained about the bond as well but I believe that is a matter for P&R. I did make a representation to P&R in a previous political term, or possibly towards the start of this political term, and I think Deputy Oliver and I are reliant on it.

I believe it comes from a sort of oral/legal tradition where it is assumed that people are not literate enough to sign a bit of paper or something. It has never made particular sense to me but ultimately it would be a matter for P&R. But I will raise it again.

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

**Deputy Kazantseva-Miller:** Sir, as part of the Energy Strategy the Committee has had plans to establish an Energy Commission or a Renewable Energy Commission for a while. I understand the budget allocated to that out of the Government Work Plan is £200,000 recurring cost. Has the Committee considered that this function could perhaps be absorbed in some of the existing institutions we have, such as potentially the GCRA or other platforms, rather than creating a separate organisation at the additional costs, which are likely to increase as we launch these additional, third party organisations?

Thank you.

**The Bailiff:** Deputy de Sausmarez.

**Deputy de Sausmarez:** Yes, of course. That was all considered but Deputy Kazantseva-Miller will know that actually this States has already directed us, having taken into consideration exactly those kinds of factors. We did set out in the original policy letter, I forget exactly which one, but the one where we were directed, I think it was in the Electricity Strategy, to take this approach, as opposed to other approaches.

But we really do need a particular type of expertise. We are in quite close conversation with the regulator. They do not have that expertise. It is really specific. What I would say though is that although there is some expenditure involved in establishing an Offshore Renewable Energy Commission, it also has a revenue stream associated with it.

There are trade-offs. You can do it in other ways. But the dynamics of those trade-offs change in commercial value. So, yes, a lot of thought has already gone into it. Yes, the States has already directed our Committee to take this approach, as opposed to other approaches. And that is why, as per the States' direction, we are bringing a policy letter to progress that approach.

*[Technical fault]*



## Questions for Oral Answer

### STATES' TRADING SUPERVISORY BOARD

#### Bailiwick ports and airports – Maximising commercial activity and treating as economic enablers

1395

**Deputy Gollop:** Thank you very much, sir. Nice and broad questions that cropped up but thank you.

1400

These are questions to the STSB and my first question is, will the senior management of Trading Assets and Ports together with the STSB at political, strategic level look to maximise commercial activity at the airports in such diverse areas as retail, hospitality, catering franchises, fast food, advertising opportunities, activities, business suite facilities and children's family entertainment and VIP suites to raise income?

1405

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

1410

**Deputy Roffey:** Increasing income from non-aeronautical and non-commercial maritime activity has long been and will remain an absolutely prime objective for Ports Management. At Guernsey Airport the extension of the duty free shop, the re-letting of the food catering concessions, changes to car park charges and the recent tendering of the current hire car concessions are all examples of initiatives that have already or will very shortly result in significant improvements in commercial revenues.

1415

Further opportunities have been identified and budgeted for at both ports, the Harbour and Airport, in 2025. The timing of some of these will depend on the availability of capital funding, which does have to be considered, alongside other capital requirements for maintaining critical infrastructure across Guernsey Ports.

Nevertheless, I can tell Deputy Gollop that opportunities are being identified, large and small, and where possible progressed.

1420

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

1425

**Deputy Gollop:** I thank the Deputy for the positive answer and really have two questions for supplementary. The first is will the STSB seek to identify available capital funding specifically for commercial projects, particularly at the airports, in order to maximise revenue and marketing opportunities.

1430

**The Bailiff:** Deputy Roffey to reply.

**Deputy Roffey:** Certainly, we try to prioritise our capital spending on things that would actually generate income but clearly that has to be balanced against safety and regulatory requirements to carry out works that are required for those reasons. I certainly should say at this juncture I by no means rule out the involvement of private capital as well as States' capital in actually taking forward some of these opportunities.

1435

**The Bailiff:** Your second supplementary, Deputy Gollop.

**Deputy Gollop:** I thank Deputy Roffey for his useful answer to the supplementary, particularly the last paragraph, because only yesterday the BBC media covered the hypothetical possibility of high-net-worth individuals with local interests maybe wishing to invest in the airports or similar in

1440 order to perhaps relieve the taxpayer or the consumer of certain burdens, whilst improving life and opportunities for all. Will the STSB be open minded and looking at any helpful suggestions?

**The Bailiff:** Deputy Roffey, please.

1445 **Deputy Roffey:** Well, no rich people have approached the STSB officially in that regard, so I cannot speak for the STSB collectively. My instinctive reaction is I am sure we would be open-minded to looking at ways in which private investment could help both the facilities and our income streams. I should stress, though, speaking personally, that is very different to actually selling off key strategic assets that are absolutely vital for the future of this Island. There is a difference between privatisation and accepting private investments.

1450 **The Bailiff:** Deputy Inder, supplementary.

1455 **Deputy Inder:** Sir, I think it arises from, I am sure you will tell me if it does not. Although the Harbours and Airports are very operational, they do have an economic enablement roll, as set out by Deputy Gollop's questions and the answers given by Deputy Roffey. Would the President agree with me that this may be the time to look at the transfer of the mandate of Harbours and airports to either this or a future Economic Development Committee?

1460 **The Bailiff:** I do not think that arises out of the answer to the question, so I will not permit that anyway. Anyone else got a supplementary?  
Deputy Dudley-Owen.

**Deputy Dudley-Owen:** Thank you, sir. I will try.

1465 Back in 2019 I did correspond with the Ports Authority to ask about the possibility of them considering a frequent traveller fast track scheme, VIP suite, and I think the ship had sailed, so to speak, or the plane had flown, because of the works that were in place. Given that the security controls are different for private jet passengers, is there not an opportunity that possibly could have been missed, or recreated, in order to set up some frequent traveller club for some sort of payment, to be able to fast track individuals through our current security system?

1470 **The Bailiff:** Once again, I do not think that arises out of the answer given to the original question. Maybe the next question might assist, but we will see. Anyone else for a supplementary?  
Deputy Blin.

1475 **Deputy Blin:** Thank you, sir.

1480 My question is in regard to the response from Deputy Roffey, talking about various tenders, including the car service, or the rental service. Coincidentally, I have been contacted, I understand the tender process is over, and I ask that, so I could continue to speak, I have had the nod from Deputy Roffey. One of the contenders who has actually been there for 30 years has not been selected and has the largest fleet of cars. Now, I appreciate that this is the commercial part and I appreciate you may be looking at it because you want to include both the Airport and the Harbour, all these aspects, that there has been some correspondence, just in asking.

1485 I appreciate the process is done like that, I just struggle to understand when a company has been delivering that service, it reminds me a little bit of the Fermain Café scenario, 30 years of service, but here it was a service, they were holding the service, doing a good service for the Island, and now they have not had the opportunity to renew. I would just like to understand when –

**The Bailiff:** Deputy Blin, you are allowed 60 seconds to ask a question. Ask the question, do not talk! There is no question. You have run out of time.

1490 Deputy Vermeulen.

**Deputy Vermeulen:** Thank you.

Deputy Roffey, you touched on the improvements that you have made, in your answer to Deputy Gollop regarding putting the fees up in the car parking and extending the Duty Free and so on and so such. Am I to assume from that that everything is in order and we are no longer seeing a loss of £6 million at Guernsey Airport?

**The Bailiff:** Deputy Roffey.

**Deputy Roffey:** I think the reference to losses will be covered in the second answer but, no, we are still seeing losses at Guernsey Airport. They are reducing, not just because of efficiencies and economic opportunities but also, sadly, because of increasing charges, to try and bridge that gap but nobody is saying we have reached any end of any journey. I think there is a great deal of work to exploit the commercial opportunities of both the Harbours and the Airports still to come. All I was doing was giving an update of where we were and some of the things we have already done.

**The Bailiff:** Deputy Blin, a second supplementary attempt.

**Deputy Blin:** The question comes down to, for the tender process, is it about the income, which is important for the airports and harbours, or is it about offering a consistent level of support and ensuring there are sufficient vehicles across the Island for the tourist/business sector?

**The Bailiff:** Deputy Roffey.

**Deputy Roffey:** I would really advise Deputy Blin to wait until the announcement of the outcome of the tendering considerations. A tender always runs the risk that incumbents will not actually secure the new contract going forward. That, as he has pointed out, is the case in this situation. Of course we are corporate players, we look at the broader interests of the Island as well, but we also have to be a commercial organisation that the States have told us to act as far as we can in a commercial manner and that is just what we have done in respect of this particular franchise.

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

**Deputy Gollop:** Will STSB, working together with Economic Development, Tourism and other public bodies consider how charges, operating systems and operating hours might change if we adopted a policy of seeing ports, especially the Bailiwick airports as economic enablers of business activity, economic growth, connectivity and encouraging new residents and enterprises, entrepreneurs?

**The Bailiff:** Deputy Roffey to reply, please.

**Deputy Roffey:** The STSB already regards the Ports as key economic enablers for all of the reasons that Deputy Gollop mentions. We are also expected to them commercially as best we can and while those two aims are not mutually exclusive, there can be significant tensions at times, given the relatively small scale of the operations and the strict regulatory environments they operate in.

It has become more challenging lately given the impact of the COVID pandemic, particularly on air travel, and hence they are currently relying on some taxpayer funding. We do not believe that subsidy is sustainable so we tasked Guernsey Ports with finding efficiencies, finding new revenue opportunities and reviewing all of their fees and charges to ensure they are at realistic and sustainable levels.

This has already reduced the funding requirement this year and next year it will reduce further still. Looking further ahead we believe the harbours can generate sufficient revenues to fund their

ongoing operating costs and main capital requirements but, as I have highlighted in previous updates to the States, there is a case for Guernsey Airport to receive some ongoing taxpayer funding to offset the need for higher charges that might otherwise discourage travel and therefore be an economic dis-enabler. The operating losses at Alderney Airport are of course already covered from general revenue.

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

**Deputy Gollop:** Yes, I know you have engaged with Policy & Resources on these broadly but my first supplementary is Deputy Dudley-Owen has reminded me of her point about the fast-swipe VIP. Another argument she put forward when on Economic Development was that Guernsey Airport could be a useful place for selling Guernsey produce, both food and retail and clothing. Is it possible for the STSB, as one aspect of economic enablement, to encourage a local product base?

**The Bailiff:** Deputy Roffey.

**Deputy Roffey:** I do not know when Deputy Gollop last went through the Airport but the shop on the land side is an absolute specialist retailer dealing with all things Guernsey and filling exactly that niche. So I do not know if he wants competition in the market, or us to try and bring somebody else in to try and compete against them, but I think that box has already been ticked, Deputy Gollop.

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

**Deputy Gollop:** My second supplementary is, in the wider, broader policy matrix, there is, as the answer rightly reflects, a trade-off between sustainable finance for STSB and cost to the consumer and traveller and cost to the taxpayer. Would the STSB be actually looking at working with other senior Committees to come up with a variety of options of how we could make the Airport more of an economic enabler and finance it in such a way that its charges to the consumer are therefore potentially reduced?

**The Bailiff:** Deputy Roffey.

**Deputy Roffey:** I think Deputy Gollop is basically saying should we ask P&R for a taxpayer subsidy to the Airport? He knows, because he is a Member of P&R, that we have raised this, and to be fair to P&R, they can see the economic enabling argument but say there is just no spare cash at the moment in the kitty to even countenance such a proposal. So I think, without trying to jump two weeks ahead, until we can show some resolution in tackling the tax conundrum that this Assembly has so far sidestepped so meekly, such prospects are, I am afraid, off the table.

**The Bailiff:** I do not see any other Member –  
Ah, Deputy Vermeulen, supplementary.

**Deputy Vermeulen:** The question Deputy Gollop posed was regarding Airport opening hours. We recently, at our home-based airline on a return flight to Guernsey, notified three minutes before landing that the Airport was shut and I am still none the wiser how that issue happened. Can I have any reassurance that this will not happen again and that perhaps we are looking seriously into extending the Airport opening hours?

**The Bailiff:** I do not think that arises out of the answer given to the question, interesting though it might be. Anyone else for a supplementary?

In that case we will move to the other question in Question Time, which is from Deputy St Pier to the President of Policy & Resources Committee.

**POLICY & RESOURCES COMMITTEE**

**Conviction in 1942 of a number of police officers –  
Publication of policy letter**

1595 **The Bailiff:** Your question please, Deputy St Pier.

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

1600 In a reply dated 21st February 2024 to a Rule 11 question in relation to the conviction in 1942 of a number of police officers, the Committee advised that the Committee was aiming to publish a policy letter during Quarter 2, 2024. In a reply given in the Assembly on 17th July 2024 to a Rule 14 question, the Committee advised that, 'The consultation of 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.'

1605 Now that we are in Quarter 4, can the Committee please advise when the policy letter will be published?

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

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

1610 Following the consultation process undertaken in Quarter 2 of this year, the Policy & Resources Committee considered the views received from a range of stakeholders. It was abundantly clear from the feedback received that a policy letter was not going to address this issue satisfactorily and that there were strong and differing views to respect.

1615 Having considered the responses received, the Committee is of the view that the most appropriate approach to address the issue would be to make a conciliatory statement, which could form part of the 80th Anniversary of Liberation Day. A more detailed public statement will be made when these plans have been more fully developed.

**The Bailiff:** Supplementary, Deputy St Pier.

1620

**Deputy St Pier:** Yes, sir, I have two supplementaries, the first of which is can the President please advise what was contained in the draft policy letter?

**The Bailiff:** Deputy Trott.

1625

**Deputy Trott:** Thank you, sir. An understandable question.

1630 The draft policy letter contained a summary of some issues of the administration of justice during the Occupation. It explored whether a statutory pardon, or a pardon using the Royal Prerogative would be appropriate and explained why it was not. This included how difficult it would be to reassess matters from decades ago.

Appended to the draft policy letter was a short statement acknowledging the suffering and experiences by some of those who were prosecuted for offences during the Occupation, including but not limited to certain police officers in 1942.

1635 **The Bailiff:** Second supplementary, Deputy St Pier.

**Deputy St Pier:** Yes, sir. This morning I received an email:

My grandfather suffered not only the horrors of his imprisonment by the Germans but on his return to Guernsey he faced further humiliation caused by our authorities, who seemed to have endorsed the German Military Court's findings by dismissing him from the Force and removing his pension. The added injustice of the Guernsey authorities' apparent endorsement of the German Court decision should not be underestimated as a disgrace to the whole family with an

ongoing shame of prejudice against them. Sadly, he died after the War in disgrace and the family never mentioned the issue again.

Sir, in light of that, why is a statutory pardon not considered appropriate?

1640 **The Bailiff:** Deputy Trott.

**Deputy Trott:** Firstly, sir, I would like to say personally I have a great deal of personal regret at the suffering that person and their family suffered. However, statutory pardons have been made in the past for historic offences, which by the time they were considered again were no longer criminal offences. These included cowardice in World War One and homosexuality.

1645 The issue under consideration here is the treatment of certain people convicted of criminal offences such as theft and the handling of stolen goods by the Civil Courts during the Occupation. Burglary, theft, handling stolen goods are still criminal offences, which make a statutory pardon inappropriate.

1650 The situation is also different from the recent Post Office Horizon issue, where unsafe convictions were quashed, allowing a gateway for any currently prosecuted acts of theft or fraud to remain valid. The same approach cannot be applied directly to the incidents of theft during the Occupation. But once again, I reiterate my personal regret at the suffering that those individuals and their families have suffered.

1655 **The Bailiff:** Deputy Gabriel.

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

1660 I think I heard in the original reply that a range of stakeholders were to be consulted or had been consulted. Did those stakeholders include descendants of the Constables who were convicted and subsequently their names besmirched?  
Thank you.

**The Bailiff:** Deputy Trott.

1665 **Deputy Trott:** Sir, I am grateful for advance notice of this question because I am able to provide a proper answer. Following liaison with the Law Officers of the Crown and the Bailiff, the draft text was shared with an interlocutor who has been in touch with the families. It was also shared with the former Bailiff, Sir de Vic Carey, due to his family connection to the period of the Occupation.

1670 **The Bailiff:** Deputy Ferbrache, supplementary.

1675 **Deputy Ferbrache:** Sir, Deputy Trott is absolutely right, theft etc is still on the statute books in connection with where we are. But we are looking at principles of justice and the police officers had confessions beaten out of them, absolutely beaten out of them. The German Tribunals that treated them were disgraceful, the Royal Court that dealt with them dealt with them in a completely inappropriate way. How can that not be the subject of a pardon, a statutory pardon, rather than some conciliatory statement?

1680 **The Bailiff:** Deputy Trott.

**Deputy Trott:** Sir, I am not a lawyer and therefore I am not able to elaborate on the answer I gave earlier. The answer that I gave earlier regarding statutory pardons was provided to me by suitably qualified legal representatives.

1685 **The Bailiff:** No further supplementaries, so we will move onto the next item of business, Greffier.

**APPENDIX REPORTS**

**COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY**

**Guernsey Legal Aid Service 2023 Annual Report –  
Motion to debate carried**

*The States are asked:*

*To resolve, pursuant to Rule 20 of the Rules of Procedure of the States of Deliberation, to debate the Appendix Report to Billet d'État No. XVIII entitled 'Guernsey Legal Aid Service – 2023 Annual Report.'*

**The States' Greffier:** The Committee for Employment & Social Security – Guernsey Legal Aid Service 2023 Annual Report – motion to debate.

1690

**The Bailiff:** I invite the proposer of the motion, Deputy St Pier, to speak to the motion, please.

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

1695

The case for this motion is relatively simple and I shall therefore be relatively brief and I hope indeed that it will not be opposed by the Committee. The budget for the Guernsey Legal Aid Service is around about £3 million a year and it is right and proper that that should be subject to public scrutiny and accountability through a debate of the Annual Report.

1700

Secondly, the 2022 Annual Report advised that an independent review had been commissioned and I think a debate would provide an opportunity for the Committee to update Members of this Assembly on the progress of that work, which has obviously been going on for some time.

The dwindling number of lawyers participating in or able to assist in providing legal aid work is a matter of public interest and therefore a debate would provide the opportunity to consider those issues and finally, of course, the scheme remains an extra-statutory one in respect of Sark and again I think that is a matter which requires further exploration in debate.

1705

For those reasons, sir, I move the motion and seek Members' support in order that a debate takes place towards the end of this sitting.

**The Bailiff:** Deputy Leadbeater, do you formally second the motion?

1710

**Deputy Leadbeater:** I do, sir.

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

And Deputy Roffey, as the President of the Committee for Employment & Social Security, you get a chance to speak as well. No one else is entitled to speak.

1715

**Deputy Roffey:** Just to say the Committee has absolutely no objection to this being debated if the Assembly would like it to be.

1720

**The Bailiff:** Members of the States, the motion is at this stage simply to decide whether or not there will be a debate of this Appendix Report and I will be inviting the Greffier to open the voting in relation to that motion.

*There was a recorded vote.*

*Carried – Pour 31, Contre 1, Ne vote pas 0, Did not vote 2, Absent 6*

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

1725 **The Bailiff:** In respect of the motion to debate the Appendix Report, the Guernsey Legal Aid Service 2023 Annual Report, there voted in favour, 31; there voted against, 1; nobody abstained; 8 Members did not participate in the vote and therefore I will declare that carried, which simply means that we will pick it up towards the end of the Meeting.

## SCRUTINY MANAGEMENT COMMITTEE

### Scrutiny Management Committee Annual Report 2023 – Motion to debate withdrawn

*The States are asked:*

*To resolve, pursuant to Rule 20 of the Rules of Procedure of the States of Deliberation, to debate the Appendix Report to Billet d'État No. XVIII entitled 'Scrutiny Management Committee - Annual Report 2023'.*

1730 **The States' Greffier:** Scrutiny Management Committee – Annual Report for 2023 – motion to debate.

**The Bailiff:** Deputy Gollop, this is your motion. Do you wish to move it?



1735 **Deputy Gollop:** On reflection, I do not wish to move it at this time and I seek leave to withdraw.  
But I give my apologies to you, sir, the Assembly, and indeed Deputy Burford and the Scrutiny  
Committee.  
Perhaps the issues could be addressed at a later point.

1740 **The Bailiff:** Thank you very much. If you are not moving the motion then we will move on to the  
next items of business. Greffier, can you mention the items being laid before this Meeting of this  
States.

## Billet d'État XVIII

### LEGISLATION LAID BEFORE THE STATES

#### **The Income Support (Guernsey) (Amendment) Regulations, 2024; The Social Insurance (Contributions) (Amendment) Regulations, 2024**

**The States' Greffier:** Yes, sir.  
The following legislation is laid before the States: The Income Support (Guernsey) (Amendment)  
1745 Regulations, 2024; and The Social Insurance (Contributions) (Amendment) Regulations, 2024.

**The Bailiff:** Members of the States, I have not received any motions to annul either of those  
Statutory Instruments, but they have been laid at this Meeting and there will be an opportunity at  
the next Ordinary Meeting for any motions to annul.  
1750 The first main item of business, then, please, Greffier.

### LEGISLATION FOR APPROVAL

#### COMMITTEE FOR HOME AFFAIRS

##### **1. Domestic Abuse and Related Provisions (Bailiwick of Guernsey) Law, 2024 – Proposition carried**

*Article 1.*

*The States are asked to decide:*

*Whether they are of the opinion to approve the draft Projet de Loi entitled "The Domestic Abuse  
and Related Provisions (Bailiwick of Guernsey) 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 1. Committee for Home Affairs – the Domestic Abuse and Related  
Provisions (Bailiwick of Guernsey) Law, 2024.

1755 **The Bailiff:** Deputy Prow, is there anything you wish to say in relation to this Projet?

**Deputy Prow:** Yes please, sir. Very briefly.

I am pleased to commend this legislation to the Assembly, following the approval of the  
Committee's policy letter on 27th September 2023. This has been a huge undertaking for the

Committee and I would like to thank and acknowledge the officers of the Committee, the outstanding drafting Law Officer, the Police and Probation services, our excellent third sector partners, including Safer and Victim and Witness Support. And all those who responded to the consultation process.

This new Law is to create new offences, as well as introduce measures to afford better protection to victims and tackle domestic abuse in line with the objectives of the Domestic Abuse and Sexual Violence Strategy for Guernsey and Alderney, as agreed in this Assembly. This new, substantive, primary legislation, will criminalise domestic abuse, introduce measures to protect victims of domestic abuse, and their families, and reduce the risk of repeat offending.

I am also pleased to advise that the Committee for Home Affairs is currently consulting on the second tranche of provisions, which it intends to present to this Assembly before the end of this term.

Sir, I would ask the Assembly to approve this legislation. Thank you, sir.

**The Bailiff:** Deputy Gollop.

**Deputy Gollop:** I wish I had read the whole hundreds of pages of legislation I think back in the day but it has finally come to us and I thank Deputy Prow, I thank the retiring police chief, all the officers at St James', Committee Members like Deputy Aldwell and everyone else for the work that they have done. But there are a few points.

There was recently a feature in the media, which perhaps might not have got it completely spot on, who knows? It raised the issue that even senior police officers might need additional training at times, or middle management, when charging or being involved in sensitive cases, and I think we all, goodness me I am on Policy & Resources, we all need to give Home Affairs the resources to ensure that training and manpower is fit for purpose, which I am sure it is most of the time. But I think Home Affairs will understand the point I am making.

A journalist also contacted me about what I had said in a previous debate. They had read *Hansard*, I had not! I referred to Deputy Ferbrache and Lord Waddington and all sorts of things but amongst other things I said in the September 27th, 2023, debate I praised the efforts made in this legislation that we see before us today on many of the issues that have just been covered. I think Deputy Prow obviously talked about protection, domestic abuse protection notices, injunctions perhaps with domestic violence orders, whereby people might be obliged to leave the house even if there is not enough evidence for a conviction. I think we all support that.

But there is an issue about homelessness on both sides of the equation. Sometimes the victim and/or their dependants, will find themselves homeless because of the impossible situation they have been put in by a malefactor or a perpetrator. But sometimes, rightly, the Police will intervene and the perpetrator or alleged perpetrator would be obliged to find alternative accommodation. That implies that it is available with appropriate safeguarding.

Now we know of a charity that used to house people with alcohol dependency issues, there are properties like that that could be used, by the third sector or maybe the state, but I think my call here is that when the implementation is implemented, in order for it to be both effective and robust, we will not only need to implement correctly the Law but be aware of the consequences and have the infrastructure and properties and trained people to ensure that there is not unwarranted homelessness or dangers to the public on the streets, but that perpetrators are appropriately housed somewhere.

Indeed, some of us were greeted today by the Soroptimists, who very much have great faith in Home Affairs and want this legislation to be enacted today, without amendment. But I do mention the need, I think as always, for more resources for victims, for training and also for accommodation.

**The Bailiff:** Deputy Aldwell.

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

No one is going to be surprised that I am going to be speaking today. The policy letter from Home Affairs' Justice Framework (Domestic Abuse and Sexual Violence) first came to this Assembly back on 7th September 2022 to be debated. It spoke of the need to enhance and make significant improvements to legislation around domestic abuse. Also covering non-violent aspects of domestic abuse and it was very apparent that we were behind the curve compared to other jurisdictions such as the UK, Isle of Man and Jersey.

With so many members of our community, along with parliamentarians past and present, passionate about this subject, this Home Affairs was determined for Guernsey to start its journey. Domestic abuse and sexual violence was made a priority, with a wish that the new legislation be in place before the end of this term.

As you will recall we brought the follow-up policy letter on 27th September last year, after much consultation, and with key stakeholders for the suite of legislation and today, after what has felt like a very long journey, we have finally arrived at the station, where we can now ask the Assembly to approve the final legislation, for it to go for Royal Assent, allowing it to be enacted with the appropriate training and guidance alongside it.

What I would like to focus on just for a few moments is to explain the work undertaken for those of you who may not have been involved this term in producing detailed policy letters, or for those listening who may wonder, as I did, why the process takes such a considerable time.

Ultimately, the reason being the amount of people consulted on this major piece of legislation, who work in this sphere, touching so many lives, which gives this legislation its complexity. I was asked to make a video, along with my colleagues, Deputy Bury and Deputy Kazantseva-Miller, by Women in Public Life, to encourage more people to stand. I was asked what were the positives of my role as a Deputy and one of the real positives I felt and explained has been meeting the wonderful people, the dedicated people who work within our community. A tapestry of people who work, who keep us and our loved ones safe in so many ways throughout our lives, in our education settings, public safety, health, supported by the third sector.

When we bring social policy and make new legislation, we need to have evidence to ensure it tackles the problems which we face and gives the outcomes sought. I wanted to have the conversation face to face with those on the frontline for my peace of mind, understanding what was working and what needed to change.

It was suggested I read, to broaden my education, *In Control*, by Jane Monckton Smith, a former police officer and renowned professor of public protection, using her groundbreaking research on these heinous crimes against another person or persons. I would recommend it to others; it was enlightening.

It has been a privilege during this process to not only hear from the survivors of domestic abuse but to meet, listen and ask questions of those who work across our community, who have taken part in the consultation and further afield, whether it is the Police on shift, those picking up the cases from the night before in the Public Protection Unit, or those on the dedicated domestic abuse team. They themselves face huge amounts of stress, dealing with the incidents they support each day. Probation staff supporting after the conviction with Sarnia Programme or the Crown Officers.

It is fair to say that the work which goes on in the third sector is complex, with Safer, the Refuge, Witness and Victim Support, they enable victims to have a haven, a contact, a lifeline, along with the Sexual Assault Referral Centre (SARC) put in place 12 months ago by Home Affairs. Those conversations are always enlightening and invaluable.

The Crown Officers who prosecute perpetrators and the judges who preside have all been part of the process to understand what is and what could be possible within our Court process. In each of my 10 governing boards in education, I have been able to enquire from the heads if Operation Encompass is offering a good level of support between Police and schools, since its inception in 2021, for the children who have suffered domestic abuse in their homes the previous evening, and ensuring all teachers are trained in safeguarding. Heads reported Operation Encompass was invaluable.

1865 The conversations across the Committees continued, with regard to online safety and the PSHE lessons, within our schools, which are mapped out over year groups and cover, where age appropriate, respectful relationships, understanding that violent pornography seen online is not what a normal loving relationship looks like and, of course, Safer delivering lessons to students on domestic abuse and what respectful relationships look like between friendships. Ongoing provision for educating our young people is essential.

1870 I know that there are some Deputies who do not see the value of the Commonwealth Parliamentary Association (CPA) events, and yet I have found this invaluable this term. My need for evidence and thirst for knowledge from experience of other jurisdictions in many ways who have faced the same problems we face here in Guernsey, such as implementation of laws to protect their vulnerable.

1875 There is nothing to compare to a face-to-face candid conversation, exchanging ideas and building relationships and broadening views, gaining understanding in complex situations. Working across our Commonwealth parliament, rather than living in a bubble, which gives us a very narrow view. The wealth of knowledge built in these relationships is priceless.

1880 Coming to a close, I would like to thank all of those mentioned above, who have been very generous with their time, explaining the difficulties they face and the truly amazing work they do to support and keep safe victims of domestic abuse. With a suite of laws now being put in place, along with the training and guidance, this will give them the tools needed to fulfil their roles in prosecuting the perpetrators and protecting the victims.

1885 Thank you to our officers in Home Affairs, who have had an enormous challenge with workload this term and have put up with a great deal of nagging in Any Other Business, each meeting. Also a huge thank you to our Crown Officer tasked with writing the Laws, who has completed such an excellent job, taking the very best evidence practised from other jurisdictions to fit Guernsey, with a great diligence, and produce this complex piece of legislation to a timeline promised.

Officers are now working on the implementation needs for this first phase, including the Police training and multiple agency training and guidance, which as we know is essential. This is the first phase, as Deputy Prow has spoken on already.

1890 Finally, a heartfelt thank you to everyone involved in bringing this long-awaited Domestic Abuse Law to this States' Assembly, and to the States' Assembly who have come along on this journey, giving Home Affairs its full support.

1895 Remembering once again, as parliamentarians we are all visitors to this time, this place. We are just passing through. This Law finally gives us the opportunity to make a significant, positive difference here in the Bailiwick, for generations to come.

Thank you.

**The Bailiff:** Deputy Roffey.

1900 **Deputy Roffey:** Thank you, sir. I am glad you called Deputy Aldwell before me because I think it frames nicely what I wanted to say.

1905 I do not want to be seen as a creep and I certainly do not think this Assembly should be a mutual appreciation society but I am one of the first always on my feet when I am critical of any policy letter or legislation when it is laid before the States so, in this overly competitive political environment that has emerged, I just wanted to actually pay credit to the Home Affairs Department for the way they have taken forward what I would call their social agenda during this particular political term, whether it is the Island's response to domestic abuse, as in this case, or sexual offences.

1910 It has been refreshing to see a Home Affairs Department so committed and so driven over this particular issue and I think it does them credit and I think those who say this Assembly has achieved nothing, I actually think it has achieved a great deal. There is a lot it has not achieved. It is easy to focus on that but this is one example, this agenda, where it has achieved and I say thank you to Home Affairs for all the work that they have done.

**The Bailiff:** Deputy Burford.

1915

**Deputy Burford:** Sir, I am really following on from Deputy Roffey. This has been a subject close to my heart for some time. I brought numerous amendments in early 2016 to the then Domestic Abuse Strategy, where there were attempts to cut the funding severely, which we managed to avoid, and to put in further other requirements.

1920

It is really heart-warming to see the work that this Committee has done this term on this subject on the Sexual Assault Referral Centre and on other matters relating to this. So I just wanted to put that on record and commend the Committee for their work. There is always more that can be done. I think there are areas where conviction rates on things like rape and everything, let us hope this work feeds into those kinds of wider things in terms of sexual assaults, etc.

1925

Just simply to say thank you to the Committee for the work they have done this term and obviously I will be supporting this.

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

1930

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

As colleagues said, this is a monumental piece of legislation. But I do want to say that the work is not actually fully complete. Before the Committee fully rests on their laurels – and they absolutely should – there is one area that I picked up in conversations with the Committee and I am really thankful for the response I have received. It is in relation to AI and specifically in relation to Chapter Four, which is threatening to disclose private sexual photographs and films. I asked the Committee whether AI generated or manipulated, or Photoshop generated/manipulated images would be covered under this legislation.

1935

In a nutshell they would not be because when you manipulate an image, for example an original image was not sexual in nature but it is manipulated, whether by AI, Photoshop or other means, to become sexual, that then is not covered currently by legislation, which only covers images that are originally sexual in nature.

1940

We are entering this whole world of AI-generated images and films, which is of serious potential concern to the community and currently, as we stand today, this will not be covered by legislation. In the UK they have taken further steps to ensure that AI-generated images and films are being covered. That is being covered by provisions of the Online Safety Act but our original policy letter was developed before such similar developments took place in the UK.

1945

So my understanding is that the Committee will hopefully take this on board and this will be one of the areas that they look at further. This will have significant implications to legislation that may have to be repealed and new provisions have to be enacted. But I just wanted to put it on record that I think this is quite an important area to make sure that the future Home Affairs Committee does keep in consideration because it will only become more and more pertinent as digital and AI technologies develop.

1950

Thank you.

1955

**The Bailiff:** Deputy Leadbeater.

**Deputy Leadbeater:** Thank you, sir.

Again, I am going to congratulate the Committee for their work in this area. I was a member of the Committee for Home Affairs last term when this work began and it is great to see it coming to this stage now, so I congratulate the Committee on that.

1960

**The Bailiff:** Deputy Queripel.

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

1965 I will start by commending everyone involved in this important piece of work, which seeks to make the Law a lot more robust. As well as rising to commend everyone, I rise to seek clarification on a point and I apologise sincerely to the President for not picking this up earlier and giving him advance notice of my question.

In 12.3(b) in Chapter Two, which deals with child cruelty, it states if a person:

... under the influence of drink or a prohibited drug, be deemed to have neglected that infant in a manner likely to cause injury to that infant's health ...

1970 – then they are guilty in effect of an offence. But it does not appear to cover prescribed drugs. Can the President please clarify that issue when he responds? It simply says under the influence of drink or a prohibited drug.

Thank you, sir.

1975 **The Bailiff:** As I do not see any other Member rising, I will turn to the President, Deputy Prow, to reply to that debate, please.

**Deputy Prow:** Thank you very much, sir.

1980 I will start with Deputy Gollop. He raises two questions. Before I cover those, I thank him for his support and I know he is a member of the Legislation Review Panel, for the feedback we had from that panel, so I thank him for that.

1985 He mentions resources. Of course, if the Assembly, which I think from the comments are very likely to, agree to this legislation, it will not come into force until it receives Royal Assent. So in that time all the preparation that needs to happen before it actually becomes Law will happen and in prioritising the legislation, we have done so in response to the Domestic Abuse and Sexual Violence Strategy, which was agreed by this Assembly.

1990 As Deputy Aldwell has already outlined, all the organisations involved in that have been heavily involved and there is a great deal of consultation and knowledge already about the effects of legislation. So there is already a very robust framework for protection and justice for victims of domestic abuse.

1995 One other point from Deputy Gollop's questions and comments was it needs to be born in mind that Guernsey Police introduced a dedicated, full-time Police domestic abuse officer in 2022, ahead of the Law being drafted, and this was done after the Home Affairs Domestic Abuse Strategy. That additional funding has been secured and is in the Government Work Plan. So there are resources in place.

2000 Training was also mentioned. Training will be devised and put in place ahead of the legislation going live and praise has already gone out to the Law Officers of the Crown and this training will take place and be done by St James' Chambers, who drafted the Law. Safer will also be involved to ensure that best practice in relation to domestic abuse is understood. Any suggestion that this is not underpinned by resources or training just is not the case. It will take time for the legislation to get Royal Assent so the work will happen straight away.

2005 The question of housing and homelessness has already been discussed. This is an issue but perhaps if we put the consequences of this into some sort of context, we have been liaising with the Isle of Man and their domestic abuse legislation and DAPNs and DAPOs are in place in the Isle of Man but the incidence when they come before the Courts is relatively low and, in fact, in the first five months of their legislation, only seven domestic abuse notices were issued.

2010 My message is the strategy is not just about the legislation in itself. It is about the work that the third sector do, the Police do, the Probation Service do. It is about preventing both domestic abuse and sexual violence. That is massively important. But when these incidents happen, we have the legislation in place to more effectively deal with it. So that is my message. Hopefully that helps Deputy Gollop.

Deputy Aldwell, I thank her absolutely for her extensive work and engagement and I also thank her for very thoroughly outlining to the Assembly the consultation and work that has gone into this. As our lead on this matter in Home Affairs and on behalf of the Committee, I thank her for her work.

2015 Deputy Roffey and Deputy Burford, I really do thank you for your very generous and kind comments. Yes, this Committee has driven through the social agenda and it is very pleased to do so. But I really welcome that support. It means a lot. It means a lot to me and I know it will mean a lot to the Committee. So Deputies Roffey and Burford, I thank you.

2020 Which kind of leads onto a theme around more to be done. The Committee acknowledges that. I said in my opening that this is the first part of the process. There is a second tranche to that. This was picked up by Deputy Kazantseva-Miller. Work is not complete and I thank her for her interest in this and for her comments around AI. It is interesting to note that whilst we progressed this very quickly, or as quickly as we can, there are other elements to this, which the Committee has engaged on.

2025 The Online Safety Act in the UK, which does cover AI more comprehensively than this legislation does, is a piece of work that we are looking at separately and actually I should mention that online safety is actually another consideration, which is wider than this legislation anyway and I have already alluded to a second policy letter coming. So I thank Deputy Kazantseva-Miller for her comments, which she has put into writing; they are helpful and they will be considered.

2030 Deputy Leadbeater, he is right, work was started last term, where both he and I were engaged on that. I thank him very much for his support. Deputy Queripel, again I thank him for his support. He is asking for clarification on Section 3, subsection B. I would like to perhaps take up that clarification with him in detail outside this debate but I will share those discussions with the rest of the Assembly.

2035 As far as those sections are concerned, this relates to child cruelty. All I would note is there is a new definition of child cruelty, which is extremely broad and it expressly includes non-physical ill treatment and neglect. So it is well catered for in the legislation but the detailed point that Deputy Queripel has raised, I will speak to him outside of this and I will share the result of that conversation with the rest of the Assembly.

2040 I ask for the Assembly's support in this legislation. Thank you, sir.

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

Members of the States, there is a single Proposition, whether you are minded to approve the draft Projet de Loi and I will invite the Greffier to open the voting on that Proposition, please.

2045

*There was a recorded vote.*

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

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

Le Tocq, Jonathan  
Leadbeater, Marc  
Mahoney, David  
Matthews, Aidan  
McKenna, Liam  
Meerveld, Carl  
Moakes, Nick  
Oliver, Victoria  
Parkinson, Charles  
Prow, Robert  
Queripel, Lester  
Roberts, Steve  
Roffey, Peter  
Snowdon, Alexander  
Soulsby, Heidi  
St Pier, Gavin  
Taylor, Andrew  
Trott, Lyndon  
Vermeulen, Simon

**The Bailiff:** In respect of the draft *Projet de Loi*, there voted in favour, 36 Members; no Member voted against; no Member abstained, 4 Members did not participate in the vote and therefore I will declare the Proposition duly carried.

## COMMITTEE FOR HEALTH & SOCIAL CARE

### 2. Tobacco Products (Guernsey) (Amendment) Ordinance, 2024 – Debate commenced

*Article 2.*

*The States are asked to decide:*

*Whether they are of the opinion to approve the draft Ordinance entitled "The Tobacco Products (Guernsey) (Amendment) Ordinance, 2024" and to direct that the same shall have effect as an Ordinance of the States.*

2050 **The States' Greffier:** Article 2, Committee for Health & Social Care – the Tobacco Products (Guernsey) (Amendment) Ordinance, 2024.

**The Bailiff:** I will invite Deputy Brouard, if he wishes to, to say anything in opening.

2055 **Deputy Brouard:** Thank you, sir. Extremely brief.

It is just another piece of legislation of the jigsaw of protecting lives and encouraging good health. I am pleased it has been brought forward so expeditiously. I would ask all Members to support it.

Thank you very much indeed.

2060

**The Bailiff:** Deputy Soulsby.

**Deputy Soulsby:** Thank you, sir. I will be brief.

2065 I was interested to see this Ordinance appear when last month, this was part of a policy letter which also included the regulation of vaping, so last month the States agreed to give this a medium priority and we agreed to give the vaping and a law on vaping a high priority. But we have got this Ordinance on a ban on smoking in cars with children coming before vaping. So I would just like to



receive the assurance from the HSC President the Committee are treating the legislation on vaping with urgency and we can expect to see that legislation come just as promptly as this.

2070 Thank you.

**The Bailiff:** Deputy Gollop.

2075 **Deputy Gollop:** I support the legislation but note that, of course, now makes illegal any person, whether or not an adult, smokes in a motor vehicle when a child is present, the driver as well as any person present in charge of the vehicle also commits an offence. Whether you would have a person who was in charge of the vehicle but not the driver, I do not know but unless the driver or person in charge is under 18, but there is a defence if the driver or person in charge reasonably believed all occupants were at least 18 years old or if the vehicle was mobile living accommodation parked at night.

2080 I was interested in passing that a coroner in Wales was recently suggesting whether it should be legal for persons under 18 to drive after an accident, but that goes off the point. What I am interested in here is, bearing in mind there is a defence, if you do not know the person in the car is actually under 18, they are a borderline teenage age, will Health & Social Care, in conjunction with 2085 Home Affairs, ensure that this legislation is policed because for it to really have the desired effect, it is not just about us setting a standard and telling the community what is right and appropriate, it is also really about enforcement.

2090 **The Bailiff:** Deputy Leadbeater.

**Deputy Leadbeater:** Thank you, sir. I rise solely to address the question by Deputy Soulsby and I think I have got this right. I think the reason this has come in advance of the vaping stuff is because the vaping stuff requires primary legislation, whereas this is sort of tacking onto the old tobacco laws. So I think that is the reason for them being that way around. It is not that this one is a priority 2095 over the vaping piece of work.

**The Bailiff:** Deputy St Pier.

2100 **Deputy St Pier:** Similarly, sir, building on Deputy Leadbeater's point, just to draw Deputy Soulsby's attention to the Enabling Provisions Law, 2024, which has been lodged and actually does appear on P&R's schedule for the next month.

**The Bailiff:** Deputy Queripel.

2105 **Deputy Queripel:** Sir, I am slightly confused with what we are told in this policy letter. I just rise to seek clarification. I think I am missing a fundamental point somewhere along the line. It reads:

Where any person (whether or not an adult) smokes in a motor vehicle when a child is present, the driver as well as any person present and in charge of the vehicle also commits an offence, unless the driver or person in charge is under 18. There is a defence, if the driver or person in charge reasonably believed that all occupants were at least 18 years old or if a vehicle was mobile living accommodation parked overnight. There are further defences if the driver or person in charge took reasonable steps to stop the person smoking or had a reasonable excuse for not doing so.

2110 I have got a couple of questions relating to that. I am sure there is a simple answer to this. The way it reads, I am not quite picking up on the way that it is laid out in the letter in front of us. Does it mean that any person under 18, be it 15, 16, 17, whatever, can smoke in a vehicle when only under-18s are present? I hope that question makes sense.

Also, it sounds as though an adult can smoke in a mobile home where children are present, as much as they like, as long as it is parked overnight. There could be several adults in that mobile home smoking for several homes. Have I got that right or have I got that wrong?

Thank you, sir.

2115

**The Bailiff:** Members of the States, I think we will now adjourn until 2.30 because it seems to be generating some debate.

*The Assembly adjourned at 12.31 p.m.  
and resumed its sitting at 2.30 p.m.*

## COMMITTEE FOR HEALTH & SOCIAL CARE

### 2. Tobacco Products (Guernsey) (Amendment) Ordinance, 2024 – Debate continued – Proposition carried

2120

**The Bailiff:** We will resume debate on the draft Tobacco Products (Guernsey) (Amendment) Ordinance, 2024. Is there anyone else who wishes to speak?  
Deputy Matthews.

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

2125

I was going to respond to the points that I made earlier in the debate when Deputy Gollop talked about the importance of enforcement and, although of course enforcement is important and it is with the Committee for Home Affairs who have expressed that it might be a little difficult to enforce these rules on some occasion. But I think it is important that the rule is there still, anyway, just to set the expectation and the example. It is almost more important than actually enforcing the rules: to set the expectation, set the standard, and that is one of the things that motivated us on the Committee to think that this is the right thing to do.

2130

That was the only point I had to make, sir, so we proceed now. Thank you.

**The Bailiff:** Deputy Gabriel.

2135

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

I just rise briefly to ask Deputy Brouard, when he is summing up, to clarify a position. Section 31(c), powers to enter and require information, it seems a little harsh to enshrine into Law that a police officer may enter and search a motor vehicle, which is parked, in order to ascertain whether an offence under Section 31(a), which is the underage smoking or the protection of minors, which is what the policy letter does.

2140

I wholly support the theme of the policy letter and protecting minors in vehicles but surely a police officer using his nose, or even at night, the glow of a cigarette would be enough to produce enough evidence, I would have thought. It seems a little over the top, or heavy handed to prescribe in Law that a police officer has all these powers to enter and search the vehicle for tobacco products.

2145

I would just like him to clarify that when he is summing up, if possible.  
Thank you.

**The Bailiff:** As no one else is rising to speak on this draft Ordinance, I will turn to the President, Deputy Brouard, to reply to that debate, please.

2150

**Deputy Brouard:** Thank you, sir, and thank you to those who have contributed.

I think Deputy Soulsby started us off, just about where we are with vaping. I think my colleagues from HSC have covered that and hopefully that will be there next month. In answer to Deputy Gollop's question, I think it was almost replied to by Deputy Matthews. Really, it is about education

2155

and setting the bar down. It is not so much about the policing of it. Policemen will not be on corners, waiting to see the next car where there is smoke coming out of it. But if, in the course of their duties, they find that it is all well and good. So it is really about education and our direction of travel.

Deputy Queripel had a bit more of a complex question. I am going to hate to do this, because I am going to get completely confused, but I am going to make a go. There is a matrix that we had in the original policy letter, which gave the whys and wherefores of when an offence is committed and when it is not. So I am going to try and read it out, but it is a table, so if I get lost, please let me know, Deputy Queripel, or if that is not what you meant, I am happy to give way.

Basically, where the smoker is 18 years of age or above, then there is an offence committed by the smoker, yes, and also by the driver or the person in charge, if not the smoker, unless that person is under 18 years of age. Now where the smoker is under 18 years old and there is no –

Oh, my computer has just died, I do not believe it! Where the smoker is under 18 years old and no other under 18-year-old is in the vehicle, then the smoker does not commit an offence and nor does the driver commit an offence. Finally, where the smoker is under 18 years old and there is at least one other under-18 in the vehicle, who is not smoking, the smoker does not commit offence but the driver, unless under 18 years old, does. I hope that makes that perfectly clear! *(Laughter)*

With regard to smoking in a mobile home, it is really just a legacy from that people are allowed to smoke in their own homes and it is just reflecting that policy where a mobile home happens to be their home, then people are allowed to smoke in their home and legislation has not stretched that far that we are banning people to smoke in their own homes, even if there are children there. Although it is highly recommended not to.

Finally, I come to Deputy Gabriel, clarify the powers. I think it is really just belt and braces. Hopefully it is never going to be used or not necessary but we have seen some horrendous stories from the UK where people just have not obeyed the Police, have not stopped, and obviously we need to make sure that the Police have the powers to go into a car and see exactly what is happening. It is just to make sure that they have that power available and there is not a challenge.

I was going to refer to the Law Officers if they could give me any more further information on that but I hope that is sufficient.

Please, everybody, support the policy letter. Thank you.

**The Bailiff:** Well, Members of the States, there is a single Proposition as to whether you are minded to approve this draft Ordinance and I will ask the Greffier to open the voting on that Proposition, please.

*There was a recorded vote.*

*Carried – Pour 32, Contre 1, Ne vote pas 1, Did not vote 3, Absent 3*

POUR	CONTRE	NE VOTE PAS	DID NOT VOTE	ABSENT
Aldwell, Sue	Helyar, Mark	Mahoney, David	Inder, Neil	Dyke, John
Blin, Chris			Roberts, Steve	Falla, Steve
Brouard, Al			Trott, Lyndon	Murray, Bob
Burford, Yvonne				
Bury, Tina				
Cameron, Andy				
De Lisle, David				
De Sausmarez, Lindsay				
Dudley-Owen, Andrea				
Fairclough, Simon				
Ferbrache, Peter				
Gabriel, Adrian				
Gollop, John				
Haskins, Sam				
Kazantseva-Miller, Sasha				
Le Tissier, Chris				
Le Tocq, Jonathan				

Leadbeater, Marc  
 Matthews, Aidan  
 McKenna, Liam  
 Meerveld, Carl  
 Moakes, Nick  
 Oliver, Victoria  
 Parkinson, Charles  
 Prow, Robert  
 Queripel, Lester  
 Roffey, Peter  
 Snowdon, Alexander  
 Soulsby, Heidi  
 St Pier, Gavin  
 Taylor, Andrew  
 Vermeulen, Simon

2190

**The Bailiff:** In respect of this draft Ordinance, there voted in favour, 32 Members; 1 Member voted against; 1 Member abstained and 6 Members did not participate in the vote and therefore I declare the Proposition duly carried.

## POLICY & RESOURCES COMMITTEE

### 3. Publication of Official Notices (Guernsey) Law, 2024 (Commencement) Ordinance, 2024 – Proposition carried

*Article 3.*

*The States are asked to decide:-*

*Whether they are of the opinion to approve the draft Ordinance entitled "The Publication of Official Notices (Guernsey) Law, 2024 (Commencement) Ordinance, 2024" and to direct that the same shall have effect as an Ordinance of the States.*

2195 **The States' Greffier:** Item 3, Policy & Resources Committee – Publication of Official Notices (Guernsey) Law (Commencement) Ordinance 2024.

**The Bailiff:** Deputy Trott, is there anything you wish to say in respect of this matter?

2200 **Deputy Trott:** Nothing further, thank you sir.

**The Bailiff:** Thank you.

2205 I do not see any Member leaping to their feet to discuss the Commencement Ordinance, which is a relief, I think. Therefore what I will do is I will invite the Greffier to open the voting on this Proposition to approve the Draft Ordinance, commencing the Publication of Official Notices (Guernsey) Law, 2024.

*There was a recorded vote.*

*Carried – Pour 35, Contre 1, Ne vote pas 1, Did not vote 2, Absent 3*

#### POUR

Aldwell, Sue  
 Blin, Chris  
 Brouard, Al  
 Burford, Yvonne

#### CONTRE

Helyar, Mark

#### NE VOTE PAS

None

#### DID NOT VOTE

Inder, Neil  
 Roberts, Steve

#### ABSENT

Dyke, John  
 Falla, Steve  
 Murray, Bob

Bury, Tina  
Cameron, Andy  
De Lisle, David  
De Sausmarez, Lindsay  
Dudley-Owen, Andrea  
Fairclough, Simon  
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  
Oliver, Victoria  
Parkinson, Charles  
Prow, Robert  
Queripel, Lester  
Roffey, Peter  
Snowdon, Alexander  
Soulsby, Heidi  
St Pier, Gavin  
Taylor, Andrew  
Trott, Lyndon  
Vermeulen, Simon

**The Bailiff:** In respect of this Proposition, there voted in favour, 35 Members; no Member voted against; no Member abstained; 5 Members did not participate in that vote and therefore I will declare the Proposition duly carried.

2210

## **COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY**

### **4. Contributory Benefit and Contribution Rates for 2025 – Propositions carried**

#### *Article 4.*

*The States are asked to decide:-*

*Whether, after consideration of the Policy Letter entitled 'Contributory Benefit and Contribution Rates for 2025', dated 9th September 2024, they are of the opinion:*

- 1. To set the contributions limits and rates as set out in Tables 4, 5 and 6 of the Policy Letter, from 1st January 2025.*
- 2. To set the standard rates of contributory social insurance benefits as set out in Table 7 of the Policy Letter, from 6th January 2025.*
- 3. To set the contribution (co-payment) required to be made by the claimant of care benefit, under the Long-term Care Insurance Scheme, at the rate set out in Table 9 of the Policy Letter, from 6th January 2025.*
- 4. To set the weekly long-term care benefit at the rates set out in Table 10 of the Policy Letter, from 6th January 2025.*
- 5. To set the weekly respite care benefit at the rates set out in Table 11 of the Policy Letter, from 6th January 2025.*

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

**The States' Greffier:** Article 4, Committee for Employment & Social Security – Contributory Benefit and Contribution Rates for 2025.

2215 **The Bailiff:** I will invite the President of the Committee, Deputy Roffey, to open the debate on this matter, please.

**Deputy Roffey:** Yes, thank you, sir.

2220 This is pretty much a formulaic operating policy letter. In the case of benefits paid out of the Guernsey Insurance Fund (GIF), the formula is the one that was recently agreed by this Assembly. That is to say either RPIX or RPIX plus one third of the difference between RPIX and the change in average earnings, whichever is higher, but with a look-back element, to ensure that the cost does not ratchet up unduly because of inflation being higher than wage growth one year and then wage growth higher than inflation the next year.

2225 So the formula means that pensions, which are by far the biggest payment out of the GIF, never go down in real terms. But, over a period of time, rise by exactly inflation, plus a third of the difference between inflation and the increase in average earnings. It just so happens that this year's operating exercise, coupled with last year's, demonstrates perfectly the elements of this model, which Members approved recently.

2230 Last year, average earnings had gone up by less than inflation, so the pension moved up by inflation. This year, wage growth has outstripped inflation considerably, so pensioners will benefit from a third of that differential but adjust it to take account of the fact that last year they did better than that. So over the two years, that would mean exactly inflation plus one third of the wage growth above inflation. I am sure that is clear to everybody.

2235 The net impact is that benefits made out of the GIF will go up by 4.9% next year, which will bring the full pension to £280.32 per week and in this respect, sir, I need to declare an interest. By contrast, the benefits paid out of the Long-term Care Insurance Fund and the co-payment paid by people in care will go up by a straight RPIX, which is 4.5%.

2240 I should say this is very much a short-term holding measure. We at ESS are painfully aware that these rates, combined with the universal co-payments from those in care, are simply too low to cover the true costs of care and accommodation and because they are too low, the majority of care beds now attract a top-up fee, which in turn takes them beyond the reach of many Islanders.

2245 We need the care sector to thrive and expand and meet increasing demand, so it is imperative that the benefit rates and the co-payments, taken together, cover the full cost of operating a bed in a care home, particularly bearing in mind that Income Support cannot help with top-up fees.

2250 So, sir, we will be bringing a separate policy letter on this matter very soon, but purely in the interim we are suggesting, as a holding pattern, a straight RPIX increase. The policy letter also includes an update on the change that the Committee advised the States last year it intended to make and it has now made. That was to reduce the age of a child in relation to which non-working parents could receive a pension credit. We keep being told that we need to look for savings and we agree. This change is very much driven by that desire and it is not alone, it is one of a number of such cost-cutting measures that we have approved recently.

However, we will of course be flexible for those who stay out of the workplace for longer, for specific and justified reasons, such as, for example, home education.

2255 As I say, this is very much an Upgrading Report, which has been driven by approved formulae of this Assembly and I recommend it to the States.

**The Bailiff:** Deputy Ferbrache.

**Deputy Ferbrache:** Sir, as usual, a succinct and able summary by Deputy Roffey but I think what he has already predicated is that, and I mean it in a constructive way, things are going to get a lot worse. Significantly in relation to rates over a relatively short period of time. We have got at the back of this document, Appendix One, which deals with current and anticipated future contribution rates, 2024-31, and they go up, for example for Class One, which is employer/employee, over that seven-year period from 14.1% to 15.6%. Similarly, self-employed, 11.9% to 13.4% and not employed, under pension age, has gone up by 1.5%.

When Deputy Roffey responds, I will ask him does he realistically think – and I appreciate he can only deal with it as it is today – that these rates will hold? Because my fear, my concern, that the reality is I do not think they will. I mean they are the best, I appreciate, and I am not intending any criticism of anybody, with the specification of these rates. But what we have got to face is that we are, and we will have this debate further in two weeks' time, in a parlous fiscal position. We have got an ageing population; we have got a dependent population. Deputy Roffey has already said that the care home rates, it costs too much now, we are going to bring a policy letter soon, and the rates will go up.

That is clearly what he has just said and made us aware of. So that will be extra cost that the public of Guernsey have got to fund. Now what concerns me is that these costs will go up and up. I can remember the last meeting I attended before the vote of no confidence on 13th December, was the meeting with Deputy Roffey and Deputy Brouard, when we were discussing, the afternoon before the vote, SLAWS. Now, SLAWS was going to be processed, was going to be delayed a week or two, because I think – I may be wrong – Deputy Roffey was going on holiday in a week or two, and we wanted him as the front man to be there. But he has been on several holidays, probably, since that time and I am not aware of any material development in relation to SLAWS.

So we are putting off problems without addressing them and I have no idea why that should be the case because we are 10 months on from December and we have not made any decision. Section 3.7, paragraph 3.7 of this policy letter said something, it looks at the costs that we are involved in and it is talking about:

The estimated cost to General Revenue of increasing the employers' contribution rate by 0.1% in 2025 is £280,000 to £290,000 in respect of public sector employees. However...

As though this is some kind of justification/sop/comfort. It is none of those things.

... it is noted that the proposed increases in contribution rates will raise additional revenues of approximately £5.4m per annum.

So, therefore, what I am assuming is that £5.1 million, or thereabouts, will come from the private sector; £5.1 million will, again, have to be met by business. And we have also got in relation to this policy letter, we turn to page 8 and we look at the paragraph on contribution rates, etc. We have got expenditure finance by the Guernsey Investment Fund. Deputy Roffey has already explained the 4.9% in line with double lock and look back policy. But we then look at where we are in connection with the various sections, that we have to look at what that in reality means.

If we look at table 8 on page 10, we see that over four years, the actual cost of the pension has gone up from £138.4 million to £176.6 million. I know we have had inflation over that three- or four-year period, but that is an increase of about 28% or thereabouts.

Now, expenditure generally, we have got the column at the bottom, £207.8 million against £167.1 million, so that is an increase, overall, of about 24%, if my arithmetic is right. But it is a bit worse than that because, included in 2021 was a travelling allowance grant of £3.3 million, which has been taken out thereafter because it comes under – as we see in the relevant footnote the grant has now been transferred to – the Committee for Health & Social Care.

So it has still got to be paid from public funds. It is just paid from somebody. So I do not know if that £3.3 million, I am guessing, could be £3.5 million, that is a guess on my part, over that period. So we are talking about, again, an increase over 25% in relation to such expenses.

2305 Now when we move forward, through what I think is a very helpful, concise policy letter, we look at page 18, paragraph 10.1, and we are warned – we could not get a clearer warning:

The recent financial performance of the Guernsey Insurance Fund is shown in Table 13 ... It is estimated that the operating deficit, before investment returns, will be £25.6m in 2025 (2024 forecast: £26.1m deficit). The Fund has now been in deficit, before investment returns are taken into account, since 2009.

2310 So the only way that that deficit is turned into a surplus is when we have got decent investment returns, as we are predicting this year. If you look at the next page, page 19, the financial performance table, which is what is averted to, of the Guernsey Insurance Fund, we see that expenditure cover – in other words, if nobody put another penny into the Fund, how long would it last – just four years ago, three years ago, was 4.4 years. It is now going to be down to 3.7 years. Now I know people pay in, so it is going to be longer than 3.7 years, but what Deputy Roffey and his Committee are making very clear to the States, is that that is going to get worse unless something significant is done. That is what he is saying.

2315 Where we are perhaps a bit better off, but I think that needs to be looked at in its context, is the next table, table 14, which is the financial performance of the Long-term Care Insurance Fund. Now the income has gone up from £29 million in 2021 and it is budgeted for £43.7 million and the expenditure cover in years has gone up from 5.1 to 7.6 years; which is good, I mean that is a big increase over [inaudible]

2320 But as Deputy Roffey stated, it may well get worse and that was the point I was going to make. So these figures are entirely accurate, but are misleading in the context that they have not been properly explained.

2325 So the point I am ineloquently making is that we have big problems. It is going to cost more to provide these benefits. I do not think any of us would say that people should not have pensions or care benefits, etc. We ought to be bearing that in mind. I am going to be voting for this of course. We ought to bear that in mind when we discuss matters in a couple of weeks' time.

**The Bailiff:** Deputy Gollop.

2330 **Deputy Gollop:** We have heard some very wise words from Deputy Ferbrache, and indeed it is certainly not the first time I have seen these kinds of reports, because I sat on Social Security for many years and I said at the time, in a way we are still saying, that although a Guernsey pension has always been, not immoderate, fairly generous, it will benefit even more if we had a triple lock. But a triple lock has maybe been a policy the Conservative government found potentially unsustainable and the Labour government have not looked at yet.

2335 But I am not sure, actually, it will make much difference at the moment, because the triple lock would be whichever was the more favourable, the 2.5%, I think, or inflation generally, or median average earnings. In fact, because of relatively high inflation, you can see that this year has worked out at 4.9% and one of the ordeals of me being on the Policy & Resources is I have had to master even more these various inflation RPI-type rates and it is confusing because the RPIX rate is 4.5% but the double lock policy would have given 5.3%.

2340 As Deputy Roffey in the Report shows, the outcome, because part of it has already been given, is 4.9%. But when you look at the Propositions, effectively what we are doing is we are increasing the Guernsey Insurance benefits from 4.9%, under the guideline double-lock and look back operating policy, but the Long-term Care Insurance Fund, which is actually better placed from an investment perspective, has only been increased by 4.5%. So I suppose one could in the long-term look again at the rationale for some of this.

2350 Also, I am pleased to see the Committee is going to maybe look at the anomaly of minimum/maximum duration of sickness benefit and work with it in terms of Incapacity Benefit and try the optimum solution for both the client base and for the motivation to get people who are able back to work and improve the number of potential employees in our economy. I have always supported the SOHWELL policy.



Another area where I would be kind of delegated to look at is the SLAWS, the Supported Living and Ageing Well Strategy. SLAWS is indeed identified in this and it states, 8.8, the Committee is considering a wider review of the rates payable. I am aware that ESS are looking at aspects of SLAWS but it is not a very popular issue, sometimes, and I do not like being involved with the less popular things.

It is interesting, on page 16, to recap, it says:

Following changes in the membership of the Policy & Resources Committee in late 2023, a new direction was agreed by a majority –

I remember Deputy Ferbrache was the lead Member for the then SLAWS.

... proposing that the recommendations for a new long-term care model should be considered holistically alongside the tax review expected early in the next political term.

I agree with that but I also think that although we might want to work with the reality that care costs will increase, that we need to encourage high quality care and providers in that market, I think we also need to be aware that you cannot just separate care, long-term care and associated costs from all the other costs in our society and it is actually a key part of the Tax Review and, as Deputy Ferbrache intimated, the need for more money from somewhere and not necessarily from a money tree.

I think my final point is that Deputy Ferbrache has already identified the increase in percentages a little bit, the current contribution rates for employer, up from 6.9% to 7%, employee by 0.2%, combined, by 0.3%, self-employed, logically, 0.3%, and non-employed persons 0.3% from 11.3% to 11.6%.

I have always been a person in Committee who said put up the rates. But of course in doing so there are two consequences that follow from that. The first is that we run the risk of making Guernsey a bit less competitive in other jurisdictions and the second issue is, in reality, putting up the rates even by 0.1% or 0.2% or 0.3% is a kind of tax increase and yet we are not having loads of letters and people on the street, huge television and debates and everything. But that, in reality, is what it is. It is a form of contribution, which is a tax.

So I am going to support all of these but, like Ferbrache, I suspect that this is not the highest ceiling they will go up to and it is up to this States and also maybe the next one to find more holistic solutions and integrate to a larger extent the Social Security mechanism and taxation receipts or other methodologies.

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

**Deputy Kazantseva-Miller:** Sir, I want to also make the point that when we entered this political term in 2020, the combined Social Security rate for plus-one contributions was 13.2%. When we will leave this political term next year, the combined rate will be 14.4%. So an increase of 1.2% during this political term, which is directly a cost on employment.

If we add to that 2% Income Tax increase, within our political term, taxation on workers, on employment, will have gone up by 3.4% total; that represents 10.4 total per cent on the cost of employing people in Guernsey.

What is interesting, as Deputy Gollop said, is we are kind of nodding through these contribution increases without making really any significant effects but this is a continuous creep on the cost of employing people, which directly affects the cost of doing business in Guernsey. It directly affects the costs of employing people in Guernsey and the decisions that many businesses will be constantly making about where do they choose to employ people, what kind of people they choose to employ.

I think we are on an unsustainable path. This in combination with Income Tax will be putting an extremely significant strain on continuing to focus taxation on, effectively, people who are already

providing the majority of taxes to this Island. It is completely an unsustainable way of maintaining our fiscal position. I thought I would illustrate this point because, just to summarise, within the life of this Assembly, effectively labour taxes would have increased by 1.2 net per cent.

2400 Thank you.

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

2405 **Deputy Dudley-Owen:** Thank you and I thank Deputy Kazantseva-Miller for bringing that point up because I just felt that, having listened to her speak, also having been involved in small businesses myself and I know Deputy Kazantseva-Miller has and other people in this Assembly, actually I think these types of rates start to stifle the risk appetite of potential small business owners and sole traders. Sole traders, as we know, form a very essential and strong spine of the Guernsey economy –

2410 Just interrupted by a phone, it seems. That is the fifth one that has gone off today and *mea culpa* mine was one of those. I do apologise, sir.

But I think it is a really important point to raise because I think we are in a very difficult position here of not being able to say no to these rises. I can see that Deputy Roffey is not kicking his heels and smiling as he is bringing these proposals to the States. I hope it is slowly dawning on people actually, the seriousness of the financial position that we are in.

2415 We are making decisions in this Assembly that are slowly but surely making Guernsey an extremely difficult and expensive place to live. An extremely unattractive proposition to come and do business in. We have to be extremely careful about our next moves. I will not continue to talk but I just wanted to follow on from what Deputy Kazantseva-Miller said because I think that it is useful also to raise the predicament of sole-traders and the self-employed.

2420 Thank you.

**The Bailiff:** Deputy Haskins.

2425 **Deputy Haskins:** Thank you, sir.

I think Deputy Kazantseva-Miller and Deputy Dudley-Owen make very good points. We are just going to nod this through and quite simply it is because we have to. We know what the next vote is going to be on.

2430 That aside, I will be very brief because I just picked up, I am looking at paragraph 4.4, page 9, the estimated administration costs for 2025 are £5.6 million. So that is an increase of 10% – half a million pounds increase in the estimated administration cost. I would just like to ask the President, it is mentioned in 4.4 that there is an increase in the number of claims because of the ageing demographic, of course, but to my mind, 10% extra in the administration cost is quite excessive so I would be grateful if the President could clarify if there are any other factors that are pushing up this administration cost?

2435 Thank you.

**The Bailiff:** Deputy de Lisle.

2440 **Deputy de Lisle:** Thank you, sir.

The rates continually rising every year seems to me to be becoming a major issue because I did think that 11% for someone self-employed was high, for somebody getting into business it is quite a wrench. Now it is over 12%. That is quite an increase. I think we are gradually making ourselves less competitive, as Deputy Gollop was stating, and this is a form of tax. It is all a matter, I think, of the States cutting their cloth, cutting expenditure quite dramatically, and that has to be at the forefront of any tax measures in the future.

2445 The other point that I would like to make is that we have States' pension here and the fact being that it states what the number is, is it £280.32 but that is for a person that has got a full history and

that should be indicated. Because the average is 18% of women only get a full pension and I think it is 26% – the numbers that I was given a few years ago – 26% of men receive the full pension. That should be indicated here that people are not getting those figures that are quoted here.

I do not know how widows and women are managing to be quite honest on £80, or £50 or even less per week, with regard to the States' pension. So all of this, to me, points to the fact that this Government, like the private sector out there, has got to cut back. Just take a look at what is happening even in the retail business in Town here, a number of people just closing or turning around and saying if this goes on, we will have to close.

Will we have a Town in the future? It is getting to that point and it is other businesses too in different areas. They are also turning around and saying, no, we are going to have to cut back. Either we will open on certain hours of the day or we will open only on certain days. We will restrict our business.

But Government does not react to that. It seems to go on spending, more and more. Even in the Budget, calling for another £22 a day, which is £100 a week. That is a huge amount for people to even consider. So this upping of 2% on Income Tax, it is not 2% at all, it is a 10% rise in Income Tax. That is a phenomenal hit to people.

This is Social Security and we have got to get back to the issue here of what I am saying is these rates are going up and up and it is costing people more and more at a time when people are finding difficulty anyway. Let us take –

**Deputy St Pier:** Sir, a point of correction.

**The Bailiff:** Point of correction, Deputy St Pier.

**Deputy St Pier:** Sorry, I do believe that the reference to £22 is £22 a week, not a day. Perhaps P&R may wish to comment?

**The Bailiff:** Deputy de Lisle to continue, please.

**Deputy de Lisle:** We will get clarification on that, perhaps. But it is a large amount of money for people to find.

I am just concluding and saying that this is all a matter of the States cutting their cloth, cutting expenditure in the future and doing that in quite a formidable way so that it is really noticed that we have cut back, as soon as possible. Like other Governments have done in the past.

Thank you, sir.

**The Bailiff:** Deputy Leadbeater.

**Deputy Leadbeater:** Thank you, sir.

I just wanted to talk briefly on Section 6, which I think is a potential policy change that the Committee are looking at, which I would like to endorse, which was extending the maximum duration of Sickness Benefit out from 22, 26 weeks, I think, to 12 months. Because on 26 weeks people go from Sickness Benefit to Incapacity Benefit and it articulates the reasons why, because it is more difficult to get people off Incapacity Benefit, proven, back into work than it is from Sickness Benefit, so it gives them more of a chance to get back. Not least for their health and longevity. So I would just like to support the Committee and say I endorse this policy change.

Thank you.

**The Bailiff:** Deputy Soulsby.

**Deputy Soulsby:** Thank you, sir.

2500 I would like to thank the President for his opening speech. I would also like to thank Deputy Ferbrache for his thoughtful comments when he stood up. Clearly this is a straightforward policy letter in relation to the building up of the Insurance Fund and the Long-term Care Fund, in accordance with previous Resolutions of the States and leading to the inexorable rise in Social Security contributions, as Deputy Kazantseva-Miller has set out.

2505 However, as is set out in the policy letter, the Committee also under Resolution of the States, is in the process of developing detailed proposals to restructure the Social Security contribution system. I know they are actively doing that. The aim of the proposed restructure is, as it says, to address some of the inequalities of the existing system and to make it more progressive by moving some of the contributions liability away from the lower and middle income-households and I thoroughly endorse that direction.

2510 Now I understand the Committee intends to report back to the Assembly with its proposals before the end of the political term and clearly would not have time to bring it in before the end of this year, it is a considerable work. Of course, and without, unlike probably Deputy de Lisle up and talking about what we might be debating to some extent in the next few weeks, I do not want to rehearse that debate. But what is capable of being implemented by the end of the year is the increase in the Income Tax rate that will enable us to stabilise our finances and invest in our infrastructure now and that is why such an option is being proposed now.

2515 Whatever the merits of GST, we all know it cannot be implemented for another two years. Now I know Deputy Roffey would want to show the tax package he supports in the best possible light and I have no problem with that. However, some might say it is stretching it a bit to compare something which will not happen until 2027 with the position for 2025, particularly given the fact, as I have just pointed out, the Committee is undertaking work to reform Social Security contributions to make them more progressive and, as such, are very likely to look very different to how they do now.

2520 So a package with Income Tax is highly likely to look very different in 2027. If it is not comparing apples with pears, it may be comparing a Braeburn with a Cox's orange pippin, at the very least. Of course, as Deputy Ferbrache has alluded to, long-term care, or SLAWS extant Resolutions need sorting. It is not addressed in the Budget and not addressed by Deputy Roffey's amendment. But it could come at some cost, as Deputy Kazantseva-Miller has referenced, we have already seen significant increases in Social Security contributions and that might be one of the recommendations when it comes to SLAWS.

2530 So it is premature to say how people will be better or worse off until that is decided and as Deputy Gollop has mentioned, and I believe, should form part of any decision in respect of our future tax structure. In any event, from a Social Security point of view, as Deputy Roffey has said, this is very much ticking things over until such reforms and as such I will support it.

**The Bailiff:** Deputy Queripel.

2540 **Deputy Queripel:** Thank you, sir. I declare an interest. I am a pensioner, I will benefit from these increases, even though I receive a reduced pension.

I just want to point out the obvious. As with every Member of this Assembly, I am also self-employed and I also ran a business for 29 years, at one time employing two full-time employees and one part-time employee. So I am well aware of the issues small businesses face.

There is some good news in this policy letter. If you look at 3.7:

The estimated cost to General Revenue of increasing the employers' contribution rate by 0.1% in 2025 is £280,000 to £290,000 in respect of public sector employees. However, it is noted that the proposed increases in contribution rates will raise additional revenues of approximately £5.4m per annum.

2545 So as Deputy Gollop often says, sir, you cannot have the penny and the bun.

The SOHWELL programme, this is really good news. Just in case Members have not really picked up on the good news of the SOHWELL programme, it is all laid out in Section 7. I am just going to

quote a couple of paragraphs from it, for the benefit of people listening on the radio who may not know anything about the SOHWELL programme.

The SOHWELL programme is a key area of cross-Committee work. The programme aims to make it possible for people to stay in work, or return to work, and in doing so create opportunities to maximise workforce participation. The programme has a clear focus on occupational health due to the important relationship between work and health. Key objectives for the programme include: introduce preventative and proactive support for people in work to reduce sickness absence; introduce measures to reduce the duration and number of sickness benefit claims becoming long-term; develop an Occupational Health Strategy for Guernsey and Alderney; update Social Security legislation to improve access to return-to-work support.

2550 And further down the page it says:

During December 2023 and January 2024, a public survey was undertaken with Alderney and Guernsey employers to better understand the current provision of occupational health services and future needs for Guernsey and Alderney. 76 employers completed the survey across 16 sectors. The findings, along with input from the third sector, health professionals and other key stakeholders will be used to develop an Occupational Health Strategy for Guernsey and Alderney. This work will reinforce the commitment to work rehabilitation and wellbeing from a strategic perspective and will help support an active and healthy workforce.

And just going over to the beginning of paragraph 7.7:

Although the total number of incapacity benefit claims in payment has remained fairly constant, the number of new incapacity benefit claims approved during the first 30 weeks of 2024 is 85 lower than were approved over the same period in 2023 ... This equates to a 40% reduction in new incapacity benefit claims.

2555 As I said, sir, there is some good news in this policy letter, but you have to look for it. Having said all that, of course, I hear what some colleagues are saying about the ramifications of bringing these in but I would like to remind anyone listening on the radio that if they struggle to survive financially, give ESS a call. You may qualify for Income Support. The staff are always compassionate, considerate and they always do their utmost to help.

I want to finish with a mission statement. I have read this mission statement out before and it gives me great comfort, so I hope it gives my colleagues great comfort. It is at the end of paragraph 13.6:

To foster a compassionate, cohesive and aspirational society in which responsibility is encouraged and individuals and families are supported through schemes of social protection relating to pensions, other contributory and non-contributory benefits, social housing, employment, re-employment and labour market legislation.

2560 Sir, as a recent addition to the Committee at ESS, I thought I knew a lot about ESS before having worked with a lot of people on one-to-one cases at ESS but I am astounded at all the hard work that goes on behind the scenes. The staff members at ESS are absolutely, totally committed to their job. Like everyone else, the Committee included, we do not want to raise anything, we do not want to increase anything but we have to get the money from somewhere.

2565 Thank you, sir.

**The Bailiff:** Deputy Parkinson.

2570 **Deputy Parkinson:** Sir, can I just ask whether Members who are in receipt of a States' pension, old age pension, need to declare an interest in this debate?

2575 **The Bailiff:** I think we have already had a handful of speeches from those who probably are in receipt of pensions. (*Interjection*) I know and therefore what I was going to suggest was that everyone knows how old people are and therefore I do not think individual declarations are strictly necessary, although we have had some. I think it is probably just easier to say no in this instance. Madam Procureur, are you content with that?

**The Procureur:** Yes, I am, sir.

**The Bailiff:** Thank you.

2580 Does anyone else wish to speak in debate before I turn back to the President? No, in that case, I will invite Deputy Roffey to reply to the debate, please.

**Deputy Roffey:** Thank you, sir.

2585 I think quite a lot of the focus has been on the contributions side rather than the benefits side this afternoon. I can understand why, given the backdrop of the broader economic and fiscal situation. I will go through some of the individuals and then maybe make a couple of general points.

2590 Deputy Ferbrache pointed out that we have got a table showing that rates are going to go up over the next number of years and asked whether those rates are actually realistic and whether they will rise more. I cannot give a firm guarantee. All I can say is that the programme of gradual increases over a period of time that have been approved by this Assembly was done on the basis of the best advice of the Government Actuary, that said that looking at all of the forecasts he believed that was what was needed in order to make the system sustainable.

2595 Certainly, as far as the GIF is concerned, I think long-term care is slightly different and I will come to that in a second, but actuarial forecasting is a science but it is not an exact science, because they are trying to look forward 50-60 years and be sure of what the return on investments is going to be, what everything is going to be, is really difficult. So I cannot give an absolute guarantee but that is our best estimate at the moment and I would remind Members that this is a programme that has been approved by this Assembly and we are just really bringing it forward on a year-by-year basis.

2600 He asked where we are with SLAWS. I think it is really quite simple where we are with SLAWS. With the change of P&R there was a change of emphasis from the three-Committee work on it and a lot of the heavy lifting, I think, has now been parked until 2026. However, all three Committees understood that you could not park the whole issue for the next two years because we will be facing a crisis in the number of beds that are available for what literally is coming, it is here now actually but would be coming down the road very soon indeed.

2605 Therefore, within our own mandate, ESS, with the support for bringing it of the other two Committees involved, will be bringing some interim Propositions, which will involve a considerable increase in the benefit paid from the scheme to try and make the whole business of care more sustainable and profitable and worthy of expansion.

2610 It will also involve, I am not going to go into details now, but it would involve changes to the co-payment from individuals, because there is a policy of this States, that had never been fully implemented, going back to the review of taxes and benefits under Deputy Allister Langlois, that says that the scheme should be responsible for the care elements and the co-payments should be responsible for what I would call the food and lodgings element of people's time in a care home.

2615 What I can tell him is, because of exactly what people have been saying today about ever-increasing tax on employment and income, we have turned our face against trying to tackle this problem by putting it up further, after the fourth implementation next year, the contributions for the Long-term Care Insurance Fund. But that is the theme today. I suspect the theme when we bring it back – a bit like Deputy de Sausmarez, I am going to be hostage to fortune, bring it back – in January of next year, we will be, well if we do not do that then you have got to take a bit more contribution from the individuals who are actually receiving the care and that will not be popular, either.

2620 We are between a rock and a hard place, just like that lady who was after a mobile phone in Australia the other day, was struck between a ... Maybe people were not watching the news? Okay.

2625 Deputy Gollop, he compared our double lock look back with a triple lock in England. Our uprating policy is an awful lot less generous than England's. I think they have locked themselves into a completely financially unsustainable operating policy and I do not know how they are going to get off that treadmill because, whichever political party says they are going to do that loses the next election, I guess, particularly with the number of elderly people who tend to vote.

2630 But I just think it is unsustainable. There is no way. I would love to be able to suggest a similar triple lock here. We do not even have a double lock here. If we drop the 2.5%, which as Deputy Gollop said this is irrelevant, the other two elements of triple lock in the UK are inflation or the change in average earnings. Ours is not. Ours is inflation or one third of the difference between inflation and average earnings. If we put it up by average earnings, we would be putting up pensions by more than 7% next year.

2635 But we cannot do it because in order to do that, the only way we can do that – it would be lovely to do it, wouldn't it? – would be to take even more money and make ourselves less competitive, all of the comments that are being made by people today.

2640 What else did Deputy Gollop say? Oh yes, RPI against RPIX. Why was the lower increase coming out of the Long-term Care when it is in a better position? It is actually not in a better position. I was trying to explain this by making signals in the air when Deputy Ferbrache was speaking. It is actually in a worse position. It is going up now. But the demographic forecast made clear that that is going to only last for a short term and that is going to, a bit like a rocket fires into the sky with that escape velocity, it is going to start coming down again.

2645 But I did say that was only a holding pattern and we will be able to discuss all of the payments when we bring back – because he knows, because we presented to P&R – the interim SLAWS proposals in January.

2650 Deputy Gollop said SLAWS is not popular. Tell me about it! What I would say is Members of P&R cannot always afford to be constantly popular. They have to sometimes put a bit of steel in the backbone and make decisions they know are in the best interests of the Island. He also said a 0.1% increase in contributions next year is going to make us less competitive. Yes, it is. He is backing proposals to take an extra 2% from everybody. I am not going to get in a Tardis and go two weeks forward, but I thought it was slightly rich. Deputy Kazantseva-Miller is right, add all of these together and you start to get really quite a burden on employment. Well, it is on income but income is very often related to employment. I, like her, worry about that.

2655 That is one of the reasons I want to look at a tax base that is not entirely based on taxing income or taxing earnings, as in Social Security tends to be at the moment. But that is a debate for two weeks' time and we will have it then, although I think that is probably what Deputy Dudley-Owen was looking at as well and to that extent I agree with her. I think constantly looking only to raising revenues from income or earnings is a dangerously narrow path to go down.

2660 Deputy de Lisle, I scratch my head a bit with Deputy de Lisle sometimes. He wants to drastically cut costs – drastically! I cannot remember a cost-cutting exercise or proposal that Deputy de Lisle has actually supported. He is always outraged and very angry on behalf of the people, particularly of the western parishes and maybe the Pollet area as well. He is really angry. Please, next time you make this call, be more specific. If you are going to dramatically cut costs, what dramatic reductions in expenditure do you want to see? Maybe there are three or four. In fact, I would willingly give way to him now –

I give way to Deputy de Lisle!

2670 **Deputy de Lisle:** We were supposed to have significant cuts in the number of public service posts and that has not occurred. In fact, we are being told that more and more are going to be added in the next little while, if Members here have their minds to it. That is one area. But there are other areas too that can certainly be rationalised and cut and I would expect that to be done.

2675 While I am on my feet, I would like to apologise for the reference, which was corrected by Deputy St Pier, to the £22, which is £22 a week with regard to the Income Tax rises. That would be just under, actually £100 per month, which is quite significant for a lot of people to bear.

Thank you.

2680 **Deputy Roffey:** I think that was, apart from too many public servants, most of whom are actually going to look after our health care because we are getting elderly, a bit of a woolly answer. But he has got two weeks before the next debate where he can come, with some really critical eyes, big

costed ticket items, where we are going to save £5 million here and £10 million there, because this is the amount we are going to need. So I look forward to that.

What I would say today, as far as the increases in contributions were concerning, certainly for the GIF, it is for one reason and that is to fund the benefits paid for by the GIF, which is overwhelmingly, 90%-odd is the States' pension, what used to be called the old age pension. So what am I meant to do there? More people are reaching pension age and it is going up.

I have already explained that our uprating policy is not particularly generous, far less so than then UK's but there are a lot more people qualifying. The cost is going up. I could, I suppose, if Deputy de Lisle wants to put an amendment to freeze the States' pension next year, reduce it in real terms, we may not need these increases. But there are consequences. You cannot just ride two horses and pretend that one side of the equation does not bear any relation to the other.

Deputy Leadbeater is right, we almost brought it forward in this policy letter, about extending the length of time people are on sick pay before going onto invalidity pay because we do believe that, once you go onto invalidity pension as a long-term benefit, the mindset changes and it is harder perhaps to get people back into work.

The reason we have not done it yet is we just want to make sure there is a process, because invalidity benefit is slightly more generous than sick benefit for long-term benefit, that people who patently will never return to work, people who have got, who may have fallen off a building and absolutely shattered their backs, they may have Motor Neurone Disease, they may have whatever, we do not want to be seen to be being mean and actually making them stay on the lower benefit for longer than now so we want to bring in a special system together with that but I am pretty sure – it will not be me presenting it – whoever my successor is, the intention is that by next year this change will happen..

Because we really do want to work with people on sick pay to make sure we do not have so many new, invalidity claims coming in and as Deputy Lester Queripel has said, I think we are almost stunned by our own success over this. The SOHWELL programme, which has taken a while to really clunk into action, is being a dramatic success. Absolutely dramatic.

I should not say this because somebody will say he has been on a jolly, but my Chief Operating Officer was asked to go to a symposium the other day, an international symposium, to talk to loads of other countries about it because they want to know how Guernsey are doing it and they want to follow suit. So, having praised to high heaven Home Affairs today, I want to praise my own department. Not my Committee because that would be too self-serving. But my department, who are doing amazing work, and the people who came before, we are standing on people's shoulders I know, for this work.

I do not want to go off too soon because we need a few years to really prove it but every time I ask is this continuing, it is continuing. It is not just great for the public exchequer that we will have to pay out less, it is great for the individuals involved because most people are happier and more content when they are still involved with work and they are not isolated from their social interactions that that gives. SOHWELL is really good news so this States has done some good things. Not nearly enough but it has done some good things.

As I say, this is formulaic, both the operating and the contribution rates are actually following – Something went up by 10% and I did not quite catch it Deputy Haskins, so do you want to repeat the question?

**Deputy Haskins:** Thank you, sir.

The question I was posing was about the 10% increase in the administration costs and what other factors are causing that because the half-a-million-pound increase seems quite a lot. So I was just seeking clarification on the reasons.

Thank you.

**Deputy Roffey:** I do not want to give any kind of false answers so I will come back to Deputy Haskins and copy in other Members because it is a perfectly legitimate question. I guess about half



of it is inflationary and whatever Deputy Gollop is giving away in wages, etc. But the other half, I do need to bring an explanation, so I will come back with that.

2735 Both the contribution side and the benefit side, the payment side, are following the instructions of this Assembly and I hope that they can approve all of the proposals today.

2740 **The Bailiff:** Members of the States, there are six Propositions. I have not heard from anyone a request for a distinct vote on any of those six Propositions but now is the opportunity if any Member wishes to vote differently on any of those six Propositions, otherwise I will put them to you collectively.

In that case, they are a package and therefore I will invite the Greffier to open the voting on all six Propositions together, please.

*There was a recorded vote.*

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

POUR	CONTRE	NE VOTE PAS	DID NOT VOTE	ABSENT
Aldwell, Sue	None	None	Inder, Neil	Dyke, John
Blin, Chris				Falla, Steve
Brouard, Al				Murray, Bob
Burford, Yvonne				
Bury, Tina				
Cameron, Andy				
De Lisle, David				
De Sausmarez, Lindsay				
Dudley-Owen, Andrea				
Fairclough, Simon				
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				
Oliver, Victoria				
Parkinson, Charles				
Prow, Robert				
Queripel, Lester				
Roberts, Steve				
Roffey, Peter				
Snowdon, Alexander				
Soulsby, Heidi				
St Pier, Gavin				
Taylor, Andrew				
Trott, Lyndon				
Vermeulen, Simon				

2745 **The Bailiff:** In respect of all six Propositions, there voted in favour, 36 Members; no Member voted against; no Member abstained; 4 Members did not participate in the vote and therefore I will declare all six Propositions duly carried.

**STATES' ASSEMBLY & CONSTITUTION COMMITTEE**

**5. Report by the Guernsey Appeals Commissioner on the findings of the Investigation Panel dated 21st April 2023 relating to three Code of Conduct complaints – Proposition carried**

*Article 5.*

*The States are asked to decide:-*

*Whether, after consideration of the findings in the attached Report by the Guernsey Appeals Commissioner regarding Deputy Gavin St Pier's appeal against the findings of the Investigation Panel dated 21st April 2023 relating to three Code of Conduct Complaints, the Assembly agrees:*

*1, That Deputy Gavin St Pier be formally reprimanded pursuant to the Code of Conduct for Members of the States of Deliberation.*

2750 **The States' Greffier:** Article 5. States' Assembly & Constitution Committee – Report by the Guernsey Appeals Commissioner on the findings of the Investigation Panel dated 21st April 2023 relating to three Code of Conduct complaints.

**The Bailiff:** I will invite the President, Deputy Meerveld, to open the debate.

2755 **Deputy Meerveld:** Thank you, sir.

As the Assembly know, SACC do not write these kinds of policy letters, we are simply the postman delivering to the Assembly. Having said which, I would just like to reiterate the position of this Assembly previously, in respect to how it has instructed SACC to put together the replacement for the original Code of Conduct Panel and the Code of Conduct Commissioner.

2760 The States made it very clear when we presented our policy letter that they did not want to see Members of this Assembly sitting in judgment of other Deputies, either being the SACC Committee or any other group of Deputies and they wanted us to appoint an independent body, which we have done so.

2765 In this case, the Deputy Commissioner has heard the appeal on this case and they have made a recommendation. I am happy to say there have been no proposals for amendments but, also, I think it is worth saying that I hope that the Assembly will now support that independent commissioner's findings and will do it fairly expeditiously.

2770 I received an email, as all Members have, from Deputy Trott, expressing the concern that an extended debate on this matter would potentially bring this States into further disrepute with the public and consequently, he is going to be laying a guillotine motion immediately after I have spoken and I personally will be supporting that.

Thank you, sir.

2775 **The Bailiff:** Deputy Trott.

**Deputy Trott:** Sir, I would like to move Rule 26(1) please.

2780 **The Bailiff:** What I am going to do is I am going to invite all those Members who wish to speak in debate on this Proposition to stand in their places, please.

Deputy Trott, is it still your wish that I put a motion pursuant to Rule 26(1)?

**Deputy Trott:** It is, sir. Thank you.

2785 **The Bailiff:** In that case, Members of the States, the motion is that there be no debate on this Proposition, this policy letter. Those in favour; those against?

*Members voted Contre.*

2790 **The Bailiff:** I will declare that lost.

**Deputy Trott:** For the record, sir, I would like a recorded vote.

2795 **The Bailiff:** Yes, of course, you are entitled to have a recorded vote. So we will get a motion up on this whizzy system and I will invite the Greffier to open the voting on that motion please.

*There was a recorded vote.*

*Rule 26(1)*

*Not carried – Pour 10, Contre 20, Ne vote pas 4, Did not vote 3, Absent 3*

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

2800 **The Bailiff:** In respect of the motion pursuant to Rule 26(1), there voted Pour, 10 Members; there voted Contre, 20 Members; 4 Members abstained, 6 Members did not participate in the vote. So I will therefore declare the motion lost.  
And I will call Deputy McKenna.

2805 **Deputy McKenna:** Thank you, sir. I rise as a healthcare professional of over 40 years and it is not often I speak so all I can say is, Members, friends, fellow athletes, I have been given some letters, which I hope you will allow me to read out. This was from 17th October 2024, from the Medical Specialist Group, calling on Deputies to back the Commissioner's recommendation of a formal reprimand.

Dr Steve Evans, chair of the Medical Specialist Group, says:

We are relieved to see that the Appeal Commissioner's report, which supports the Code of Conduct Panel's original findings of April 203, of six serious breaches of the Code by the Member, is going to the States next week. We are asking Members to back Mr Jelley's recommendation that the Deputy be formally reprimanded. The Commissioner's report completely justifies the reasons that we brought the Code of Conduct complaint in the first place. The Member's conduct was grossly and manifestly unfair to our consultant paediatrician, Dr Sandie Bohin, by naming her in the States on 27th April 2022 and by making misleading statements. He caused devastating and unjustified harm to her reputation. He did this knowing she had no right to reply. His actions actually jeopardised safeguarding in the Bailiwick as they caused professionals involved in child protection to be fearful of political intervention and receiving similar treatment to Dr Bohin. This is not about preventing complaints about a doctor's performance being investigated and acted on because as doctors we are all bound by a professional code of conduct from the General Medical Council.

Islanders rightly demand high standards and, if we make mistakes professionally, we expect to be held to account. However, there were multiple independent investigations into complaints by the Member and none found any evidence of wrongdoing or malpractice to substantiate the allegations that he had made. What this is about is protecting medical professionals and others from the risk of being publicly shamed in the States with no right of reply when they have done nothing wrong.

That is from Dr Steve Evans, chair of the Medical Specialist Group.

2810 Mr Aruni Sen, the lead consultant in the emergency medicine department. I have redacted a lot of stuff, sir. I could go through dozens of pages, but I have just cut out probably 10% of what has been written:

As a result of breaching the Code of Conduct, Dr Sandie Bohin, a consultant paediatrician, was publicly named in the States of Deliberation and her professional reputation tarnished all over Guernsey, despite having been exonerated by an investigation previously. This had the effect of professional destruction and demoralisation for the paediatric consultant and all other medical professionals in Guernsey.

All the doctors on the Guernsey Register have said and protested against this abuse of power at the time. We all practise clinically, bound by a professional code of conduct from the General Medical Council. If we make any mistake professionally, we are held to a complaint process followed by an independent review.

If these exonerate our practice, we expect not to be publicly shamed or libelled when not at fault. If this abuse of power is not stopped or reprimanded, the entire basis of clinical practice in Guernsey will be questionable. Any clinical practice, safeguarding or clinical care will be untenable. We sincerely believe that the Code of Conduct was breached and privilege abused. We expect the forthcoming States' Meeting to acknowledge this clearly and take such steps that no Member could unfairly inflict such professional damage again.

2815 This was signed, sir, by Dr Aruni Sen, Dr Jason Klein, Dr Mat Dorrian, Dr James Burden, Dr Annabel Mahy, Dr Judith Boardie, Dr Roger van Heeren, Dr Nimar Karubi, Dr Simon Atkins, Dr Matthew Jackson and Dr Nicholas Branch. Mr Aruni Sen, of course, the lead consultant in emergency medicine.

From a local doctor:

As one of the lead general practitioners for the safeguarding on the Island I have been shocked by the effect of this political interference on safeguarding locally. The personal attack on Dr Bohin in the States of Deliberation made it impossible to recruit another paediatrician to take on the vital role of main doctor for safeguarding, a role recommended by the Royal College of Paediatricians in their review of the Island, for fear of similar repercussions.

As general practitioners we have extended training in safeguarding but despite this we have all felt vulnerable in fulfilling our responsibilities in this area for the same fear. All of us are relieved at the outcome of the Code of Conduct investigation. We believe it is fair and just. Politicians need to remain aware of the wider consequences of their actions. We sincerely hope that lessons have been learned.

We were also shocked by the apparent lack of understanding of the core principles of safeguarding, demonstrated in some of the political debate. There is very good training in both child and adult safeguarding locally and we would suggest that all sitting Deputies are encouraged to access this as part of their induction into the Government. We hope that Dr Bohin can recover from this attempt to destroy her eminent reputation and that no other doctor can be subject to such abuse. We support the conclusion of the external review that an appropriate reprimand should be issued.

2820 From the British Medical Association, 16th October 2024: The British Medical Association looks to the States of Guernsey for Action. The British Medical Association executive committee statement is also supported by primary care doctors.

The BMA are reassured the Appeals Commissioner has agreed that the Member breached the Code of Conduct for States Members by naming Dr Bohin during his speech in 2022. The consequences of this breach have been profound. Most importantly on Dr Bohin. The Commissioner acknowledged the significant suffering both professional and personal ...

Now on a personal note, I know that Dr Bohin unfortunately has been off work with stress and her home has been attacked several times and the Police have been called to give surveillance on the property.

In addition to this, whatever the motives of the Member's breach, his actions have had a negative impact on the local safeguarding process and has left the medical profession dismayed for their colleague, and apprehensive about the precedent set if this action is allowed to go unreprimanded.

2825 Professionals are now reluctant to make safeguarding referrals in case they find themselves in the same position as Dr Bohin. The British Medical Association, representing its members, asks the States to acknowledge this impact and would urge them to consider the implications of their decision on this matter.

To name a doctor in parliament, with full knowledge of the impact that would have on their professional standing and well-being is reprehensible and, without precedent. The population of Guernsey rightly demands high standards from its medical service and expects accountability. The local governance structure supports patients and holds medical professionals to account. In this case despite those processes being followed Dr Bohin's reputation was attacked. Guernsey's ability to recruit and retain medical professionals is contingent on them being afforded reasonable protection against this sort of personalised attack conducted without right of reply in the Island's parliament. We hope the States of Guernsey can show accountability in this matter and reassure the local medical profession."

That was from the British Medical Association.

To whom it may concern ...

– this was given out to all media outlets, they have all got it –

... I have worked as a consultant paediatrician when Dr Sandie Bohin was named in the States by the Member in regard to an investigation into some historical safeguarding complaints. I was the named doctor for child protection at the time and watching my colleague be destroyed by the implication that she had somehow done something inappropriate, when all she had done was her job.

I partly took on the role of main doctor as no one else within the department would do it after the witch hunt this States' Member had instigated against Dr Bohin when she was the main doctor. I have been a consultant paediatrician for 17 years and I am extremely experienced in safeguarding, having been the named doctor safeguarding in Guernsey and also at my previous trust in the UK. Due to the Member's interference and assumption of expertise, I wanted to step down as named doctor but I knew that none of my colleagues would take over the role and, as a committed paediatrician this was not an option for me.

One of the final straws was when the Member said he would like to put himself forward to chair a regular meeting regarding safeguarding cases. Again, I want to clarify that the Member is a lay person with no expert knowledge of safeguarding, apart from a grudge against Dr Bohin, which led to his interference.

As months went by, I saw my colleague Dr Bohin become a shell of her former self and other colleagues refused to become involved in child protection issues as they were concerned about the effect the Member might have on their careers.

So again, vulnerable children were put at risk due to his interference. In the end I felt I had no option but to resign from my consultant post and leave Guernsey as I could no longer, as a dedicated paediatrician, be involved in a service where politician's ego was put above the need of a vulnerable and abused child. Recruitment at paediatric services in Guernsey will be even harder than it is already and as a prospective applicant might Google Guernsey paediatrics and see all of this reported in the news, I would not blame them for seeking employment elsewhere.

Safeguarding is already an extremely challenging but necessary part of the role of paediatrician and the interference of this Member has made it also much harder. I am not sure that safeguarding in Guernsey will ever recover. It is only as it is today due to the commitment and dedication of some employees of Social Care. Yours sincerely, Dr Claire Betteridge, consultant paediatrician –

2830 **Deputy St Pier:** Sir, point of correction.

**The Bailiff:** Point of correction, Deputy St Pier.

2835 **Deputy St Pier:** Sir, I did advise Deputy McKenna not to use the letter from Dr Clare Betteridge. It is libellous. Of course, he has the benefit, ironically perhaps, of parliamentary privilege. However, the point of correction I wish to make is, having received two – I did not wish to make this speech, I did not wish to speak, but having been caused to do so by the inappropriate use of the libellous letter – overnight, having received a letter from the designated doctor:

2840 Firstly this letter came out of the blue, as far as I am concerned. I have had no contact with Clare since some time before she actually resigned/retired from her role as a paediatrician on the Island, which she had not shared with me that the issue around how the paediatric role in safeguarding is perceived in the Island was a major factor in her decision.

During her period of tenure of the named doctor role, it would be fair to say that she was ambivalent and variable in her commitment to it, certainly in the time she felt she was able to allocate. I did not discuss her input to the task group with her and did not advise her one way or the other about her input.

Whilst it is certainly true that paediatricians were initially dubious and anxious about the Learning Report Group, they did become engaged in the work on the Code of Practice and have accepted it positively. I have never heard any mention in any forum of your husband putting himself forward to chair safeguarding meetings.

I am not going to quote entirely, but I will selectively quote from a response from the Director of Quality, Safety, and Improvement of Safeguarding:

During my time as the task and finish group chair, you contributed positively to the task and finish group.

– that is a reference to my wife –

by providing feedback regarding –

**Deputy Ferbrache:** Point of order.

**The Bailiff:** Point of Order, Deputy Ferbrache.

**Deputy Ferbrache:** How is this a point of correction? If he wants to make a speech he will have the opportunity in due course. All Deputy McKenna did was read out the letter. I have not heard the letter before, I have not seen the letter before. If Deputy St Pier – and I note he is already besmirching the reputation of Dr Betteridge, which I think he should regret and apologise now – but if he does not see fit to do that, I think he should await and make his speech at the appropriate time. This is not a point of correction.

**The Bailiff:** What I am going to do, provided that Deputy St Pier indicates that he is not minded to speak again unless the need arises, is to allow him to finish what he is saying as part of his point of correction, which started off by saying that Deputy McKenna had been advised by him not to use a particular letter. So if you want to continue, Deputy St Pier, you can. Alternatively, if you would prefer to, you can make a separate speech subsequently.

**Deputy St Pier:** I am happy to continue on those terms, sir.

**The Bailiff:** Thank you.

**Deputy St Pier:** ...

... during my time as the task and finish group chair, you contributed positively to the task and finish group by providing feedback regarding key documents, including but not limited to the Code of Practice and the SAAF. Your interactions in meetings were appropriate and constructive. During my time as the task and finish group chair there was no discussion at the task and finish group in relation to either myself or my wife being involved in the safeguarding process in Guernsey and in relation to the point about whether Dr Bohin's name was ever discussed at the task and finish group meeting; during my time at the task and finish group meetings, there was no such discussion at the task and finish group.

I am afraid the letter quoted is a tissue of error and therefore the point of correction is entirely appropriate.

**The Bailiff:** Deputy McKenna to continue, please.

**Deputy McKenna:** Sir, I would like to thank Deputy Ferbrache for pointing out the fact that I was only reading out the letters from the British Medical Association, The Royal Paediatric Society, the Medical Specialist Group, the emergency department doctors, Clare Betteridge.

I will not read out any more letters, sir, I will put the letters away. I would not like to cause any contention. Why am I standing here to support the named doctor? Dr Bohin qualified as a doctor almost 40 years ago. She has been a consultant paediatrician for 28 years, almost 16 of them here in Guernsey. For some of these years, she was the named doctor for child safeguarding in a UK teaching hospital and in Guernsey. Concerns raised by a States' Member around Dr Bohin's role in child safeguarding and child protection is pivotal to this story.

In order to make sense of what led to the Code of Conduct referrals and the repercussions resulting from them, it is crucial to understand what children's safeguarding is all about. It is not just about child murders. It is not about the horrific events that happened in Rotherham. But it is about protecting children from maltreatment, ensuring children's health and development is not impaired and taking action to enable children to have the best life chances.

Now, set out in Article 19 from the Convention of Human Rights, states that all children have a right to be protected from physical and mental violence, injury or abuse, neglect, maltreatment, or exploitation, whilst in the care of their parents or legal guardians. So child safeguarding is a vital, difficult and non-negotiable part of every paediatrician's day-to-day job. Paediatricians cannot opt out of undertaking safeguarding work but they receive mandatory safeguarding tuition throughout their paediatric training. It is also a requirement for all consultant paediatricians to provide evidence of enhanced safeguarding training every year.

Training to become a consultant paediatrician now takes a minimum of eight years, post-qualification. It used to be much longer. I think it took Dr Bohin about 11 years. But the amount of training, it builds up a considerable knowledge about child safeguarding. The General Medical Council, the doctors' regulator, is very clear about the role of all doctors, not just paediatricians, in safeguarding matters. It states :

... all doctors must act on any concerns they have about the safety and welfare of a child.

It is 'vital; that all doctors have the confidence to act if they believe a child or young person is at risk. Taking action is justified, 'even if it turns out the child or younger person is not at risk', as long as the concerns were 'honestly held' and the doctor takes action through the 'appropriate channels'.

This is exactly what Dr Bohin did. Her job. A job she has been doing for almost 40 years. Yet, despite doing what was required of her by the General Medical Council and the Royal College of Paediatrics and Child Health, Dr Bohin found herself named and vilified in this very Assembly without any right to reply.

The repercussions of being named in the Chamber over two-and-a-half years ago not only affected Dr Bohin personally, but actually affected the health care profession and safeguarding right across the Island. As a result of the Member's actions, there is currently no named doctor for child protection in Guernsey and has not been for some time.

This is an important senior role, mandated by the joint Royal Colleges, that should be undertaken by a paediatrician. It is a role that oversees all medical aspects of safeguarding, ensuring that standards and training of professionals are met and acts as a point of contact and advice for all health professionals who deal with children.

No paediatrician, sir, in Guernsey, is currently prepared to take on this role in case they too find their career and reputation damaged for doing what is required of them. Health care professionals are now very hesitant to make safeguarding referrals in case they are publicly named and shamed, which clearly leaves vulnerable children on the Island at considerable risk or harm. The letters I have received, today I have read out, and the named doctor for safeguarding has resigned because Dr Bohin was named in the Chamber. I am not going to read the rest of this out.

I think we have an instinct in this Assembly to humiliate. We are on a public platform and when one of us misuses our powerful position, it filters down in everyone's life in Guernsey. It gives permission for other people in our community to do the same thing. Disrespect invites disrespect. When the powerful abuse their position and influence to bully others, we all lose. We need principles

to hold to power and hold power to account, to call out individuals and be outraged, to maintain and hold up our values, our integrity, which is the foundation of our Island.

2935 Bullying, harassing and discrimination happens when the perpetrator feels they can get away with it. They will carry out this behaviour and abuse their power in places they believe they cannot be challenged. They can get away with it. I believe, sir, as an Assembly, we are in a stale and toxic environment and I believe we need light and fresh air, where courage is now needed to accept there is a problem. Courage is required to call out this behaviour. Courage is now needed to record, report and investigate appalling behaviour, no matter who the perpetrator is. Courage is needed to talk  
2940 about it openly and courage is needed to take action.

Courage, my friends, is contagious. Our work is hard enough without doing it in a toxic environment and your courage can create the type of environment the people of Guernsey deserve.

**The Bailiff:** Deputy Ferbrache.

2945 **Deputy Ferbrache:** Sir, I would like to say I thought that speech by Deputy McKenna was truly superb. It was also emotional because I know he has emotionally involved himself in a proper way in this matter over the two-and-a-half years. I also know, and he read letters from various medical professionals, when I was a member of the Privileges Panel, I read lots of documents, signed by over  
2950 80 of our medical professionals, complaining about the conduct.

So, over 80 professional people individually looked at the matter and were greatly concerned. Now I am grateful that this matter is being aired because I have heard directly from some members of the public that they believe that this will be swept under the carpet and the States look after their own. I was very disappointed indeed, from the Chief Minister, to receive a motion to curtail the  
2955 debate.

Generally, I do not believe it is the case, but it is important that there is a hearing and some discussion. The above I have heard directly from members of our public, saying the States look after our own, there are some privileged ones. The following I have not heard directly but nevertheless I have heard, it may be that I have been misinformed, but let me say what I have been told, which is  
2960 that certain States' Members are saying this is all a long time ago, an election looms, it will not look good if blood is spilt on the floor of the Assembly. I am not seeking to spread blood on the floor of the Assembly, and neither is the Deputy who has previously spoken. We are seeking to give justice to an eminent professional.

My opinion is that the States should debate something as serious as this now and in the way that they are doing it. I only saw, like I believe most States' Members, the report from the Code of Conduct Panel very recently. Now I read in my professional life going back over 50 years, thousands of reports. I found this one to be most an impressive and comprehensive piece of work, from three prominent and able members of our community. The Very Reverend John Guille, Dame Mary Perkins and Stephen Trevor.

2970 I saw before then, because when it became public, the report of the findings of Martin Jelley, QPN, DL, the Guernsey Appeals Commissioner. Again it seemed to me a succinct but comprehensive consideration of the issues before him. We have thus had due process and I will support and follow the due process, i.e. accept the recommendation that there be a formal reprimand.

As I have already said, I was of course a member of the Privileges Panel, which in reality  
2975 considered most of the material that the Code of Conduct Panel had considered. I was in the majority by three to two in the conclusions of the Panel I sat on. Again there was due process and I accept the decision of the majority, even though I wrote a minority report, at the time running to 31 pages and 117 paragraphs.

2980 Very similar to the Code of Conduct Panel, I concluded that Deputy St Pier had not acted responsibly or reasonably. In fact, I concluded that he had acted irresponsibly and his conduct was both reckless and possessed a high degree of irresponsibility. Sadly, I thought the conduct was such that if the complaint had been substantiated the only appropriate remedy was a suspension. That, though, did not happen. The complaint was deemed not to be made out and I stress again, as due



process has been followed in respect of the Code of Conduct complaints and a formal reprimand be imposed, I will support that.

I do not want my comments to be interpreted as some sort of battle between Ferbrache and St Pier. I believe Deputy St Pier is an able, intelligent and principled person, but his conduct and judgement in making the speech that he did on 27th April 2022 fell far below the standard that should be expected.

It gives me no pleasure in so saying, but it was poor judgement in the extreme. Dr Bohin is an eminent expert. I accept that just because she is an eminent expert does not mean her professional behaviour should not be subject to the same scrutiny as anybody else. We as States' Members have considerable privileges in what we can say. We exercise them, though, in a very small community. We also exercise our comments and we know they are likely to be fully reported and there are a number of gutless and malevolent keyboard warriors who will spread their poison, ingested infinitely, at every opportunity.

We also know it is very difficult, if not impossible, for a person so named as Dr Bohin was, to do anything about it. It will be even more difficult in the future, as amongst the other things when the Code of Conduct Panel was replaced in May 2023, by an Independent Commissioner for Standards, the Rules were changed to bar any complaints under the Code for what is said in this Assembly.

This procedure has taken all too long. During that time Dr Bohin was again, amongst other things, trying to do her very difficult day job, as Deputy McKenna has said, a very difficult day job. She was also giving expert evidence in probably the most high-profile criminal trial in England in recent years in which a nurse was convicted of murdering and harming babies.

In fact, Dr Bohin was on the TV as recently as Monday in a *Panaroma* programme about the case and she was one of the experts interviewed by Judith Moritz. They did say, and I say this for the benefit of Deputy Vermeulen, that Guernsey was a lovely place.

I am trying not to be too lawyerly in my remarks but I found the structure and content of the Code of Conduct report of the highest order. They were investigating complaints, serious ones, from the BMA, MSG and Dr Bohin herself. The tactics and strategy adopted on behalf of Deputy St Pier were so similar to the point of no difference that I and my colleagues faced when we were dealing with our task. That is not a criticism, just a statement of fact.

The Code of Conduct Panel was not formed until late October 2022. The Panel said it attempted to obtain Deputy St Pier's written comments in mid-November 2022 and meet with him in December. Those stages did not happen until the end of February and mid-April 2023. On 2nd December 2022, the Panel received a letter from Deputy St Pier's advocates, running to 10 pages of mainly legal argument, with attachments of 225 pages.

It explicitly did not comment on the details of the complaint. The Panel was invited, as we were, to dismiss the complaints on legal grounds. On 15th December 2022, the Chairman communicated to Deputy St Pier that they were not going to do that. Deputy St Pier responded through his advocates on 22nd December, asking the Panel to detail its reasons and reserved his right to seek alternative remedies, including a potential judicial review.

Now the President of SACC will recall a similar threat and warning when in late September 2023, when the States were considering the Privileges Panel report, he received a text from Deputy St Pier, threatening if he took a certain course, he could well be sued by Deputy St Pier.

Deputy Meerveld asked for my assistance, as a lawyer States' Member and then as a friend, for my support, which I immediately assured him I would give. Further attempts were made on behalf of Deputy St Pier to delay providing a substantive response but on 24th February 2023, the Panel received 26 pages written comment from Ogier and a further 136 pages of documents. They were not deterred. They were not going to be deterred from their task. They had the backbone that not everybody otherwise that dealt with this matter possesses.

The Panel met Deputy St Pier and his lawyer on 13th April 2023. They handed down this 23-page report that we have all seen and I hope we have all read, on 21st April 2023. An excellent piece of work. They found the following complaint substantiated: (1) that it was not in the public interest to make misleading statements and Deputy St Pier had made misleading statements; (2) Deputy St

Pier did not address satisfactorily the potential for conflict between personal and public interest; (3) he should for example have, to avoid any conflict of interest, obtained an independent view on what he was proposing to say; (4) he failed to treat Dr Bohin with courtesy; (5) he did not exercise enough care to give a fair picture to the States and the public of what he said.

3040 Then it concluded by saying they considered the breaches serious. They found his statements were so seriously and fundamentally misleading in several respects. They considered that the impact of Deputy St Pier's conduct on Dr Bohin had been – their word – 'heavy' in several respects. There had also been a significant impact, they said, on the MSG.

3045 We have heard from Deputy McKenna today about the trouble that the local doctors have getting replacements for certain roles. They found other aggravating factors, which they detailed in their report. They concluded he should be formally reprimanded.

3050 Mr Jelley upheld the conclusions of the Conduct Panel and he found that the impact on Dr Bohin was, to use his word, 'considerable'. He considered the breaches were serious. I conclude by making two points. Firstly, by asking my colleagues to note paragraphs 6.2 and 6.3 of Mr Jelley's appeal finding, where he says this:

It is clear to me that Doctor Bohin has suffered significantly both professionally and personally from being named by Deputy St Pier in the Assembly on the 27th of April 2022. Subsequent media coverage and social media fallout has had a devastating impact on her and has undoubtedly damaged her professional reputation particularly locally on the Island. 6.3 The Panel stated in their report that they considered the breaches 'serious' and whilst they did not make a finding that Deputy St Pier deliberately misled the States and indirectly the public, they commented that, 'his statements were seriously and fundamentally misleading in several aspects'.

My final point is, Deputy Le Tissier was suspended and Deputy Blin was reprimanded for what were, in my view, much less serious breaches of the Code. But all that being said, due process having been followed, and as a formal reprimand has been recommended, I will vote accordingly.

My very last comment is, Dr Bohin, I am sorry you have been put through all this.

3055 **The Bailiff:** Deputy de Lisle.

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

3060 I was also on the Parliamentary Privileges Panel, with Deputy Ferbrache and three others and I supported the allegations that Deputy St Pier abused parliamentary privilege. But that was almost two years ago, now, when that took place. Since then, the Guernsey Appeals Commissioner has considered the breaches, the mitigating and aggravating factors involved and the impact on Dr Bohin, which he believed were considerable, the breaches serious and the impact on Dr Bohin significant, and considered if a suspension was a more appropriate sanction but went on to uphold a formal reprimand.

3065 It is just that, with respect to the impact on Dr Bohin in that debate two years ago, the Presiding Officer, you sir, repeated warnings not to mention actually an individual, a professional and if I recall in all my years here, we have been repeatedly told by the Presiding Officer that we do not mention the names of public servants and professionals in this forum.

3070 So there were plenty of warnings that we have had about it and yet Deputy St Pier decided that he would go forward with that. Now this has been going on, now, for two years. That is a long time, Members. Two years is a long time to have these sorts of things going on. As a result, of course, it has led to a lot of stress, a lot of cost to Dr Bohin and stresses, of course, on Deputy St Pier as well.

3075 I think those points have to be taken into consideration. Also, I agree that Deputy St Pier was right in bringing public concerns into the open in this place. Actually providing details of his family issues is another matter that might have been taken more perhaps out of the picture but bringing individuals' concerns to this place is something that we all have a duty, really, to bring forward.

3080 But mention of the doctor in question, mentioning Dr Bohin, that was not responsible. As I mentioned earlier, two years ago, parliamentary privilege came and comes with responsibility. I think we have to all learn from this particular case that we have a responsibility in this Assembly and

we have to be very careful and not bring in the names of individuals. We can bring in cases and talk of cases, without bringing in the names of individuals.

Like me, Deputy St Pier has served highly in this place and therefore that responsibility should be clear to him, myself and everyone. So, the conclusion that an appropriate reprimand should be issued, which was the recommendation of the Commissioner of Standards, I think that is something that I would support at this time and I trust that Members will support the same.

Thank you, sir.

**The Bailiff:** Deputy Helyar.

**Deputy Helyar:** Thank you, sir.

I was not going to speak but unfortunately, from some of the things that have been said, there does not appear to be any contrition and I think Dr Bohin deserves an apology. I really do believe that Dr Bohin ... a lot of very well qualified and eminent people have looked at this and said this was not right. I am sure that the things that go behind this were well-meaning but it has caused damage and that is not acceptable. I think there should be an apology.

I would like to read, sir, if I may, from the States' Meeting *Hansard* of 14th July 2021, which was the hearing in relation to Deputy Le Tissier, where this was said:

I do think that you should consider resigning from the States. Whatever the motives or level of experience, without doubt, and forgive my directness, you have brought disrepute upon both yourself and the States, resulting in justifiable and understandable anger amongst many in the public. If you were to resign, this could be restorative for your reputation. If you choose to ride it out you will, rightly or wrongly, be forever tainted by the situation. I offer these comments in good faith and without wishing to patronise, based on my experience of public life and social media management.

Not my words, sir, but the words of Deputy St Pier, given to Deputy Le Tissier. In my view, sir, Deputy St Pier should follow that good advice.

Thank you.

**The Bailiff:** Deputy Le Tissier.

**Deputy Le Tissier:** Sir, I was not going to speak and, at the risk of repeating what was said earlier, Deputy Helyar has basically taken the wind out of my sails. I was just going to repeat to Deputy St Pier what he said to me, that I should resign. Well, I think Deputy St Pier should resign forthwith.

Thank you.

**The Bailiff:** Deputy Roffey.

**Deputy Roffey:** I rise simply to agree with something that Deputy Ferbrache said. He said due process has been followed and he is absolutely right. This would not be the due process now but it was the due process covering things that were done in the Assembly at the time. My view is really quite simple: we have set up a referee to reach a conclusion. They have reached a conclusion. Some people maybe do not want to implement that penalty, some people want to go further.

My view is quite simply I do not think it would reflect well on this Assembly to do either. I think once you set up due process, due process happened, we endorse it and I intend to vote in favour of the reprimand, as recommended by the independent Panel that considered this.

**A Member:** Hear, hear.

**The Bailiff:** Deputy Gollop.

**Deputy Gollop:** I do not want to speak too long on this. I think most of the critical points have been made. I had the privilege, or perhaps that is not the right word, of sitting on the Privileges Panel too, with Deputy Trott, Deputy Roffey, Deputy de Lisle and Deputy Ferbrache, and found it very difficult because there were certainly strong opinions and judicial views, perhaps, on both sides.

3130 I felt my duty was two-fold. Firstly as a kind of Father of the House, longest serving continuous Member, although two of the Members preceded me in terms of sitting in the Chamber, to find some sort of a balance between what were clearly quite partial views. But more importantly than that, as Deputy Roffey and others have reminded us, I did not think it was at all wise or appropriate, really, for Deputy St Pier to say what he did but I had to balance it against the privilege generally of parliamentarians, Assembly Members, to have a free voice.

3135 I think one of the reasons Assembly Members, across the Commonwealth and elsewhere, America too, have this freedom is actually linked to when the States and many other bodies were first in being, the Members would represent their districts, would represent their communities, but even in Guernsey, we know in the past Members included distinguished Jurats on a political level and Rectors, on a political level. Why do I mention that? Because I think many parliaments, even those in places like the United States of America, the early representatives were unpaid and they were kind of gentry. They were kind of aristocratic. I think that is one reason why the liberties of parliamentarians are there.

3140 The other reason is of course to, as Deputy McKenna said in a way, have that degree of integrity, that sense of righting wrongs, of calling out behaviours that need to be called out of reform and improving society and we have evolved now into an Assembly where we have to maximise our behaviour. We have codes of conduct, we have guidelines, more and more regulations and rules of appropriateness.

3145 Therefore, I think we all know the distinction of Deputy St Pier, who is a former Chief Minister, leader of COVID and an extremely popular, at least two elections, Island-wide poll topper, and the contribution he makes on a day-to-day level, against something that was extremely regrettable. I can only read from Mr Jelley's report, who I do not know in any way, but he has come fresh to this, having seen the material from the Panel, led by the Very Reverend Guille and including Dame Mary Perkins and so on.

3150 He writes: 'As the Appeals Commissioner, having now dismissed the appeal ...' – on various grounds, because he clearly finds that the original Panel were robust in their decision – '... it falls to me to consider if the original Panel's assessment on sanction was appropriate. It is worth at this juncture ...' it has it within their remit to 'increase' the sanction. He writes:

It is clear to me that Doctor Bohin has suffered significantly both professionally and personally from being named by Deputy St Pier ... Subsequent media coverage and social media fallout has had a devastating impact on her and has undoubtedly damaged her professional reputation particularly locally on the Island. The Panel stated ... that they considered the breaches 'serious' and whilst they did not make a finding that Deputy St Pier deliberately misled the States and indirectly the public ... that 'his statements were seriously and fundamentally misleading in several aspects'.

3160 Now Deputy McKenna hinted at the misleading because again the extraordinary part of this is a lot of work Deputy St Pier was not in my view directly accusatory but it created a misleading impression in listeners and that might have applied to their repetition in the media and social media as well. We do not want to re-debate what happened last September but what we do have before us is confirmation that, within the Rules of the time, the Code of Conduct Panel found fairly and judiciously and a person, who as far as I know has next to no contact with Guernsey but is clearly a legally eminent person, agrees with it.

3165 I have a feeling of guilt. I have sat on SACC for a number of years and I do think with hindsight, as Deputy Helyar, Deputy Ferbrache have hinted, we treated my good friend to the left of me, perhaps not politically, Deputy Le Tissier extremely harshly. I think generally speaking suspending an elected Member who has been chosen by the public – in Deputy Le Tissier's case in the top 38 – in Deputy St Pier's case in the top one, is a very large thing to do. I think we went too far a few years

ago but I did it to support the SACC and the views of the Panel. If we are going to be consistent, we should support the reprimand.

Perhaps I am reading too much into this but the report talks about the seriousness of the breaches and he goes quite personal here, almost like a judge or an author:

I have considered if a suspension is a more appropriate sanction. Having given this matter careful thought I have concluded that whilst the breaches are serious, and the impact on ... [the doctor] is undoubtedly significant, in the circumstances it would be disproportionate ...

3175 Now clearly that is a fine judgment and it was perhaps almost in his mind that a suspension could have been appropriate but he went against the ruling. I think in the context of the service Deputy St Pier has given and I think his genuine attempt to discuss what is a very sensitive issue on behalf of families, I can understand why he did it but not the methodology; and therefore I think the most appropriate way of moving forward at this stage is to, as Deputy de Lisle has perhaps  
3180 reluctantly ... go with the formal reprimand and move on from here.

But not just forget it, to work so that we do not find ourselves in a similar situation where Members, perhaps perceiving themselves almost as little gods, kind of go out there as crusaders without necessarily thinking of the implications in a modern world. If we do need to question professional people or professional processes, we must find other more robust ways than making  
3185 speeches in the media, social media or even in the context of this Assembly.

**The Bailiff:** Deputy Brouard.

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

3190 I think this area has been well aired. I think the findings are the findings. Personally I am not happy with the process of both the Privileges and the Code of Conduct, which I do not think have done justice to Deputy St Pier or to HSD or the Code of Conduct complainants or to the doctor concerned. I hope the learnings we have from this will make a better process for the future. My advice is we say sorry and we have a reprimand and move on.

3195 Thank you, sir.

**The Bailiff:** Deputy Taylor.

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

3200 I did not really want to speak in this but I feel I have been brought to my feet by the comments from Deputy Helyar. I am not putting on a deep voice to sound powerful, I feel like I am losing my voice!

I do not accept a comparison between Deputy Le Tissier's actions, which we spoke about at the time in that debate, and Deputy St Pier's actions. Deputy Le Tissier, just for a slight recap, posted  
3205 anonymously on social media accounts making derogatory comments about members of the public. He then deleted his account and tried to cover tracks and was found out. Deputy St Pier, rightly or wrongly, raised an issue through an avenue that was available to him in his capacity as a Deputy and did it under his own name. He was not standing in the Assembly under a pseudonym, he just spoke. I do not think it is fair to make those comparisons.

3210 But if I am standing up and I am speaking, I might as well raise a few other points. That is how it goes, isn't it? I suppose I want to pick up on some of Deputy Ferbrache's points. I do not want to come across as the defence advocate because I would probably lose against him but I do have to pick up a couple of points within the Panel's report that do not sit particularly well with me. So I am going to raise them. The first one is on page 21, it is the paragraph relating to seriousness.

3215 I can accept advocates, when they read out a small part of a paragraph, and they leave out the bit that they do not like. So I am going to do that. The Panel concluded:

... we are not making a finding that Deputy St Pier deliberately misled the States and indirectly the public ...

I think that seems to be lost quite regularly. I do not know what Deputy St Pier's intentions were but the Panel found that he did not deliberately mislead the States and I think that seems to be kind of brushed over and suggested that he was deliberately acting to mislead everyone and put out a load of misinformation. Maybe he was, I do not know. I am just reading out the Panel's findings here.

Scrolling up the page – not sure why I am doing it in reverse order – staying on page 21, paragraph or point 11. This is Members should be acting in 'good conscience and discharging duties diligently' – lovely alliteration – 'and with civility, dignity, care and honour'. The Panel concluded:

We considered that the care aspect was breached because, although Deputy St Pier insisted he had acted carefully, he had not exercised enough care ...

So he had exercised some care but not enough care. But the main point is the Panel only found that he did not act with care. So I think it is quite arguable to say that he had discharged his duties diligently, with civility, dignity and honour. Perhaps that is too big a jump to make but the Panel only said that he did not act with care.

Then scrolling up one paragraph, treating others with respect and courtesy and without malice. And again the report found:

We do not find that Deputy St Pier acted maliciously ...

So there are quite a few strong points in there that I think actually act in mitigation or in Deputy St Pier's response. I do not think anyone here is agreeing with me, looking at all the blank looks I am getting but we are paid to give our views, we are paid to read these things and that is what I am doing. I am going to scroll up a little bit more to page 20 and this paragraph 6, which is a similar one, referring to general principles of conduct. Nolan Principles, I think it is, selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

We consider that the objectivity aspect of this section has been breached ...

But not the other parts. I think that is probably the bit that really brought me to my feet because Deputy St Pier did raise this in a – you might disagree, it might not have been the right time but it was an appropriate time in accordance with his role and I think then his arguments then would say that he was acting with selflessness, integrity, accountability, openness, honesty and leadership. He has very much owned the decision he took, rightly or wrongly.

That is pretty much all I have got to say. I feel like I am going to need to cough, so I am just going to sit down. I probably will support the proposals but I think some balance was needed to the debate. I do not like that they were saying just Deputy St Pier should retire, he should resign, and I think a lot of those kinds of comments, in my view, have actually created a bigger issue than it would have been.

If I take myself back to the actual debate when it was first taking place, in my view, if Deputy Brouard had not been jumping up and down every 30 seconds, with points of order, corrections, I think a lot of this would have been glossed over. I think a lot of the arguments that have come out at subsequent debate have fuelled the problem here.

It is all very well and good and saying well that is because of Deputy St Pier because he raised it in the first place, but if he had not opened his mouth, we would not have any of these discussions so he is the blame for everything. But we are responsible for the words that we speak and I think a lot of the words that have been spoken in these debates on this issue, have put a lot of fuel on the fire and that is regrettable and I will leave it at that.

Thanks.

**The Bailiff:** Deputy Matthews.

3260 **Deputy Matthews:** Thank you, sir.

I also was not going to speak but I thought it might also just be useful to add in my reading of the complaint and the Panel's report into it. I suppose I have a slightly more, or I had a more insider point of view because I was a Member of the Committee for Health & Social Care. I had been involved with these issues and understood some of the issues that were being raised. In fact, on the day of the debate, I did speak to Deputy St Pier and advised him I did not think it would be a very good idea to go ahead and mention the name in the debate. Unfortunately my advice was not taken.

3270 I think it would have been good advice to have followed, though, because it is so easy for points that you make in the Assembly to be misinterpreted and that, I think, is exactly what has happened in this case. In fact the odd part about the conduct complaint is that it largely just seems to relate to a misunderstanding. The Panel reports this on page 14, where the speech that was made about the doctor in the question is described and it says at the bottom of page 14 about the two possible interpretations:

We discussed this with Deputy St Pier and he did not seem to accept that his words could be understood to mean that Dr Bohin had been involved in his daughter's diagnosis and/or care in any way. However, in our view the most obvious and natural meaning is that Dr Bohin had been professionally involved in the traumatic events he had described in relation to his daughter. His words might not be understood in that way by everyone, but that is how the Panel members would have understood them and we consider it the most obvious meaning for several reasons ...

3275 And then it goes on to list them. I would not be amongst the people who would have taken that interpretation because I knew exactly the issue that Deputy St Pier was referring to, which was not about involvement in any particular case or misdiagnosis but was more about the over-enthusiastic application of a bureaucratic safeguarding process, which was an entirely different issue. I knew that so I did not make that misunderstanding.

3280 The Panel has reached the conclusion that that is the most natural interpretation of the words and I suppose it is hard to argue that is how they feel that people would have naturally interpreted it but that is clearly not what was meant. So it does seem a bit difficult to me to be recommending a reprimand for having said something that has been misinterpreted and has clearly been misinterpreted.

3285 I suppose the irony of all this is that the actual issue at hand, which is when parents find themselves referred to a safeguarding process for what they consider to be minor things seeking a second opinion or something, that it is easy for that process itself to be misinterpreted as much more sinister than it is actually intended to be.

3290 It is difficult for me to accept that a reprimand is really justified. I think it would have been preferable to have stuck with the lower level of admonishment but I suppose the most straight forward thing would be to accept the conclusion that the Panel has come to. But I do think there is some room to express a view that there is another interpretation that is possible.

Thank you, sir.

3295 **The Bailiff:** Deputy Mahoney.

**Deputy Mahoney:** Thank you, sir.

3300 I am afraid I am another one that was not going to speak but I have been brought to my feet by the last two comments, actually, the last couple of speakers. I am not sure what – he is out of the Assembly at the moment – but I am not sure at what point Deputy Taylor became the chief apologist on behalf of other Members here and there has certainly been some judicious use of picking of words from the report. What he did not quote, of course, was the other bits: breaches of trust; breaches of trust and confidence in the integrity of the States; not bringing it into disrepute. 'We consider making misleading statements, coupled with the failure to address to conflict of interest involved a breach of this section'. I am not going to go through them all. There are many others there which Deputy Taylor forgot to read out.

3305

I had no idea this was actually Deputy Brouard's fault, all of this, which again Deputy Taylor seemed to suggest that if he had not done what he did, none of this would have happened, which is clearly nonsense. I cannot let that slide.

3310 I do recall during those two previous debates over the last X years, that Deputy Le Tissier apologised when the moment was right. Likewise I believe, in fact I know, Deputy Blin also apologised when this matter came up before the Assembly. I know Deputy St Pier has given up his rights to speak, because he spoke earlier, but if he wants me to give way, I will, in case he wants to make that apology now. Perhaps he will do so later, instead.

3315 But there is an awful lot of leeway being given in those last two speeches to the language used. It is really pretty simple, isn't it? I disagree with the Panel's findings, but I will accept them because that is what has happened. My views are irrelevant other than that. But this all stinks to high heaven, in my view, but I will accept the findings that have been given. It is just a shame that we have got to this situation. I would like to apologise, as well, to Dr Bohin, on behalf of the States, for the way this went. This clearly was not right but we are where we are. So I hope we can just get on with this  
3320 and move on.

**The Bailiff:** Deputy Trott.

3325 **Deputy Trott:** Sir, I rise as the current holder of the most senior elected position in this Assembly to record my personal regret and extend my personal apologies for the suffering that Dr Bohin and her family have endured as a consequence of this matter.

**The Bailiff:** Deputy Prow.

3330 **Deputy Prow:** Sir, I just rise simply to say that I also offer my apologies on this matter on behalf of Members of the States.  
Thank you, sir.

3335 **The Bailiff:** I will turn to the President of the States' Assembly & Constitution Committee, Deputy Meerveld, to reply to the debate if he wishes to do so.

**Deputy Meerveld:** Thank you, sir.

3340 I will have a few words to say. I will start off with a point that Deputy Brouard raised and quoted British Prime Minister William Gladstone: 'Justice delayed is justice denied.' It is regrettable this incident straddled a change in the processes and procedures for handling complaints because consequently it has been an inordinate amount of time taking us to get to this stage. For that I apologise on behalf of myself and SACC Committee and the States of Guernsey, everybody involved, and the fact that this should have been resolved a long time ago.

3345 The only reassurance I can give to everybody and particularly to Members is that it will not happen again. Simply, these delays were caused by a transitional process and they cannot be replicated.

3350 Going onto something Deputy Ferbrache said – I am not referring to the friends part! – I think nobody will disagree with him that the quality of the report that has been provided by the Commissioner is excellent and the analysis and the professionalism with which it has been prepared. That is a product of, as Deputy Roffey pointed out, a new process we have put in place.

3355 A process which has been now followed and has reached his conclusion and as I said in my opening, this is a process that the States wanted established. It has been established, it has worked, it has gone through it. Individual Members may have their own opinions on whether the finding is appropriate, but I would ask all Members to support it because it is the process that the States wanted and nobody has mentioned any criticism or fault of that process.

So I will be voting in favour of this reprimand and I would encourage other Members to do so as well.



And finally, as President of SACC and as a Member generally, I would issue one warning to Members. To quote a slightly less illustrious source, Spiderman, 'With great power comes great responsibility.' Our absolute privilege is a great power and all Members should use it judiciously and should be very aware of the issues and damage and harm that can be done if it is not used appropriately.

With that, sir, I will close and ask Members finally to support the policy letter as proposed.

**The Bailiff:** Members of the States, there is a single Proposition. I am going to invite the Greffier to open the voting on that Proposition.

*There was a recorded vote.*

*Carried – Pour 32, Contre 0, Ne vote pas 3, Did not vote 2, Absent 3*

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

**The Bailiff:** The voting on that Proposition was that there voted in favour, 32 Members; no Member voted against; 3 Members abstained; 5 Members did not participate in the vote and therefore I declare the Proposition duly carried.

As a result of that vote, Deputy St Pier, it is now my duty to advise you that you are hereby formally reprimanded.

APPENDIX REPORT

COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY

Guernsey Legal Aid Service –  
2023 Annual Report –  
Report noted

3375

**The Bailiff:** We are now going to move to the second stage of the motion to debate the Guernsey Legal Aid Services 2023 Annual Report, where the Proposition that will be put to you eventually will be to take note of the Report and I will invite the President of the Committee for Employment & Social Security, Deputy Roffey, to open the debate, please.

3380

**Deputy Roffey:** I am pretty confident that Members will note the Report at the end of the day. I think trying to pre-empt the areas of interest in the Report will probably not be useful. I think I am better to actually sit down and wait to see what people have to debate and respond to it at the end.

3385

**The Bailiff:** Deputy Ferbrache.

3390

**Deputy Ferbrache:** I have got to say I remember when legal aid was set up and Advocate Perrot, as he then was, was debating about it, I think he was dealing with Conseiller Berry, or Deputy Berry, I cannot quite remember who the other was on behalf of the States and Deputy Perrot, sorry Advocate Perrot at the time, was saying that the rate of charge should be the same as the recoverable cost rate, which has always been higher than the legal aid rate. I am not sure what it was then, £230 an hour –

3395

**The Bailiff:** One hundred and fifty pounds, I think.

**Deputy Ferbrache:** Thank you very much, sir, I know you do that. I will always bow to your academic knowledge. As you know I was always very respectful when we crossed swords with each other, although you generally lost but never mind that does not matter!

3400

In relation to that, the rate was fixed at £167 an hour. It is still the same all those years on. Now the only point I would make is that I am not suggesting that it be increased, but I just wonder, the number of advocates that actually do legal aid work is not very many out of the size of the Bar and it does worry me that there might come a time when there is an important childcare case or whatever it may be and there simply are not enough advocates to do that.

3405

That is all. I am glad to see the figures are actually modest. When you look at them, I know people say, 'Oh, £2 million,' it is actually modest compared with the work that the advocates do and I do not do any legal aid work but I know that the legal aid advocates who discharge their functions are 100% committed and deal with the considerable task that they have to do most diligently.

3410

**The Bailiff:** Deputy Le Tocq.

**Deputy Le Tocq:** Sir I rise and I never thought I would hear Deputy/Advocate Ferbrache say there were not enough advocates, but that is what he just did, to do legal aid. I know. Absolutely.

3415

But I do think it is a shame that we live in a time where there are not advocates willing to do that type of work for the public good. That used to be the case and I know, I have gone through all the reasons, I have looked at it myself, but we are living in a time when there are many that could do that but they choose not to. We have to face up to that fact and therefore that will require funding or at least alternative ways of encouraging that system to work.

It does work fairly well and the only times that we have problems, it would seem to me, are on rare occasions. We do not want those to increase. We do not want the system to become a system

3420 that creates its own problems; because that can happen, we have seen that elsewhere. But in my  
experience, it requires us to keep a beady eye on the way it works and making sure that it is properly  
resourced.

**The Bailiff:** Deputy Gollop.

3425

**Deputy Gollop:** Sir, I used to sit on the Social Security and was pleased when we got to hear  
more about legal aid from director Lucy Haywood and her predecessor because I remember the  
debate very clearly that Deputy Ferbrache recalls and the anecdotal story that the late, great Deputy  
and Advocate Roger Perrot was an expert negotiator and grandee in many ways. I believe he gave  
3430 the then Advisory & Finance an offer they could not refuse, which was basically to have what  
amounted to a semi-commercial rate.

At the time, I believe the rate was significantly higher than the equivalent in southern England  
or any other comparable jurisdiction. But as Deputy Ferbrache has rightly pointed out, it has stayed  
the same for 20-plus years and has clearly become smaller in real terms, a bit like the St James'  
3435 funds, and there obviously are arguments, potentially, to raise it in order to get a younger  
generation of advocates interested, but there is also an obvious approach from P&R and the States  
to contain expenditure. One prediction Deputy Ferbrache made, which has not quite come as true  
as his usually do, is that it would be the most wasteful, money drooping thing you have ever seen.

In fact, I think in context of Guernsey and the high cost of professional services and the  
3440 uniqueness of our jurisdiction, the costs have been held quite well, relatively speaking.

I will make a few points. In fact, I would argue that although I have not got direct knowledge at  
the moment of people being in need, I think we could almost look where appropriate to expand  
the service. But look at the facts on page 6. The original authorised budget for the year was  
£2,897,000, which is less than the bus contract, for example.

3445 But the actual – and people are always waiting for a shock, like it is 30% above – no it is not, it  
is about 30% below. It is £2,230,000. It was slightly less than the previous year. I think that has not  
been an isolated issue. We have seen restraint by the administrator.

What is slightly less good, but I think that it is a problem you see across the public sector maybe,  
I have probably been a culprit myself, actually, on occasion, is the debtors' balances. Not that I owe  
3450 legal aid any but you see a situation where in 2023, there were 182 debtors, which is a reduction  
from 2022 from 2023, but an increase in the quantum of debt, to £535,000. In other words, over  
half a million, with Sark actually owing quite a lot. You see criminal, children on £86,000, civil  
£175,000 and £68,000 from Sark, Alderney at £3,000 is relatively low. But it does cover all the  
Bailiwick. So there is sometimes an issue with recovering debt. There is an old debt from 2012.

3455 But I think, bearing in mind it covers both civil and criminal cases, the costs are not out of the  
way and I think there are many ways it could reform. As a preference, I would probably prefer local  
specialist advocates to other ways of providing legal services but nothing is out of the question. We  
have had good reports on this and I certainly believe that we should maintain, if not expand the  
service, that increase the attractiveness of a younger generation of lawyers taking this kind of  
3460 rewarding work up.

I think Deputy Ferbrache found it rewarding, if not necessarily materially, in terms of service to  
the community, this kind of work. But at the same time maintain a degree of cost containment. But  
it is part of our human rights and part of our civil society and part of equality so that nobody feels  
left out and people without means can seek redress.

3465

**The Bailiff:** Deputy St Pier.

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

Some of the issues have already been touched on by others. I will start with the debtor position  
3470 that Deputy Gollop was referring to. The Members will note on page 21, Deputy Gollop referred to  
the overall quantum of debtors but it is worth drawing attention to the fact that, in particular, of

course, in the year in question, 2023, we have acquired one debtor, in Sark, of £68,000. By comparison, if you look at the £286,000 from 127 criminal debts, that is an average of £2,251, or for the 49 civil debts, with a total of £175,000, that is £3,571.

3475 The Sark debtor stands out like a sore thumb as a single debtor and I think I would be grateful if Deputy Roffey could explain either now or in due course what the plans are in relation to Sark's participation in this scheme, as is noted in the Report and as has been in previous years on page two, on 1st January 2019, the scheme was set up, but as Sark was undertaking, it says on the top of page 3, a 'general review', it was decided that the Ordinance would not extend to Sark at that time, 3480 which as a consequence remains extra-statutory.

So is it intended that the statutory scheme is extended to Sark. If so, on what kind of timeframe? What are the consequences of it not being extended to Sark at the present time and also what is Sark contributing towards the £2.3 million of expenditure during the year and indeed the budget of *circa* £3 million ongoing? As I say, it may be that Deputy Roffey needs to refer back on that.

3485 The others have already touched on the challenge of finding advocates who will undertake this work and indeed at the bottom of page 10 there is also a reference to the numbers of non-admitted lawyers accredited to undertake legal aid work, principally as I understand it from my recollection from my involvement in these things, lawyers admitted from outside the jurisdiction to assist, but again others including Deputy Ferbrache may be able to advise more on that. The point is that 3490 clearly there is only one of them. It was intended that would be a cheaper way to provide support to those that needed it.

Picking up my final point, again on page 10, no doubt some of this may be addressed in the Legal Aid Review, which has been promised for a while and, again, as is stated on page 10, as was reported in 2022, the Committee for Employment & Social Security commissioned an independent 3495 review of legal aid.

Mr Colin Stutt finalised this report at the end of 2023 which is expected to be made public some time in 2024.

Well we are now heading towards November, so nearly 11 months after the end of the report period and presumably close to a year after the time that that Report was finalised. So if Deputy Roffey can provide and throw some light on what has happened to that review, when it will be seen and what happens next in relation to it, I think that would be appreciated by Members.

3500 Thank you, sir.

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

3505 **Deputy Kazantseva-Miller:** Sir, just building on the concerns raised about the number of lawyers who are able to support this kind of work, this is something I have also picked up and highlighted when I was going through the Report. I had the privilege to witness the importance of legal aid when I was supporting a constituent earlier this year. This really opened my eyes into how vital and important this service is, even if it is a couple of hours provided, they are potentially life and death situations.

3510 I think there is clearly a problem that has been building over a number of years, so my question to Deputy Roffey would be, in summing up, whether actually any work is being conducted to understand how this trend could be reversed because obviously we have got a very significant and important legal profession that is supporting our economy and us being a financial services centre, speaking with Deputy Bury, we talked about there is quite a lot of instances where legislation requires legal support. We talked about buying homes. You would tend to do it with a lawyer when 3515 you turn up at the Royal Court, etc.

There is obviously a lot of work in the community that is supported by the legal profession. But I think if this is something where they are not able to staff and whether it becomes part of CSR/ESG duties of the legal profession, it sounds like something that really needs a serious look because

3520 before we know it, we could go down to single digit numbers and it might not be recoverable from that point.

So is the Committee looking to do something with regard to this deteriorating trend and, if so, when would we expect that work to come back to the Assembly or operationally be enacted?

Thank you.

3525

**The Bailiff:** Deputy Helyar.

**Deputy Helyar:** Thank you, sir.

3530 I have done some legal aid work in the dim and distant past. It was the process, as much as anything that puts people off because there are so many forms to fill in, it can take up to half of the time you spend with a client actually investigating their background and their circumstances, rather than actually dealing with giving the advice.

3535 But I think, just with a tongue in cheek, if we want advocates to be doing more of this sort of work, a surefire way would be to tank the economy by putting Income Tax up by 2% in a couple of weeks' time. *(Laughter)*

**The Bailiff:** As no one is rising, I will turn back to the President, Deputy Roffey, to reply to that debate, please.

3540 **Deputy Roffey:** Well, I am not going to reply to the last remark. We will park that for a fortnight. I think Members have got a conundrum really, because it is linked to some extent to public finances because Deputy Ferbrache quite rightly said that the rates basically paid to advocates for carrying out legal aid work have not gone up since the scheme was first brought in.

3545 That is partly because Advocate Perrot negotiated a stonkingly good deal from the Bar back then, way ahead of any rates paid for legal aid in other territories. So there has been a certain adjustment to reality but, as others have said, we are now reaching the point where the rewards could be seen as not encouraging advocates to actually do this.

3550 That was one of the main reasons why – and it was not just an ESS review – it was a joint review of P&R and ESS reviewed the whole legal aid system. I have to say at the start of that, I recused myself from the whole thing. I am a Grammar School boy so I never did classics, but my understanding of the word nepotism is that it arose originally out of people in power favouring their nephews. Well, my nephew did a lot of legal aid work at that time and therefore I did not want to be involved. It is no longer a problem for me, he is now prosecuting people instead, I understand, as he used to do some time ago, so I did get involved again.

3555 What I can tell people about the state of the review is, yes, it has been completed. I think one of the difficult tasks for the reviewer was how to actually breathe new life into making sure that advocates that wanted to do legal aid work, without doing it in such a way that presented us with a bill that there was no way that we could actually pick up because we know the state of public finances. If I came here and said I wanted to double the legal aid bill, I think I would probably get 3560 shortcomings on it.

When it is published, you will see that it does look at things like the extent of the work that legal aid should cover in order to try and make sure that the rewards are appropriate without being an undue burden on the public sector.

3565 Now the state is that it has been finished, it has been sent to everybody that was a consultee, in order to comment on it. All of those comments have been received back. We now have to find the staff work to collate the substance of those comments before agreeing with P&R, because it will be a joint decision, when to actually publish.

3570 It has been delayed longer than I liked. I am afraid my Department, like all others, trying to get things done by the end of this term on many different fronts, our policy office is run ragged. So it has taken longer than I would like but what I would say is one or two of the proposals, which were deemed to be uncontroversial, have actually been actioned even before it has been published.

For instance bringing in a standby rate for people. It is not particularly massive but a standby rate for advocates who are going to be on legal aid duty for a period of time, rather than only paying if they are actually called into action.

3575 I cannot give an exact date, I am afraid, Deputy St Pier and others, when it is going to be published but I would like it to be as soon as possible.

The debtors situation, obviously there have always been debtors, but it is all bad debt by any means. There is a debt recovery basis where it tends to be a gradual return of that money from the people owing it to us over a period of time and I have to say the one-off debt that Deputy St Pier  
3580 asked about, about Sark, that is no different. We fully intend to recover that debt through the normal processes and that is what we will be seeking to do. That was obviously the debtor is the individual that may have some outstanding things.

He wanted to know about the relationship with Sark; would we extend the statutory ...: That is not just our decision alone. Sark, as he knows from his broad experience, is a separate jurisdiction.  
3585 The confusing thing is the Courts are quite inter-linked but politically we are not really that inter-linked, so Chief Pleas, I think, would have to first of all request to actually be a statutory part of it and then we on behalf of the people of Guernsey would have to decide whether that was a good idea or not.

At the moment, there is a fairly formal arrangement, where they make an annual payment of, I think it is about £27,000-£28,000 a year, which in some years is more, some years we do not do any work in relation to Sark, and that is a pure benefit. Other times, such a small community tends to be lumpy, other times that does not come anywhere near covering the costs.

Whether that is still the appropriate amount, £27,000 or £28,000, maybe it is time to have a fresh look at that but that is how the system works in a very informal way because we want, particularly  
3595 in family matters and things like that, to make sure that even without a statutory arrangement, no part of the Bailiwick goes without this. I think it would be very poor for the Bailiwick's reputation, therefore Guernsey's reputation, if we had any part of the Bailiwick that was not covered by legal aid in some way.

I am trying to think of any other questions that were asked here. No, I think that is about it. You  
3600 will be asked to note the Report and the Report is in front of you and I ask you to note it.

**The Bailiff:** Well, Members of the States, there is the single Proposition, whether you are minded to note the Report.

I will invite the Greffier to open the voting on that Proposition, please.

3605

*There was a recorded vote.*

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

**POUR**

Aldwell, Sue  
Blin, Chris  
Brouard, Al  
Burford, Yvonne  
Bury, Tina  
Cameron, Andy  
De Lisle, David  
De Sausmarez, Lindsay  
Dudley-Owen, Andrea  
Fairclough, Simon  
Ferbrache, Peter  
Gabriel, Adrian  
Gollop, John  
Haskins, Sam  
Helyar, Mark  
Kazantseva-Miller, Sasha  
Le Tissier, Chris

**CONTRE**

None

**NE VOTE PAS**

None

**DID NOT VOTE**

Inder, Neil

**ABSENT**

Dyke, John  
Falla, Steve  
Murray, Bob

Le Tocq, Jonathan  
Leadbeater, Marc  
Mahoney, David  
Matthews, Aidan  
McKenna, Liam  
Meerveld, Carl  
Moakes, Nick  
Oliver, Victoria  
Parkinson, Charles  
Prow, Robert  
Queripel, Lester  
Roberts, Steve  
Roffey, Peter  
Snowdon, Alexander  
Soulsby, Heidi  
St Pier, Gavin  
Taylor, Andrew  
Trott, Lyndon  
Vermeulen, Simon

**The Bailiff:** The voting on the Proposition to note the Report was that there voted in favour, 36 Members; no Member voted against, no Member abstained, 4 Members did not participate in the vote and therefore I will declare that Proposition now duly carried.

## **POLICY & RESOURCES COMMITTEE**

### **6. Schedule for Future States' Business – Proposition carried**

*Article 6.*

*The States are asked to decide:-*

*Whether, after consideration of the attached Schedule for Future States' Business, which sets out items for consideration at the Ordinary States Meeting on 5th November and 20th November, they are of the opinion to approve the Schedule.*

#### *SCHEDULE for FUTURE STATES' BUSINESS*

*(For consideration at the Ordinary Meeting of the States commencing on the 23rd October 2024)*

*Items for Special Meeting of the States commencing on the 5th November 2024*

*P.2024/91 – Policy & Resources Committee – The States of Guernsey Annual Budget Report for 2025*

*P.2024/90 – Committee for Employment & Social Security – Non-Contributory Benefits Rates*

*Items for Ordinary Meeting of the States commencing on the 20th November 2024*

*(a) communications by the Presiding Officer including in memoriam tributes;*

*(b) statements;*

*(c) questions;*

*(d) elections and appointments; (e) motions to debate an appendix report (1st stage);*

*(f) articles adjourned or deferred from previous Meetings of the States;*

*(g) all other types of business not otherwise named;*

*No. 63 of 2024 – The Police Complaints (Conduct Proceedings and Investigations) (Guernsey) (Amendment) Regulations, 2024*

*No. 64 of 2024 – The Customs and Excise (Dyed Fuel) (Relief and Drawback) (Guernsey and Alderney) (Amendment) Order, 2024*

No. 65 of 2024 – *The Immigration (Provision of Physical Data) Regulations, 2024*  
 No. 66 of 2024 – *The Immigration (Bailiwick of Guernsey) (Amendment) Rules, 2024*  
 No 67 of 2024 – *The Export Control (Military, Security, and Related Matters) (Bailiwick of Guernsey) (Amendment) Order, 2024*  
 No. 70 of 2024 – *The Customs (Rules of Origin: Claim Verification and Determination, and Record Keeping) Regulations, 2024*  
 No. 71 of 2024 – *The Methods of Valuation (Import Duty) (Amendment) Regulations, 2024*  
 P. 2024/85 - *Committee for Health & Social Care – Vaping Products (Enabling Provisions) (Guernsey) Law, 2024*  
 P. 2024/86 - *Committee for Employment & Social Security – Social Insurance (Rates of Contributions and Benefits etc.) Ordinance, 2024*  
 P.2024/87 - *Committee for Employment & Social Security – Long-Term Care Insurance (Guernsey) (Rates) Ordinance, 2024*  
 P.2024/88 - *States’ Trading Supervisory Board – Waste Management Services (Charging) (Amendment) Ordinance, 2024*  
 P.2024/92 - *Policy & Resources Committee – Superannuation Fund – Actuarial Valuation*  
 P.2024/93 - *States’ Assembly & Constitution Committee – Polling Stations and Postal Voting*  
 P.2024/94 - *Committee for Health & Social Care – Review of Implementation of NICE drugs\**  
 P.2024/89 - *Committee for Employment & Social Security – Health and Safety Licensing of Certain Work-Related Activities\**  
 Amendments to the proposed meeting dates and order are permitted only for those items marked with an \*

*Items for Meeting of the States commencing on the 11th December 2024*

P.2024/95 - *Requête - The Government Reform (2024) Requête*  
 P.2024/63 – *Requête - Establishment of the Committee for Housing (At the Meeting of the States held on 4th September 2024, the States resolved to sursis debate on this item until the 11th December Meeting*

3610 **The States’ Greffier:** Article 6, Policy & Resources Committee – Schedule for Future States’ Business.

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

3615 **Deputy Trott:** No, sir, I have nothing to add and so move.

**The Bailiff:** There are no amendments that have been received and therefore I will invite the Greffier to open the voting on the Single Proposition, whether you are minded to approve the business for the Meeting on 20th November.

3620 *There was a recorded vote.*

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

POUR	CONTRE	NE VOTE PAS	DID NOT VOTE	ABSENT
Aldwell, Sue	None	None	Inder, Neil	Dyke, John
Blin, Chris				Falla, Steve
Brouard, Al				Murray, Bob
Burford, Yvonne				
Bury, Tina				
Cameron, Andy				
De Lisle, David				
De Sausmarez, Lindsay				
Dudley-Owen, Andrea				



Fairclough, Simon  
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  
Oliver, Victoria  
Parkinson, Charles  
Prow, Robert  
Queripel, Lester  
Roberts, Steve  
Roffey, Peter  
Snowdon, Alexander  
Soulsby, Heidi  
St Pier, Gavin  
Taylor, Andrew  
Trott, Lyndon  
Vermeulen, Simon

3625      **The Bailiff:** Members of the States, I am delighted to inform you that on the Schedule for Future States' Business, 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 that Proposition also duly carried. Congratulations on finishing the business within time on a single day! We will be back here for the Budget. Maybe it will be a one-day Meeting? *(Laughter)* We will see!

I will now ask the Greffier to close the Meeting.

*The Assembly adjourned at 5.17 p.m.*