



**OFFICIAL REPORT**

**OF THE**

**STATES OF DELIBERATION**

**OF THE**

**ISLAND OF GUERNSEY**

**HANSARD**

**Royal Court House, Guernsey, Thursday, 6th March 2025**

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Alderney Representatives E. Hill and E. A. J. Snowdon

**The Clerk to the States of Deliberation**

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

**Absent at the Evocation**

Deputy M. P. Leadbeater (*relevé à 10h 06*);  
Deputy C. N. K. Parkinson (*relevé à 11h 15*).

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# States of Deliberation

*The States met at 9.30 a.m.*

THE BAILIFF

**PRAYERS**

*The States' Greffier*

**EVOCATION**

## Billet d'État VI

### **COMMITTEE FOR THE ENVIRONMENT & INFRASTRUCTURE**

#### **9. Introduction of Housing Standards Legislation – Legislation and policy letter – Debate continued**

**The States' Greffier:** Billet d'État VI, Article 9 – the continuation of the debate.

**The Bailiff:** Deputy de Lisle.

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

Regulatory intervention costs money and who pays? As I understand it, it is £67 per rental unit every three years. So who pays, am I going to pay?

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

**The Bailiff:** Point of correction, Deputy de Sausmarez.

**Deputy de Sausmarez:** Deputy de Lisle's figures are incorrect. Whether I can get my screen up in time to give him the correct version or not remains to be seen. The correct costing is £24 per year for a dwelling.

**The Bailiff:** Deputy de Lisle.

**Deputy de Lisle:** Twenty four pounds per year that is fairly close to what I was saying (**Several Members:** Hear, hear.) – £67 every three years. But that is going to be £100 soon, in a year or two, everything goes up and is the owner going to pay? No, it is going to be passed down to the renter. So, what you are doing here is actually pushing up rents and Government is very good at that and this is another example of it.

Now, I also want to mention the economic sensitivity of the rental market because the complaints I am getting are with respect to the States' housing (**Several Members:** Hear, hear.) and

people are coming in with mould. I do not know whether it is that they are not opening their windows or what but mould is a problem, together with a lot of other issues. This has to be altered so that States' housing is also incorporated into the Law if this ever comes in.

30 The third point that I want to mention is that in the UK it is housing in multiple occupation that the Law applies to, but not to private rented property. So, I think that is another thing. Why are we going beyond what the UK is already doing, if you wish? This is something that is done quite a lot here in terms of taking regulations beyond what they might be elsewhere and, of course, it makes us uncompetitive when you tally it all up. So, three points, very disappointed, they relate to A and  
35 B with regard to the sursis motivé in terms of regulatory intervention and economic sensitivity to the rental market.

Thank you, sir.

**The Bailiff:** Deputy Aldwell.

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

As many have commented, I was also terribly disappointed not to have had a presentation on this Housing Standards Legislation having not been in the Assembly when it was first debated. The legislation landed Monday, which I had first sight of on Monday after having been in Home Affairs  
45 till the early afternoon, and having to say that reading online is difficult for me, especially with the substantial piece of legislation which we have before us. (**A Member:** Hear, hear.)

It is also the case that each Committee have had quite a workload coming up to the end of term and I know personally my attention has been focused on the second phase of the Domestic Abuse Laws. In Education, Sport & Culture Members will be aware that we have sat on many school  
50 governing boards this term and boards do not only cover curriculum data across cohorts or behaviour attendance or attainment, but it is also safeguarding and wellbeing of our young people.

I have been made very aware of the overcrowding in shared accommodation for families, families living in one room in quite poor quality accommodation. Good landlords will have nothing to fear from this legislation, unscrupulous ones certainly will. They will be held to account. A knock-on  
55 effect with poor quality accommodation, not only tensions in family situations which can lead to a rise in domestic abuse affecting the whole family. If we want our children to thrive in education, they need to have decent accommodation to live in with their families. After being made aware of these very real problems which affect our young people, I do not feel I can support the sursis.

60 **The Bailiff:** Deputy Murray.

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

I am going to support the sursis, but I have some additional elements that have not been discussed that I want to introduce into the debate. First of all, I do have to make some comments  
65 on some of the defence that has been made of the two. I want to start with Deputy Roffey, because this is a defence that I have heard several times and I must admit it is wearing very thin with me.

Oh, they have got it elsewhere, or we have moral outrage because we are a developed economy. I never hear we are an Island economy and we need something proportionate. (**A Member:** Hear, hear.) That concerns me because I think we have actually managed to go down several rabbit holes  
70 on the assumption that we are of a size and, actually, capability to introduce legislation that is actually only appropriate in very large economies.

I have not heard anybody say, for example, that we want, actually, a service in health, such as Alderney has to tolerate because of the size and nature a transferred service, may be Jersey should help us out, maybe we should send all our patients to Jersey. We never hear the other side of the  
75 argument, we only hear what we want people to hear which is in larger complex economies therefore we should have them. Well, I am afraid that does not that does not hold water with me.

That is the first point. The second point is in relation to something that Deputy Gabriel said, he said well, we can accommodate this we have the capacity to accommodate this. Well, if you have

80 got the ability to accommodate this much additional work it does suggest to me that, perhaps, we have actually got some oversupply in there at this point in time anyway. Now, I do not know if that is a fact and I suspect it probably allows us to have cover, but actually there is a huge amount of work that we can all see –

I am not giving way unless it is a point of correction.

85 **Deputy de Sausmarez:** Well, it would correct something you are saying.

**Deputy Murray:** Well, I shall sit down.

**Deputy de Sausmarez:** Thank you.

90 The resourcing has already been agreed and there is no additional resourcing in terms of the Director of Housing role that does not need to be an additional role, we do not anticipate that it would be. But the resourcing the Assembly has already agreed is and has been agreed by P&R I believe, would wash its face. So, there is no additional cost to the taxpayer of any such resources, so it does not add to the costs in the way that Deputy Murray is suggesting.

95 **The Bailiff:** Deputy de Sausmarez, if you want to make a point of correction you have to stand up and say point of correction. If you stand up without saying anything, whether it is a point of correction or a point of order, then it is up to the Member who is speaking to decide whether to give way or not.

100 What you did was you interjected to say it will correct something, but without saying point of correction and then waiting to be called. So, I simply draw that to every Member's attention, even though we are towards the end of this particular Assembly.

Deputy Murray, to continue.

105 **Deputy Murray:** Thank you, sir.

I appreciate the intervention. I understand the situation, but it moves on to a third point and that is the difficulties we are faced when we actually have mandates sitting across various Committees, because it limits them in terms of what they can do and what they can offer in terms of solutions to problems that we have got and housing, and this particular problem, is a major problem and I think we all understand that.

110 Nobody wants bad landlords there is no question about that. But what is the right way to deal with bad landlords? Is it to regulate them out of sight and interfere in other people's business as a consequence; good or bad or indifferent? Or should we be in a position to incentivise them to change behaviour?

115 Now, E&I are not in a position to provide incentives in that way they are only in a position, essentially, to police people to do the right thing. They have very limited ability and budget to do otherwise. So, that is not a criticism at all at this point. So, from my perspective, one of the two things that I wanted to introduce to try to solve this problem, because I think there are difficulties here that we are going to find ourselves with unintended consequences introducing legislation that was initiated several years ago when we have got a marketplace that has changed very substantially, it has got very much worse. (*Interjection*)

120 Now, that does not excuse the behaviour of bad landlords but it does mean that rented accommodation is in even greater demand than it was five years ago. House prices are substantially more than they were five years ago and to the point that Deputy Inder made, it is very likely that some of these landlords will think, I am just going to get out, I am going to cash in at this point and then we reduce even further the potential for rented accommodation which could be brought back up to standard and used for the purpose it was designed.

125 So, I think there is a huge risk here that we are not entirely sure that we have seen sight of or that we can be sure of the consequences of. So, in terms of trying to find solutions that are quicker than waiting for legislation to be passed, enacted people to be appointed, whatever, why can we

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not start to look at incentivising bad landlords through appropriately conditioned loans to improve their properties, because those are rented properties at the moment that exist that can be tied to be carrying on to be rented properties.

135 They may not even be in a position to have the capital to do it, but we have got £150 million worth of loans that we actually approved for housing. I do not think we were specific about whether it should be just building property or whether it should be building rented property or, actually, improving rented property.

140 The problem is the new Housing Committee is going to have access to all of this which is one of the reasons I supported it, because P&R would have to approve something like that and it is just, I am sorry I am not giving way, it is just unfortunate that E&I do not have those tools in the toolkit just now.

145 It is not a criticism but I think that they cannot necessarily go down that road on their own without getting approval. I think the Housing Committee, if it is actually introduced in the way that I assume that it will be, will have that power, it will have access to those resources. Now, we may have to clarify that but it does seem to me that we actually have a route here to additional cash which, with the right conditions, we could get bad landlords to be good landlords. That is what I would rather see happen than a legislature which is going to affect both good and bad or inconvenience, at the very least –

I am not giving away.

150 The other thing that we can do is that we can actually introduce more temporary accommodation, modular pods, whatever you want to call them. (**A Member:** Hear, hear.) If we brought these in now, they would get used. So, if we have an accommodation problem and if we have to move people out of inappropriate accommodation, surely that would be a better solution, short-term, to be able to get that sorted.

155 I completely understand Deputy Aldwell's point of view. We have got kids in inappropriate accommodation but we could actually have pods here within months operational, available to use. We could do that if we have the will to do it, (**A Member:** Hear, hear.) because we are not going to build enough houses to solve this problem in the timeframe, whether we have this legislation in place or we do not.

160 So, I am going to support this sursis because, not only for the reasons I have just described, I was not prepared to support the OM information that we just had but we actually had a presentation which changed my mind. This landed on my door, as it did with everybody else, three days ago or four days ago. I did not even know it existed, I was not in the last Assembly, I had no idea that this was coming through. Maybe I should have been paying more attention –

165

**Deputy Taylor:** Point of correction, sir.

**The Bailiff:** Point of correction, Deputy Taylor.

170 **Deputy Taylor:** This landed on my, admittedly digital, tray I think it was on the 10th February, not three days ago.

175 **Deputy Murray:** It came through my door three days ago. (**Several Members:** Hear, hear.) I did not say published. So, sir, I want to see a solution to this problem very quickly and I am afraid that this legislation is a sledgehammer to crack a nut. I have not had time to absorb it, I am sure there are very relevant parts in it that we do want to adopt, but I want to solve the problem as soon as possible and I want to solve it as equitably as possible and I do not think that this legislation, at the moment, has been given enough time for enough Members to absorb it.

180 There are some there are some things in here that worry me. Rights of entry, that concerns me. We have privacy issues here I think that could very well be affected by this, I need to look into that in more detail and I cannot do it on the floor of this Assembly. So, I am not going to castigate E&I



for bringing this, they were under direction to bring this; I did not know they were under direction to bring this five years ago.

185 So, they have done their best and I am not having a pop at E&I as a consequence of doing this, what I am saying is that we need to have a more comprehensive solution and, I think, there are solutions that we could bring in to place very much quicker and give ourselves the time to look at this legislation in more detail. (**A Member:** Hear, hear.)

Thank you, sir.

190 **The Bailiff:** Deputy Falla.

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

195 St times this debate does seem to have defaulted to the all too familiar sport of E&I bashing, which I find regrettable, but this is legislation brought for approval after five years of considered work. I appreciate we have got a lot of work on our agenda right now until the end of the political term and it is very difficult to keep up, but this sursis emerged just minutes before the start of this debate.

200 There have been references to the additional cost and resources required to carry out functions, the exercising of powers and performance of new duties arising from this Ordinance. But in 9.5 of the policy letter it clearly states that it is not envisaged that the creation of the post of Director for Housing Standards will add to the established staff headcount and it will be in the gift of the future President of the Committee *for* Housing –

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

**The Bailiff:** Point of correction, Deputy Kazantseva-Miller.

210 **Deputy Kazantseva-Miller:** Sir, while the policy letter does not specify increased headcount, if you look at the consultation response details it is very clear intention to hire at least two additional staff members to support the office and the Director in executing those duties.

**The Bailiff:** Deputy Falla.

215 **Deputy Falla:** Sir, I think it will be in the gift of the future President of the Committee *for* Housing, whoever that will be, to ensure that is kept under control. As Deputy Aldwell has said the vast majority of Guernsey landlords are honourable people who will have nothing to fear from the legislation and I question why they need 'a longer lead in time' to get ready. Get ready for what, for providing basic standards that any decent person would expect to exist already? (**A Member:** Hear, hear.) This sursis feels like a delaying tactic of some kind, and I cannot support it.

220 **The Bailiff:** Deputy Queripel.

225 **Deputy Queripel:** Sir, like all sursis and sursis motivés this one in front of us is asking us to reject the Propositions in the policy letter and I found that rather appealing initially because I had not had time to read the policy letter, seeing as I got home on Monday evening at 9 p.m. and I found this almost 300-page document in my letterbox. The rest of my evening was going to be spent responding to emails and my diary for Tuesday was already full. So, I thought the best thing to do would be to listen to the debate very carefully.

230 In her opening speech Deputy Kazantseva-Miller made some extremely poignant points, as did Deputy Haskins and others, when they spoke in favour of the sursis motivé. But likewise Members who have spoken against the sursis have also made some extremely poignant points, particularly on the issue of delay and at a time when delay can be detrimental to the community and there is a time when it can be beneficial to have a rethink.

Sir, that was my dilemma in this case for a while. Do I support the sursis motivé or reject it, because I did not feel fully informed, how can you be when you get a 300-page document in your letterbox 36 hours before a debate? Last night I forced myself to sit down for half an hour and put some other work aside to read the policy letter itself, which is quite short – just a few pages – and the explanatory note in the sursis motivé and I realised the sursis motivé has been laid with, what I can see, the best of intentions.

But it is because I did not feel fully informed that I was in dilemma and there are a few points in the policy letter that leapt out at me, which made me realise I need to support the Propositions and reject the sursis motivé, and they are far reaching and extremely proactive which is exactly what we need right now we do not need delay.

Primarily that the Propositions ensure the dwellings in Guernsey are free from hazards, that rented dwellings comply with basic minimum standards, that dwellings do not become overcrowded, that landlords and their properties are registered and that houses in multiple occupation are licensed and the part that really nails it for me is the part that says these Propositions include a power of the court to disqualify persons from rental activities where they commit an offence linked to housing and that this protects whistle blowing tenants. That last part is absolutely vital for people living in rented properties, this protects whistle blowing tenants.

So, all of that needs to happen as soon as possible which is why I have decided I cannot support the sursis and to close on the issue of every Member of this Assembly receiving the policy letter in digital form, I am one of those people who cannot read an almost 300-page document on a screen I need paper in front of me and I am not the only person who needs paper in front of them, there are many like me.

So, I ask Committees and Departments once again, I have done this so many times in the past it is tedious, to bear that in mind it is extremely unrealistic States' drive to become paperless. (A Member: Hear, hear.) It is unrealistic and it must not be allowed to continue because if that is not accepted by those who champion all things digital then this sort of situation is going to happen time and time again and that can all be avoided by providing paper copies of documents this size a lot earlier than 36 hours prior to a debate.

Thank you, sir.

**The Bailiff:** Deputy Bury.

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

When I came into the States I learned quite quickly that I was going to have to redefine my definitions of short-, medium- and long-term, I think I might have said that before, but I think in this debate we are reaching a new low in that seven years, or five depending on whether you are working from the 2018 that Deputy Soulsby told us or the 2020 debates, five to seven years is a rush – we are in a bit of a rush here.

Come on is it any wonder people think we never get anything done? It is ridiculous. Yes I accept that the timescale for us as a group has felt quite short and this lends itself to one of my other theories, actually, about the States is that I think that the really knotty subjects actually have to go through the same Assembly twice, because the first time everyone's probably just getting their heads around it and, unfortunately, I think that this set of proposals is potentially falling foul of that, a lot of people in this room have not been through the process. But we do have processes and we cannot afford for every single complicated subject to go through every Assembly several times. It is really not realistic and that is why we do not get anything done.

Deputy Kazantseva-Miller started in her speech talking about proportionality and she said something along the lines of that she does not really know if this is proportionate because we have not been given comparisons, but then went on to say, and I think it says in the sursis, that it needs to be more proportionate. Well, which one is it? Do we know it is proportionate or does it need to be more proportionate?

285 I do not think that there has been time, again, for this to be thought through properly and she said that it was to give us more time. Well, it is not giving us more time, is it? This will have nothing to do with us as an Assembly if the sursis is successful, it will be kicked into the next Assembly.

If it was about giving us more time business could have been reordered perhaps with a direction for a presentation from E&I rather than kicking five to seven years' worth of hard work over to the next Assembly who, I think, if we start looking at our lists of things we are passing over to them are going to be really quite under it. (*Laughter*) So, I do not believe that was the argument because that was a solution to that, just reorder business and request a presentation from E&I.

295 There is another point that Deputy Inder raised in the course of debate that I actually really agree with him around consultation, less so about the platform element and more about the way we approach consultation as a Government. Consultation research, asking these sorts of really pertinent questions to create policy is a science, people are qualified in researching and as Deputy Inder says we use some fairly easy to manipulate platforms and to do our research, but we also do not necessarily have the professional expertise in the way that we are phrasing questions and that is a science.

300 So, I do agree with Deputy Inder on that point but that is not E&I's door that is something across Government that we do not have a handle on –

**Deputy Dudley-Owen:** Point of correction, sir.

305 **The Bailiff:** Point of correction Deputy Dudley-Owen.

**Deputy Dudley-Owen:** Sorry, we do actually have that professional expertise within the States within, I think, it is data and analytics team and certainly it is up to the Committees to be able to wash through those surveys and their questions through that particular team to get that professional view on it as to whether the questions are well-phrased and well-placed without leading, etc., but that service is available to States' Committees.

**The Bailiff:** Deputy Bury.

315 **Deputy Bury:** I think it is probably one of those that might not have the capacity to deal with every Committee's requirements, but I take the point. But another point, in a debate a couple of weeks ago, Deputy Inder reminded me, very well, that people get in touch when they are not happy. It was around the education governance, when I was saying I am not sure how teachers feel about this.

320 He sent me a note across the Assembly, a list of dates. These are when teachers got in touch, several dates, when people are not happy they get in touch. We have not heard a peep and I am really surprised that even overnight, those that –

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

325 **The Bailiff:** Point of Correction, Deputy Kazantseva-Miller.

**Deputy Kazantseva-Miller:** We have received an email from the Chair of the Guernsey Landlords Alliance today.

330 Thank you.

**The Bailiff:** Deputy Bury.

335 **Deputy Bury:** Well, I was just about to say that I am really surprised that overnight, even the proponents of this sursis have not managed to mobilise anyone. When people care about something, diving boards, college funding, abortion legislation, discrimination legislation whatever

it might be, we know about it. We do not have to go out there and seek the points of view, they come to us.

So, perhaps, we have had one and perhaps they have managed to mobilise one. But we just have not heard anything and, perhaps, that is testament to the statistics that Deputy de Sausmarez sent us yesterday and, admittedly, perhaps if they had been available ahead of time that might have been more useful, but you are talking high, over 50%, high 70s, high 80s of people supporting what is being proposed and that is really quite something. I do not think you get those levels of high support in many areas.

**Deputy Haskins:** Point of correction, sir.

**The Bailiff:** Was it a point of order?

**Deputy Haskins:** It is a point of correction, sir.

**The Bailiff:** Point of correction, Deputy Haskins.

**Deputy Haskins:** Sir, I do believe it is unintentional, but I believe that Deputy Bury is misleading the Assembly, only insofar that the high levels of support are as a percentage, but not from an overall volume perspective because, as I said yesterday, there are only 116 respondents to those questions.

Thanks.

**The Bailiff:** Deputy Bury.

**Deputy Bury:** So, some people have talked about how we are in a housing crisis, which obviously we all know that that is not news, and how that is the reason why we should not do this. Well, I wholeheartedly disagree. We are in a housing crisis, tenants have very little choice, accommodation is exceptionally expensive and it is getting snapped up left, right and centre before it is barely even on the market.

So, bad landlords – not all landlords – have people over a barrel. They have not got any choice. They have not got anywhere to go. So, you can see it from both sides but that point needs to be put out there and people are saying, again, that it is about destabilisation but we have not heard that.

I think Deputy Soulsby's point about housing and, to an extent, the point that Deputy Aldwell was making is really important. Housing is a wider social determinant of health. It really impacts people, whether that is physically or mentally. If the house is physically full of damp, mould, etc., that will impact people's physical health.

If it is not fit for purpose, people are overcrowded, they have not got the space they require that affects them mentally as well. Or, if they feel unstable it is one of the biggest stressors, you cannot put down roots you are not stable with a roof over your head. If we want people to be productive members of our community, they need that stability.

I think one of the other points that needs to be made, or emphasised, that Deputy de Sausmarez did make in her opening speech, is about the demographics that do often live in our HMOs. HMOs are often people in the lower paid jobs, they are sharing accommodation, English might not be their first language, they do not know what their rights are, they do not know how they are supposed to be treated and quite often their employment and their housing is tied together. So, it is really dangerous for them, or it feels dangerous for them, to be challenging landlords in this way, particularly if it is tied to their employment.

Overall, sir, I think that this debate it really smacks a bit of: let them eat cake. It is those people out there. It is 25% of our community but it is not it is not people in here. People in here do not live in rental – apart from me, apparently; a couple –they must not have been in the room yesterday

when we were declaring, but it is people out there. It shows again the real mismatch and understanding of the awareness in here of what is going on out there.

The pictures that Deputy de Sausmarez sent to us, which is just a handful of examples, do we think that the 80 year old tenant who has lived in the damp flat for 20 years and is using a dangerous heater as her only source of heating is going to be really grateful to Deputy Kazantseva-Miller for sorting out the IT instead of giving her protection?

The children living in the damp and mould or people being crammed into inappropriate spaces, I do not think that those people care about this stuff and what is in the sursis does not actually direct any changes in the Ordinance. (**A Member:** Hear, hear.) So it is not achieving what we are being told through the narrative of debate that it is going to achieve.

It is just delaying and I think the optics are terrible and the worst thing is that people do not even see it. They do not see that is what people think of us in here. They think you all just rich, you are all just landlords and this sort of thing just compounds it for them. (**Several Members:** Hear, hear.)

Thank you.

**The Bailiff:** Deputy Leadbeater, would you like to be relevéd?

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

**The Bailiff:** Deputy Burford.

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

I understand that some of the Members of this Assembly are not happy with some parts of the legislation and I have no issue with that it is, of course, their right. However, a sursis motivé is absolutely the wrong way of dealing with these concerns. Let us look at the long list of work streams that the sursis calls for.

Work stream A; consider a phased introduction, prioritising areas which require more immediate intervention. Well, this is entirely likely to be the case anyway without the benefit of this sursis. Work stream B, conduct an impact assessment of the proposed legislation. I am quite certain that the extensive and drawn out consultative phases of getting to this point ensure that the impact on the rental sector has already been established and this plays to Deputy Dyke's point when he expressed concern that introducing minimum habitable standards risked undermining the housing market.

Deputy Dyke is essentially saying, yes, there is some appalling private rental property out there which would fall foul of a threshold of being humanly habitable but heaven forbid those landlords were forced to remedy the problems and if they cannot or will not remedy them, then heaven forbid they might have to sell the property to someone who can –

**Deputy Dyke:** Point of correction.

**The Bailiff:** Point of correction.

**Deputy Dyke:** I did not say that at all. That is not what I said. I simply did not say that. I do not know where to start. (*Laughter*)

**The Bailiff:** Deputy Burford.

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

Deputy Dyke said yesterday that bringing in these standards at a time when we are under pressure for housing in all quarters would risk undermining that end of the housing market. But that leads on to the fact that if we are, therefore, not going to bring them in we are content for

440 them to stay in the situation they are and we are not talking about a huge amount of places, but we are talking about enough that have enough effect on people's lives.

But the thing is if these landlords will not remedy the problems, then they may have to sell the place if they if they refuse to do it and now what will happen to that place? They will sell it on to somebody else. This legislation will not reduce the number of housing units it might shift some 445 from the poor quality rental sector to the lower end of the owner occupied sector if they are bought by people prepared to do them up as their own home. But surely that is a really good thing.?

It will not make housing units vaporise; it will just lift them out of the slum standard that no one on this Island should be expected to inhabit in the 21st Century. Every Member of this Assembly has the luxury of living in decent accommodation, some more luxurious than others, but all meeting 450 a reasonable standard and perhaps it becomes too easy to forget that is not the reality for everyone and it is our job to address that, not to kick it down the road. Deputy Murray talks of incentivising bad landlords but if they were capable of being incentivised, they would not be bad landlords.

Work stream C wants an analysis of all regulation as it pertains to the housing market, that does not need a States' Resolution next term's Housing Committee can decide to do that if it considers 455 it a priority. Work stream D talks about delivering synergies with Jersey. Now E&I is probably one of the Committees with the best track record of productive working with Jersey. But with all due respect to inter-Island relations the history is not encouraging and it is certainly no basis on which to kick yet more stuff into the next term.

Work stream E is about IT and I think that has been covered off by others. But, again, not a 460 reason to delay for years and allocate yet more valuable officer time out of next term. Work stream F is about a longer lead in time but is five or seven years not enough? Finally, work stream G requires a policy letter in 15 months' time, which will inevitably be delayed because, with all the other really important housing stuff, all these reviews and impact assessments and the like are not going to be prioritised ahead of housing delivery.

465 Who knows, six months before the next Assembly ends there will finally be another Housing Standards Legislation policy letter and will that Assembly say, we need more consultations, not because there is really a need for more consultations, not because someone filled in a SurveyMonkey questionnaire twice, but because someone simply did not like the proposals.

So, a whole host of new work streams yet the Rule 4 information says no financial cost. But there 470 is, of course, a cost and it comes in the form of other work that cannot be done while all these impact assessments and reviews and the like are being done. Sir, if Members do not like the proposals, they should say what they do not like and vote Contre.

One final consideration is the amount of time that has been available to consider this and that is a valid consideration. If Members felt this was insufficient then a sursis of the policy letter into the 475 next debate, without any motiv   part, would have been the correct course of action. Deputy Murray says that he wants to see this legislation as soon as possible, but after having had time to absorb it and that is understandable but surely 15 months is not needed to absorb it.

A delay to the next States' Meeting would also give time for Members to propose amendments to the legislation if they wish to do that for the parts they did not like, but kicking the can down the 480 road and worse directing that a whole heap of valuable officer time is devoted to that can kicking just cements the image of this States as the cannot do Assembly. I urge Members to vote against the sursis.

**The Bailiff:** Deputy Helyar.

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

This debate has become rather grumpy, which is a real shame because I am sure there is nobody in here that has stood for public office, which is not a particularly enjoyable pastime for anybody as reflected in articles in the *Press* this week, does so in order to ensure the continuation of terrible 490 living standards for people.

It is a real shame that some of those Members who like to stand up and talk about toxicity and bullying have been lecturing everybody for holding opinions which differ from their own today and yesterday. I think that is a real shame, but it is a consistent theme, unfortunately, because this is the Ghost of Christmas Past, isn't it? This is the dead hand of the last administration. *(Laughter)*

We have got a real social problem, not a huge one, but a real one and what are we going to do? We are going to build an enormous piece of legislation over several years, it landed on your doorstep, or perhaps in your inbox, with a few weeks' notice, one of which was half-term and several people I am sure were away for that or enjoying time with their families and not able to focus on it.

There are perfectly legitimate reasons why this legislation is completely inappropriate and disproportionate. Now, I will give you an example – I am not giving way – the provisions in relation to culpability of officers of companies, for a company which owns a property which might be in breach of the legislation, that includes the company secretary which is defined, obviously, because that is a formal position under the Law, under the Companies Law, but it also includes a manager, which is not defined.

What is a manager of a company which owns a property which is breaching the Law? Company secretaries cannot bind a company; those services are often outsourced to third parties and those third parties will become criminally liable for overcrowding of a property which a company they may be providing services to owns.

This is ridiculous. **(A Member: Hear, hear.)** It is totally disproportionate; it is completely unnecessary. The housing standards and we have seen videos circulated and, in fact, one of the most important points, I think, was raised overnight because certain videos of terrible accommodation were shared and I think that is absolutely appalling and I am sure we would all share in that.

The point is the information that came about substandard housing from a charity of which I was the Chairman and Vice-Chairman, so I am very well aware of, the point is Environmental Health officers already have powers to deal with that and we are not dealing with it.

This is an issue that I have raised several times. I have growing concern that we have created a Government system that we cannot adequately supervise. We are not holding it to account for what it does in its day job and it should be getting involved with problems like this rather than dictating conditions to go on FEPA licences for moving stones from the Ladies' Pool back onto the beach next to it.

I am not giving way –

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

**The Bailiff:** Is it a point of correction?

**Deputy de Sausmarez:** Yes, I do not know how it is relevant to this debate, but it is absolutely not the case that FEPA licences are required to move stones back over the wall in the way that Deputy Helyar describes.

**The Bailiff:** I think that is potentially a point of order rather than a point of correction because it relates to relevance and how does it relate to the sursis, Deputy Helyar?

**Deputy Helyar:** Well, I am happy to expand on that because those conditions were asserted by Environmental Health officers and it is the same Department that is responsible and will be responsible for enforcing this legislation and it is a fact and all Members of E&I are aware of it because the information and the timeline in relation to the insistence for such a licence has been circulated to them –

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

**The Bailiff:** Point of correction, Deputy de Sausmarez.

545 **Deputy de Sausmarez:** As Deputy Helyar knows there is no requirement for a FEPA licence to  
move rocks back over the wall from the Ladies' Pool into the sea. Deputy Helyar knows that, that  
has been confirmed by the Director of Environmental Health & Pollution Regulation and I am still  
struggling to understand how this is in any way relevant. It is just extraordinary. These standards,  
the claims that these standards are out of whack with the UK, well that is wrong these are exactly  
550 aligned with the UK's and Jersey's. These claims are just not accurate.

**The Bailiff:** Deputy Helyar.

555 **Deputy Helyar:** Well, perhaps outside of this debate the President of E&I might like to explain  
why, for several months, it was being insisted upon and the fact that they should be well aware of  
that because they have been contacted by a member of the public who told them that and giving  
the entire timeline. That is the fact, it is a fact that one was being insisted on.

It may have been wrongly insisted upon but then, perhaps, it should be admitted that one was  
being insisted upon with all sorts of absolutely ridiculous conditions in them and that is because we  
560 cannot supervise what we are doing; it is too complicated. This legislation is far too complicated. It  
is a sledgehammer to crack a nut. (**A Member:** Hear, hear.)

I would urge Members of E&I to get behind the sursis because I suspect if you do not, and this  
is not delayed and then improved, perhaps with a much lighter touch and an iteration rather than  
a huge 300-page piece of legislation, which I am sure once the public have engaged with they will  
565 become very upset with, because this is going to get thrown out with the bathwater otherwise, I  
suspect.

This sursis, I accept it was brought late, I fully support it and it deserves to romp home. This is a  
fantastic example of disproportionate response to what is very serious but can be dealt with in a  
more cost effective and appropriate way. Let us get behind the sursis and move on.

570

**The Bailiff:** Deputy Meerveld.

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

575 Going against the trend in this debate so far, I would like to compliment E&I on a very  
comprehensive piece of work. They have done a tremendous amount of work on fulfilling an extant  
Resolution of the States, having said which, as I know from the SACC policy letter on Rules, bringing  
proposals to the States does not necessarily meet with the approval of the Assembly.

Similar to Deputy Queripel, I need to read things on paper due to my dyslexia; I find it much  
easier than the screen. Unlike other Members, I did get this legislation weeks ago because I sit on  
580 the Legislative Review Panel and I have had the joy of spending many hours going through it, page  
by page.

During that review the political Members in the room did raise issues about proportionality,  
about legislating an individual renting a room in their own house, potential overreach but, of course,  
that is not the purpose of the Legislative Review Committee. So, we keep on bringing ourselves  
585 back on track and saying, no, no, we have to see whether or not this meets the Resolution of the  
States and, as such, the Legislative Review Panel approved or passed the legislation with a few minor  
amendments from a legal perspective.

But I do share the concerns of Members about potential overreach, the fact that we may be  
bringing in something that is disproportionate to the needs of Guernsey. Deputy Bury said, oh, we  
590 have not had deluge of emails. Well, it is worth pointing out if Members of this Assembly have not  
had time to read the 300 pages of legislation, I have got a feeling that most landlords will not have  
done either. (**A Members:** Hear, hear.) Therefore, the real acid test comes when you actually  
approve the legislation, it starts going out there and the landlords look at it and scream. That is  
when we will get the feedback.



595 I always try and view things from a strategic view. So, I am supporting the sursis and let me explain why. We know we have got housing crisis; we have made a decision to form a Housing Committee in the next term. To me, it is rather perverse to bring in legislation which may have a direct impact on the supply of rental properties and, therefore, accommodation in that sector of the Island without it being reviewed by that Committee, who may make suggested changes.

600 Again, that is why I appreciate within the sursis, Proposition B, requiring a regulatory impact assessment. Now, this is standard practice in the UK. If you are going to bring in new legislation, what impact is it going to have on the market, will it reduce supply will it increase cost of rental, what implications will it have?

We very rarely do it and there is an argument that on many things that process is disproportionate for Guernsey legislation. But in this particular case, I would like to see that done and I would like to see it done in consultation with the new Housing Committee to make sure that we do not misstep here. (**A Member:** Hear, hear.)

605 Everybody in this room, I think, would agree that we need legislation on rental properties to prevent sub-standard properties being supplied in the marketplace and require bad landlords to either improve or get out of the market. But I do have concerns about overreach. I have concerns about the potential impact on the market. I have concerns about disproportionality.

Part of the legislative review, it was confirmed that an existing officer from the Environmental Health area will become the new leader or appointed individual statutory official for this particular legislation and there would be two additional headcount civil servants hired from the income generated by the fees laid upon the landlords.

615 But again, it is another two civil servants we will be employing and, again, my standard fear whenever I see something like this is they will get into post, they will start inspecting properties decide that they need more people to manage it, then put the fees up (**A Member:** Hear, hear.) and that has a knock-on effect then, that cost has to be passed on by landlords to the tenants and some landlords may look at this regulatory process for renting a room in their house and just say, I am not going to go through filling out these forms and having people come around and inspect, I just will not rent a room and it will have an impact on the market.

I share Deputy Helyar's concern and I would say to Deputy Queripel, think twice about not supporting the sursis because if the sursis is not supported, then I am likely to vote against all the legislation and there is a danger that a lot of very good work gets thrown out with the bath water. I think the sursis is an appropriate approach. The sursis says to come back by the second quarter of 2026 latest, I would hope that it would come back a lot sooner but it should be, in my opinion, considered in the round with the Housing Committee in place and, therefore, I am supporting the sursis and I would encourage others to do so as well.

630 Thank you, sir.

**The Bailiff:** Deputy Leadbeater.

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

635 I apologise to the Members for being slightly late in today, but I was listening to the debate on the radio on the way down. I heard Deputy Murray talking about that we should not be concentrating on this legislation rather than concentrating on modular housing pods, etc., that we could get in the next few months and I agree, but I think we should do it as well as not instead of.

I think P&R are already under direction to be bringing the construction village and the temporary housing village forward. There has been money put aside for that, so I would hope that work is not going to stall if this legislation passes. I do not understand why it should ... [*Inaudible*] sursis.

640 I do not think that we can dally around on this issue too much longer. I know we see the images of the chronic condition that people are living in, the old lady living in that flat with the old gas fire and the damp walls and everything. We cannot just look at that and say, oh, that is terrible, we have to do something about it and we have to be seen to do something about it. I wish I could put it as

eloquently as Deputy Bury did because she absolutely nailed the point; absolutely nailed it. (*Interjection*) (**A Member:** Hear, hear.)

650 Big pieces of legislation, big pieces of work often span more than one term because they take a long time to come back. This is one of those things. So, Members that are saying, oh, we have not seen this, we have not started this, we were not around when the policy letter came to the States that is just par for the course. That is what happens.

In the 2016 term, we had the IDP, which was a massive piece of work that was chucked at us in October of the first term and it was really difficult and I have got a construction background, but trying to get my head around that massive piece of work that early in the term was very difficult  
655 and I do not think that everybody fully understood everything within the planning or within the Island Development Plan.

Deputy Oliver is nodding her head in agreement with me here. It was a massive piece even the annual monitoring reports are like 300-odd pages long; annual that is. So, nobody fully understands and reads every single word, Deputy Gollop may do but most people do not read every single word.

660 We are talking about scaring landlords off and extra costs on landlords. I heard Deputy de Lisle talking about the £70-odd every three years or whatever. But if you are a landlord, you own at least one house, probably more than one house, so you are hardly eligible for Income Support. So, these are not the poorest people in the world. Yes, we need them, we need private landlords.

I do not know what percentage of renters are in private accommodation, I cannot remember,  
665 but it is a big percentage and I am one of them, like Deputy Bury. I am lucky my landlord is okay, I do not live in the conditions that some people do, but not everybody can pick and choose their landlords.

I have been looking to downsize from where I am because my son no longer lives with me but I cannot find any smaller accommodation for less than I am paying at the moment, it is just not available. I remember at the start of the term I was on Home Affairs and I had a conversation with Deputy Vermeulen, at that time I was looking for a two bedroom bungalow. It had to be a bungalow  
670 because that is what I needed for the needs of my family.

I needed a two bedroom bungalow and I wanted something, ideally in St Martin's, and I could not find anything for love nor money. There is no point in registering with estate agents because  
675 they do not take your details anymore. They do not, they just say look at my Facebook page, look what is available and the first person into my office with the documents gets it.

I was having this conversation with Deputy Vermeulen saying that there is no place available and he said, have you read *The Guernsey Press*? And I said, I do quite often, he said, there are loads of places in there and it really wound me up because I knew that there was not. Historically, if you are  
680 going back 10, 15, 20 years ago, you would just pick up the *Press* and you go through the 'to let' and there were lots of places, affordable places available, to let.

That stopped years ago. There is no point in having a 'to let' column any more in *The Guernsey Press* because it is unpopulated. There is no point it being there, we are in an absolute dire state. (**A Member:** Hear, hear.) So, there are not renters in the private sector, or renters in any sector to  
685 be honest, that are not mobile. They have to find a place and keep that place. You are constantly looking on social media. My landlord is kicking me out in three weeks or this or whatever, or I have nowhere, I need somewhere for me and my dog or whatever it is. Consistently, people are begging, pleading going out into the public domain, not just asking friends and family, pleading with everybody else that is on social media to try and help them find accommodation because it is not  
690 there.

We do not do enough for people that have to rent in the private sector; we do not do enough. By passing this sursis today and kicking this can down the road, we are sticking two fingers up at them and saying, well we really do not care about you because we are going to go back to our nice big house (*Interjection*) and then we can have a think about it and we can discuss it and we can say,  
695 oh, we do not like that and we do not like that all the time these people are still in these desperate situations and they are not going to move from these desperate situations; not unless we help them.

Okay, it may be massive and there might be some cumbersome parts to this legislation, but to delay it and keep delaying it and kick it down the road with this sursis is not good governance. (A Member: Hear, hear.) So, please, I get the point that Deputy Meerveld says, if you do not vote for this sursis, well I am not going to vote for the legislation anyway.

Well, so, if the sursis does not pass, I am pretty sure the legislation probably will and I do not like being threatened but I have to vote a certain way otherwise this is going to happen. So, that is not an argument for me and that is not an argument for anybody to support the sursis. So, sir I just hope that Members really take stock of the powerful and passionate words that we heard from Deputy Bury, really listen to what she said because she knows what she is talking about and dispense this sursis.

Thank you, sir.

**The Bailiff:** Deputy Mahoney.

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

This one is odd, I think Deputy Helyar got it right when he said it has turned a bit nasty, which is unfortunate and it is good that there is a lot of passion, that is a really good thing, but obviously you have to be careful. I know I have been guilty in the past myself of it, called up by you in fact, sir, on previous occasions for doing it.

We have heard that we have had five or seven years, whatever the number is, to consider this and it has been around that long and we really need to get on with a decision. But, in fact, this Assembly has had this for a couple of weeks. So, we have not had this for five years, we have had this for a couple of weeks and it is 12, 13 pages or whatever it is in the policy letter and this is from the Committee, above all other Committees, that demands full information on everything before they will make a decision about anything.

So, this policy letter is just woefully short on information or any proof, in fact. So there is going to be a charge, Deputy de Lisle has raised all this already, so I will not go over the point again, and he is absolutely right. He is not going to pay – if he is a landlord, sorry, I do not know if he is – a landlord is not going to pay this charge that is going to go straight on to the renter.

So, at a time when rents are too high, no one in this place disagrees with that, a Government intervention is about to make it even higher. I am not sure there is going to be many people thanking us for that. I think that supports the argument that this has not been thought through and deserves more time.

Deputy Gabriel, yesterday, told us that he is asking us to stretch our belief a considerable amount when he notes that we already have the IT in place. We issue dog licences and food licenses and those things and, therefore, we are good to go. To suddenly say that a system that does any of those things will now cope with 7,000, 8,000, whatever the number is, rental units on the Island, it just beggars belief. That is just simply not correct.

If someone can point me to an IT success story in the States, I will gladly hear them. (Laughter) It was raised last night on social media that only one Deputy out of 38 lives in rented accommodation. Well I do, Deputy Leadbeater has already said he does, I think there are a few other hands that went up this morning when that was raised. I do not think I need to declare that I live in rented accommodation. I am not sure that is much of a conflict, but anyway, just in case, I live in rented accommodation. So, if that means I have a conflict then I have declared it now; I do not think I do.

We have heard some yesterday saying that the sursis will tie up the Housing Committee next term and yet E&I are telling us there is nothing to see here, it is all a done deal, it is easy to do and then the no outcry that various people have raised so far, yesterday and today in fact. Now, I was going to say, do we know how many private landlords are not part of the Landlords' Association.

Then, of course, we had the very useful email an hour or half-an-hour ago, whenever it was, from Mr Guilbert as Chair of the Guernsey Private Residential Landlords Association. So, there is your objection. Now I asked, in a separate email, Mr Guilbert, so how many people have you got? So, he

750 has come back to me just now, so that is 317 members represented by that Association, representing 2,412 rental units on the Island. One third of all rental units on the Island and his email is unequivocal, please support the sursis we do not like what is in this, we have not had time to consider it properly. Just like the Assembly, in fact, we have not had time.

755 They also represent 38 HMOs representing 204 beds on the Island. I will bet anyone here, so the argument is okay, but that still leaves 4,000 units or whatever the number would be, but I will bet anyone here a pound to a penny that if all of the worst excesses of this policy letter were on the front page of *The Guernsey Press* – other media as available – I will bet you we would be seeing plenty of comments from the private landlords, it is not their job to go looking for legislation, private landlords, to then read 300 pages of legislation and understand it. That is our job to do that, not their job.

760 I support a lot of the comments that Deputy Helyar made, I am not going to go over those again and everyone here accepts there are some bad landlords, but you do not fix that issue of bad landlords by punishing 1,000 good landlords. It is just not the right way to do it and, of course, punishing the tenants that they house.

765 This is schoolyard stuff, almost. Someone wrote a rude word on the blackboard so the entire school is in detention. (*Laughter*) It does not work and those opposing this sursis because – and it has been said many times – the decision has already been made by the previous Assembly. We get that, I understand that five of whom so far, I have counted were anti GST-ers, so when GST comes up next term and it has already previously been agreed by this term, will those five people, should they be elected, be saying it has already been decided let us just put the legislation through, nothing to see here.

770 Again, I will bet you the same pound to a penny that they do not. They will want to discuss it because we are a new term and it is our right not to be bound by the previous term and quite right it is not, we should not be bound by the previous term. So, this Assembly has not been given the opportunity to properly debate the detail and then bring any changes that this Assembly deems fit and proper. Here is some legislation, approve it and move on.

775 Now, since the start of this term we have had 70-odd States' Meetings when the decisions made by the previous term could have been bought back yet E&I put this in front of us with only four meetings to go in this term (*Interjection*) at a time when we are, frankly, one week on and one week off at the moment and will be until the end of April.

780 So, what we have done, we have got caught up in a flurry of other matters, plenty of them to come, Deputy Soulsby noted the number of policy letters that still had to come before us but then it is we who are getting the blame we, the Assembly, are getting the blame from E&I for wanting more detail. It is a very strange situation we have got into here.

785 This is a very wide-reaching policy letter, a very wide reaching policy letter and the apparent rush does smack somewhat of end of term haste just to push this through on the nod and that gives me the heebie-jeebies. I just feel that this Committee, the Committee owes the Assembly more detail and the policy letter and the legislation certainly need tightening and the additional time will allow that.

790 Look at those numbers again: 2,412 units. The body that represents them saying, do not do this, approve this sursis, let us do this properly. If we do not do that, the arguments we have had from lots and lots of people that are against this is, where is the outcry no one cares? Well, there it is this morning, in black and white, do not do this and as I said, just to reiterate, it is not for private landlords to be following the legislation and then making their decision on it. We are supposed to do that. I am uncomfortable with it, some of the things have been pointed out, please, let us approve this sursis and then get on to some other stuff.

**The Bailiff:** Deputy Oliver.

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

800 First of all, I do disagree with Deputy St Pier and also, I believe, Deputy Burford that said, actually, if you do not want this, just vote against it. There is a lot of work in here and some of it is actually really good and some of it just goes above and beyond. Deputy Meerveld, I really actually agreed with his speech, but I came to a very different conclusion because we do see people crying out, 'I just need a house please let me have a house.'

805 If we reject the sursis and we vote through this legislation, we are taking quite a volatile market and particularly rental market at the moment, there is huge demand for rental accommodation and there is just not enough supply and if we are putting more legislation, okay a few houses will go and maybe a few people will be able to get on the ownership. What happens to those people that cannot afford to get their home?

810 The banks at the moment require so much detail it is unbelievable. Renters will really struggle to actually make that jump, at the moment with living costs and everything, just to raise a deposit. I think people are living a bit in cuckoo cloud land saying, oh well if there is a load more rental houses and they go off then all those renters will be able to buy. No they will not.

815 More regulation will lead to more existing landlords actually exiting the market, tightening an already very tight market and the costs, as it has been said before, I have to say it, okay it is an extra £20 here £20 there, you have got all those costs and a few years it is going to be £100 because they are not going to be able to cope with the costs.

820 But the other thing that I do not think anybody has actually mentioned, sorry I am really losing my voice, is Planning. Some of these people will come in and say, right you need to do this and this, well what happens half the time with Planning and a lot of issues are, actually, to do with ventilation of the property, which comes down to windows and windows are the bane of my life, they really are when it comes to Planning and I am worried that we could be setting things here that cannot actually be achievable.

825 We saw what the 2% did, putting 2% on if you are going for rental, that has had a really detrimental effect. Well, if we see just 2% having a detrimental effect, what happens when we approve all of this. This has got a lot more in it than just that. I do not understand why it is just for private landlords and why it is not for the States. (**Several Members:** Hear, hear.) I have been into some States' properties that I am really ashamed of and I have actually gone and spoken to the GHA about them to see if anything can be done about them.

830 So, if we are going to make this fair, do it for both. (**A Member:** Yes.) Because we cannot just have one market being penalised when the other is just left to do exactly what they want to do because some of those the States' housing is appalling. So, please vote for this sursis.

**The Bailiff:** Deputy Moakes.

835 **Deputy Moakes:** Thank you, sir.

840 This has been a passionate, very passionate, debate and I have to say that everyone is right to a degree. There is not a single person in this Chamber, I doubt, who does not want to see decent housing standards for every single Islander. I do not think there is one person who does not want that.

845 The debate today is about the policy letter which actually I read, initially, and thought, that sounds okay. But as I read the detail, and I only got it on Monday, over the last couple of days, the detail behind the policy letter goes way beyond, in my opinion anyway, than what is required. In terms of regulation the policy letter, in my opinion, will result in far more regulation than is necessary; more red tape, more bureaucracy. Why?

Resources, it will not need simply one new director it will require – think about it – day-to-day management, inspections, enforcements, filing, answering the phone, you name it. All of the normal things you would expect in any Department or any Committee or any business. One person, two people, three people, four people probably cannot do all of that work, so this all comes at a cost.

850 Unintended consequences, you have heard from a number of people already that, again, behind the policy letter if you read the detail there is an awful lot there, which I would call unintended

consequences. The rules and the regulations are excessive, some might even say in certain instances draconian. I worry that some good landlords, let me repeat that, *good* landlords, will decide to exit the rental market and create an even bigger shortage of rental accommodation than we have today.

855 So, going back to Deputy Leadbeater's point, if people are struggling now and a whole load of people exit the market, and let us face it why would not you given the house price increases, what a great time to cash out, this might just push them over the edge. We want to keep as many of those good landlords (**A Member:** Hear, hear.) renting out good properties and I genuinely think this policy letter risks pushing people over the edge and making it even more difficult for people to  
860 find a rental property.

Just to add to that, I think that good landlords should not be collateral damage, which I think is what this risks and neither should good tenants be collateral damage either, frankly. So, we do need to deal with the bad landlords, there is no question about that, we do need to improve conditions, there is no doubt about that either but I think this policy letter just goes too far. There must be a  
865 better way of targeting the minority of landlords who we classify as bad landlords without all the bureaucracy, the red tape, the resources, the rules, the regulations, etc.

There are some good points in the policy letter, there is no doubt about that, but I would like to see people take it away, just read through the detail again, see what is over and above what we need for our jurisdiction, this jurisdiction, and come back when it makes sense and is not quite so  
870 bureaucratic, so draconian, if you like and, as I say, I do not want to see good landlords as collateral damage, and I do not want to see good tenants as collateral damage. So, please vote for the sursis. Let us sort out the policy, let us get it into better shape and bring it back here as soon as it is feasibly possible.

Thank you.

875 **The Bailiff:** Deputy Vermeulen.

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

I have listened to the debate long and hard. I have not had an awful lot of time with this Law, it  
880 was delivered in my post box, I did not get home till late at night on Monday, but it is quite obvious that many of my colleagues do not feel that they have had sufficient time or consultation about these Laws and the implications that they might have within them.

There is a lot of concern that there is overregulation included. I heard Deputy Falla saying landlords have nothing to lose from bringing this in. Well, what about their liberty, what about when  
885 they are put in jail for up to 12 months? You know that is –

**Deputy Falla:** Point of correction.

**The Bailiff:** Point of correction, Deputy Falla.

890 **Deputy Falla:** I said that good landlords have nothing to fear, sir.

**The Bailiff:** That is right. It is not the ones that are going to commit offences. (*Laughter*)

895 **Deputy Vermeulen:** Accidents happen, sir, accidents happen, a piece of maintenance on a property might not have been fixed in time and then people are ... but, anyway. Secretaries, who would operate rental businesses if there was over-regulation and if the regulation was not thought out properly? Why haven't the landlords not had consultation? Why haven't they had time?

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

**The Bailiff:** Point of correction, Deputy de Sausmarez.

905 **Deputy de Sausmarez:** As the report that I circulated a link to yesterday makes clear, landlords have, indeed, been consulted on the proposals, not just by the survey but also by a number of other means, including, for example, discussions at the GPRLA AGM and various other events. So, it is just not accurate to suggest that landlords have not been consulted; they have been consulted quite extensively on the proposals.

910 **The Bailiff:** Deputy Vermeulen.

**Deputy Vermeulen:** Thank you.

Well, not according to this email from the GPRLA who, actually, say we have not had time –

915 **Deputy Bury:** Point of correction.

**The Bailiff:** Point of correction, Deputy Bury.

**Deputy Bury:** It does not say that they have not been consulted.

920

**Deputy Vermeulen:** Is that a valid point of correction?

**The Bailiff:** Well, I had not fully heard what you were going to say, Deputy Vermeulen.

925 **Deputy Vermeulen:** Well, there you go.

**The Bailiff:** If you are going to read out what the email says, if it does say that they have been consulted, then it is valid.

930 **Deputy Vermeulen:** Well, look, this is about the legislation which only came through the door on Monday night. As a Deputy I have not attended any presentation with the rest of my fellow Deputies and gone over that. I think that is very worthwhile bringing in. The landlords, who represent 317 people that have property that rent out, they say: we have not had time to consider the full impact of the legislation.

935 Now that is where I am coming from. If it is wrong, if it is rushed and if there is stuff in there which should not be in there and puts off people from owning rental property and operating it because it is overly onerous, what does that do to our supply of rental properties on the Island? We are told from the Landlords' Association we are already seeing smaller landlords selling their rental properties and any new regulation will result in a reduced sector when there is so much demand  
940 for rental properties.

Now, we cannot rush this and this is what we are doing and I know why we are doing it and I understand why we are doing it, but this is too important to get wrong. So, I really do have my concerns. Buy-to-let was a phenomenon in the UK during low interest rates where people could buy a second property and get a better return than you could with your money in the bank and that is what a lot of people did and it provided a lot of rental accommodation.

945 It also helped tenants who could not, perhaps, afford a mortgage to buy their own property, in that they had a reduced income which went towards rental. But the way we have done this, unfortunately, is not correct and it has got to be fair and equitable any legislation we bring in, not just for private landlords, it should be all States' property. Over the four years or five years I have  
950 been in as a Deputy the only people that have written to me, constituents with problems with their accommodation have been those staying in States-owned property. So, the legislation does not cover them.

I get it, sir, I get it that we do have an Environmental Health Officer and it is him that determines whether a property is habitable or not and I get it that constituents sometimes need somebody to  
955 hold their hand and take them through the hoops to get those little problems resolved and I have

done that with people. But if it is going to be fair and equitable it is got to be the same for all in my book. So, I will be supporting the sursis. I hope this is brought back very soon with proper consultation with all landlords and with the Deputies, whoever they may be.

Thank you, sir.

960

**The Bailiff:** Deputy Matthews.

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

965

As an E&I Committee Member I will not be supporting the sursis and I would urge Members to vote against it. I do sympathise with Members who have not had a chance to catch up with the detail of the legislation; it is a big and important piece of legislation and there is a lot in there.

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I have been through it twice, so I have been through it as a Member of E&I when it was being presented to us there and on the Legislation Review Panel as well and there is an awful lot there to try and understand. I think if this debate has done anything, it has highlighted the deep problems that we have got in our private rental market and, I think, we must all recognise that there is a real shortage in the Island of private rental units and that there are really desperate times that people are facing.

975

People who find themselves, for example, in rental properties where the lease is not renewed, then find themselves having to go out and rejoin a market and often at much higher prices and with much lower availability than when they entered the rental market and, I think, as Deputy Leadbeater has said, that availability that used to be there 10 or more years ago has just gone and you can go to an estate agent now and ask, can I find a rental flat, can I find a rental property and they just say, no, there are not any; there are none available.

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It has eased a little bit and it comes and goes, but the issue that we have got at the moment is that there is a real lack of availability of rental properties and it is a very difficult market. Now, I also sympathise, in that case, with people who have concerns that introducing additional legislation will, therefore, reduce availability or risks reducing availability and we should, therefore, think very carefully about it and that is a genuine argument that, I think, people need to think about.

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But you need to think about the other side of this as well, because the other side of this is in a very constrained market what is happening is that there is an increased likelihood of really unsuitable properties being offered for rent and people not having any option but to continue to live in them and that is why it is important that this legislation can progress.

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We hear horror stories of people living in over-crowded accommodation and accommodation that is way below standard and that is what we are really looking to try and address with this and the States really must do something to try and address the low standard of accommodation that is sometimes offered on the Island.

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I do not think this is going to be about going and picking up landlords for having a leaky pipe that they do not fix quickly enough or for having minor issues. This is for very serious issues with overcrowding and with substandard property. I do understand people's concerns. I have actually been both a tenant and a landlord, an accidental landlord when we had to rent out a place when it was not easy to sell it and we had one that was left over, so we rented it out for a bit.

1000

But for years and years I was a tenant and I had a very good landlord. I was lucky to have had a good landlord, but I knew that there were places in that flat, that there were aspects of that flat, that probably would not meet requirements and it was cheap and cheerful so you do not say very much, intentionally, to try and keep the rent down.

1005

I do not think it is rentals like that which are going to be caught by this legislation. The legislation is there to address the really serious problems in the rental market. Now, of course, a lot of people have talked about, Deputy Murray for example, talked about when this legislation was first considered, when the policy letter was first considered, five years ago that we were in a very different situation to the situation that we are in now and the market has changed.

It has, it has got much tighter, of course, and he mentioned about the potential for unintended consequences, which is possible. But Deputy Murray also mentioned what we need to do in that



case is improve the amount of units that we have got available, we all know that that is what we have got a real problem with and I am glad Deputy Murray mentioned about –

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**Deputy Inder:** Point of order, sir.

**The Bailiff:** Point of order, Deputy Inder.

1015

**Deputy Inder** I am just conscious, I know all of those who have got houses have declared, I am just conscious that Deputy Matthews is a likely beneficiary of the new planning regime where a piece of his land may be beneficial to the tune of 30 or 40 properties and if I am going to declare the fact that I am a landlord, if he is going to speak on developing housing, I think he should declare that as an interest.

1020

**The Bailiff:** I disagree, Deputy Inder, in respect of that. A point of order involves a breach of a Rule if you are saying that the breach of the Rule is not declaring an interest, where there is still got to be a planning application, etc., it is completely contingent, as far as I am concerned. If Deputy Matthews, along with others, he said he was an accidental landlord in the past, if he is not currently a landlord and not currently a tenant, then he has got no interest to declare.

1025

Please continue, Deputy Matthews.

**Deputy Matthews:** I thank you, sir.

1030

Yes, I believe I have declared all of my interests as needed and Deputy Inder's concern that I have not declared what, I think, could probably be called a potential future interest is not something that, I do not think really has any bearing on this particular debate. Actually, I do not think that it is likely that I would be a potential landlord in the future in the case that Deputy Inder referred to.

1035

But what I had been talking about before was Deputy Murray mentioned about how it is important to try and improve availability and I think that is the most important thing that we need to do. I brought along, actually, with Deputy Taylor an amendment to the budget to encourage P&R to look at bringing temporary modular housing on stream as quickly as possible and that is the sort of measure that could improve availability very quickly.

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That is what is needed at the moment, very quick availability of units as fast as it can possibly be brought in. I do not think that is incompatible with improving standards for current rental properties. So, for that reason, I would ask Members not to support the sursis and to allow the legislation to progress.

Thank you, sir.

**The Bailiff:** Deputy Fairclough.

1045

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

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Just for clarity, the States' Greffier 23 days ago sent an email to all States' Members, including this item and the legislation associated with it. I appreciate that paper copies were not received until this week, I received paper copies myself, much to the angst of some of my fellow Committee colleagues, and when I did not receive the paper copy, let us say 20 days ago, I contacted the Greffier to ask why not and there was a there was a backlog of items, I was told that they would get it to us as soon as possible. But guess what, in the meantime, I went and read the electronic version.

1055

I have got a note in my diary of when all of the items for future business come out. Members, we just need to get with the agenda really. Also, this Assembly approved the schedule for Future States' Business to bring this item forward to today. I cannot support this last minute motion, I do not know how many current Members took part in the original debate on housing standards five years ago, or how many Members who were not here in February 2020 have looked back at that debate.

1060 I well remember listening to it and we should have all been aware of that debate when we came into this Assembly, actually. It has been listed in every Government Work Plan we have pondered and pored over this political term, over the last four-and-a-bit years plenty of time and opportunity to think what is in it.

1065 The need for this legislation was urgent back in February 2020. Wind forward five years, through COVID, which has exacerbated the problems in the housing and, particularly, the rental sector further and now we are looking at the last minute to delay it another 15 months. Well, if that is not kicking the can down the road, I do not know what is. But this is not a can, it is people's most basic needs.

1070 This Assembly seems to have adopted what I am told is an old Sark expression, if you can put it off till tomorrow, go ahead. (*Laughter*) So let us delay by another 15 months. Yes, it could come back sooner but the likelihood is it will be later. Often the motive or *motivé* is clear, but in this case it is not. Maybe it is a form of job creation for the new Housing Committee; you have to ask yourself the question.

1075 It is interesting that during the debate about a new Housing Committee we were reassured the Housing Action Plan would be picked up and meanwhile work should continue as far and as fast as possible this term. Well, here it is. Members, this is what handing a piece of policy to the next Assembly looks like, Members saying they have not debated this. So, what are we now trying to do? Hand it on to the next Assembly.

1080 I have never sat through a full political term before and I have got to say that even I am surprised at the prevailing attitude I come across increasingly: oh we cannot possibly get this done now, it is six months until the election, or four months to the election, or three months to the to the election, the work should stop, let us just leave it to the next lot. A lack of risk appetite. I hear it all the time.

1085 Why not take some responsibility? How many Members have come to speak to the Committee about this? None and as far as I am aware, there has been no communication from the proposer or seconder of this amendment. The first I knew about this was when it landed on my desk, I think, yesterday morning and, incidentally, I was wondering if there was a typo in the Rule 4(1)b information. I think there should be a 'no' between the 'been' and the 'consultation', because I am not aware of any, I must have been doing my hair that day. (*Laughter*)

1090 Now, this has been through the Legislation Review Panel to ensure the legislation is fair, proportionate and – get this – brings into effect the policies agreed by the Assembly. That is its job and I take this opportunity because I may not have another chance this term, to pay tribute to the Members, particularly non-States' Members this term who have given so much of their time on that panel. (**A Member:** Hear, hear.)

1095 We spent a full day going through this legislation. I chaired that panel meeting at which questions were asked, points were made, clarifications were sought, with policy and Law Officers present, to consider whether it complied with the original policy letter and minor changes in the supplementary policy letter, and it did.

1100 This is complying with existing States' direction and incidentally, if Members wish to serve on the Legislation Review Panel, they are more than welcome and have been invited this term on more than one occasion. But no, we will bring last minute amendments and motions instead and jump on our hobby horses and ride into the sunset of this political term.

1105 Incidentally, one thing that struck me is the amount of financial legislation passed this term and still to come at the drop of a hat, quick turnarounds to comply with international standards when it suits. Yet when it comes to real life issues that directly impact Islanders, the handwringing begins in earnest and, incidentally, and for Members' information, the Legislation Review Panel will be considering 300 to 400 pages of financial legislation a week on Monday. We have put aside a day for it, we may need longer. So, I am just giving Members a heads up that there will be 300 or 400 pages of legislation coming through. It will be interesting to see how much scrutiny there is of that.

Deputy de Sausmarez has circulated a copy of the latest report from Citizens Advice Guernsey on housing conditions, September 2024. It states, housing issues are among the most common

1110 inquiries raised by clients. Many of these inquiries involve complaints about the standard of accommodation provided in the private rental sector.

In it, poor maintenance of rental properties appears to be an increasing problem. It is 'beyond the scope of this report' to suggest possible reasons, but the increased cost of labour and materials and shortage of building workers may be contributing factors. In 12 cases, 15% of cases, properties had become uninhabitable either from poor maintenance, water leaks or storm damage.

1115 There were two clients who recognised unacceptable conditions before occupation of the property but moved in any way; both were homeless. Unacceptable conditions, which they accepted. Why, because they had no choice and no protection. Tenant damage or mess was the only issue reported by the four clients who were landlords.

1120 Yes, this is a two-way street and the legislation is there to help and protect both tenants and landlords and Deputy Inder can question survey techniques until the cows come home but what we have before us today is what the majority of those involved in this sector want and support, no matter how you might want to dress it up.

1125 Some images have been circulated of the shocking conditions that some landlords have been prepared to house people in that show why there is a need to act now and that any delay in failing to implement minimum standards is failing them. More than anything, supporting this afterthought of a sursis will be letting down many, some who have come to me for help this political term, who are living in appalling conditions. I have seen them for myself, not on photographs, with the permission of the tenants.

1130 Black mould growing on walls, the roof falling in, cramped conditions to name but three. All were afraid of complaining for fear of eviction. More than one of these situations created by an absentee landlord. Here today, I will not support delaying introducing something which will help them.

1135 Deputy Kazantseva-Miller says she brings this with a heavy heart; well I can assure Members that her heart will not be as heavy as the person who knocked on my door at the end of last year to tell me they had been kicked out of their home with no notice and no good reason and was now sleeping in a van. Other than offering them a hot drink and putting them in touch with those –

1140 **Deputy Oliver:** Point of correction or order. No, correction.

**The Bailiff:** Which do you want it to be, Deputy Oliver?

**Deputy Oliver:** Point of correction.

1145 **The Bailiff:** Point of correction, Deputy Oliver.

**Deputy Oliver:** This Law does not stop landlords still evicting tenants. This Law is not for that; you have got confused.

1150 **The Bailiff:** Well, Deputy Fairclough, you can continue. I do not think you are confused, I think you are just drawing attention to an incident that matters to you.  
Please continue.

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

1155 So other than offering this person a hot drink and putting them in touch with those that might be able to help, all I could do was reassure them that the States will, eventually, be bringing in legislation to give them and others like them some protections which are available in most other civilised communities. I just urge Members to get with it and move into the 21st Century and update our housing standards legislation and vote against this sursis.

1160 Thank you, sir.

**The Bailiff:** Deputy Parkinson, is it your wish to be relevéd?

**Deputy Parkinson:** Yes.

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

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

I am only going to take up a few seconds because I want to get on to the vote. I do not know if people realise that only 20 of us here were in the last States when the decision was made and I get my copy in the post and it came, I think it was Monday just after lunch. So, that is one and a half days to look at this.

Apart from the fact that deciding if some of the matters in it are acceptable, we would also have to go back to the original policy letter in the previous States and see if this policy letter follows what was agreed before. So, I do not think there is enough time and so I, personally, would support this sursis because I think we need time to consider it and also the landlords do as well. (**A Member:** Hear, hear.) So, I will be voting for this sursis motivé or, if that fails, then I will be voting against the whole policy letter.

Thank you, sir.

**The Bailiff:** I do not see any other Member rising, so I will turn to the President, Deputy de Sausmarez, to speak to the sursis motivé please.

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

Like Deputy Matthews I am really sympathetic to Members who do not feel as though they have had sufficient time to go through all of the detail of the legislation with the time that they would have liked to have given it and, personally, I have been up to my eyeballs in this process for quite some time, but I appreciate that others did not have nearly as much notice as this item was brought forward by the amendment to the schedule in the last meeting.

But as Deputy Burford pointed out, I feel as though it would have been much better to simply sursis this to the next States' Meeting, although even that is not without complication because, of course, then it would be competing with a couple of big-ticket items, not least the funding for the grant-aided colleges which, I think, will take up some time, and another policy letter from the STSB as well. However, I think the Committee certainly would have been sympathetic to that request.

But as things stand, the sursis motivé that the Assembly is going to be asked to vote on shortly introduces a much more significant delay and as such has much more significant consequences. Also, just a comment, picking up on some of the themes that have been touched on by Deputy Le Tissier and Deputy Fairclough before him, we have got a tough job and, actually, if there is anyone listening in or sitting in the public gallery who is thinking of standing to become a People's Deputy, one of our really important roles is as a legislator and that does involve exactly this process and it is not easy.

But I have to say, we have taken absolutely every opportunity, E&I, to flag this piece of work, to jump up and down and shout about it at every chance. This Housing Standards Legislation is a piece of work that has been prioritised by this Assembly through every iteration of the GWP so, I was a little bit surprised by Members, past or present, of P&R who did not seem to be aware of it and we have made it a top priority in the Guernsey Housing Plan as well.

It was a top priority in the Guernsey Housing Plan because it was flagged in our Problem Identification & Solutions Reports, the evidence base underpinning the Guernsey Housing Plan, as critical both in its own right and for other housing priorities. So, we have progressed this as a priority through this term, it is a really big bit of work, it has taken time because there has been a lot of it.

But we have consulted widely, as I have mentioned, via a couple of interjections and I think when I opened as well, not only have we carried out a public survey but we have also discussed the

proposals with the GPRLA members at their AGM and we actually had a formal response to our consultation on the 4th December from the GPRLA.

1215 But proposals have also been discussed with the Collas Crill Housing Roundtable, which is a group of about 30 property professionals, including estate agents and other agents and developers, construction bodies, lawyers, etc. and with the IOD membership at a housing event and various others and I have been in the media and really been pushing it as much as I possibly can.

1220 So, we really have tried to engage as many people as possible and I think there has been pretty good engagement, certainly from the conversations that I have been involved in personally. The survey, which was carried out just a few months ago, does show strong support for our proposals, with an average approval rating of around 75% to 85% for most of the suggestions. Not a single proposal attracted less than 59% support and landlords were the second best represented group of survey respondents behind private rental tenants.

1225 So, I will go through each part of the sursis in turn to explain its impact. The first, the opener, I suppose is to sursis the Propositions until no later than the end of the second quarter of 2026. So, States' Members should cast their vote in the clear knowledge that this sursis will mean a significant delay.

1230 So, the sursis suggests that what matters most are market impacts, I do not think they are unimportant and I will come on to that shortly, but I should stress that the current lack of this legislation has much wider costs to the States and society. To vote in favour of this sursis Members must be comfortable that health standards can be ignored for at least another year-and-a-quarter, if not longer.

As Deputy Soulsby and Deputy Bury rightly pointed out –

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**Deputy Vermeulen:** Point of correction.

**The Bailiff:** Point of correction, Deputy Vermeulen.

1240 **Deputy Vermeulen:** That that is just not so. I mentioned that the Environmental Health Officer can deal with things. So, that quite clearly is not the case that we are going to ignore health concerns. They have powers and regulations and it is they who decide if a property is habitable or not.

1245 **The Bailiff:** Deputy de Sausmarez to continue, but I am not persuaded that was particularly a valid point of correction as such because Deputy de Sausmarez was expressing an opinion.

1250 **Deputy de Sausmarez:** Well, actually, it is a really useful thing to be able to clarify because Deputy Vermeulen is very much mistaken. The reason we are bringing this Housing Standards Legislation today is because Environmental Health does *not* currently have the enforcement powers it needs to be able to address these problems. That is exactly why this legislation is being brought, exactly on the money –

I am not going to give way.

1255 **Deputy Vermeulen:** Point of correction.

**The Bailiff:** Point of correction, Deputy Vermeulen.

1260 **Deputy Vermeulen:** Sir, in a past life I had some staff accommodation and a neighbour complained about the staff accommodation to Environmental Health, that it was not habitable and people should not be staying in that accommodation. An Environmental Health Officer was dispatched to my premises and he inspected the premises and said they are habitable accommodation; they are within the standards expected. So, they clearly had power then and I do

not know how the interpretation is that they have lost those powers. I have not seen any of those powers being reduced.

**The Bailiff:** Deputy de Sausmarez.

**Deputy de Sausmarez:** I will reiterate that the reason we need this legislation is because Environmental Health does not currently have sufficient enforcement powers to address these issues and the evidence of that is contained in some of the material that I have circulated recently. I am not sure whether Deputy Vermeulen or other States' Members have had an opportunity to look at the Facebook video that I circulated last night or to read the Citizens Advice report that I circulated this morning, but the Citizens Advice report actually makes very clear that the problem is that we do not have the legislative enforcement powers to sufficiently address these problems and that is why this Housing Standards Legislation is necessary.

So, to vote in favour of this sursis, Members do need to be comfortable that health standards can be ignored for at least another year and a quarter, if not longer and as Deputy Soulsby and Deputy Bury rightly pointed out, this has knock-on effects to people's health and the States' bottom line in the form of the healthcare costs.

Here is an excerpt from one of the reports that led to this item being given high priority in the Guernsey Housing Plan and I am going to quote from it: The home is a driver of health inequalities. Inadequate housing causes, or contributes to, many preventable diseases and injuries including respiratory, nervous system and cardiovascular diseases and cancer. Direct effects of an inadequate home on a person's health can include heart attacks, stroke, respiratory disease, flu, falls and injuries, hypothermia and poor mental health. This, in turn can lead to greater demand for health and emergency services.

Poor housing is estimated to cost the NHS at least £600 million per year in the first year treatment costs alone. There is evidence that interventions to improve the quality and suitability of the home environment can be effective in preventing, delaying and reducing demand for social care and healthcare enabling people to manage their health and care needs and allowing people to remain at home for as long as they choose. It is important, as we start to care for more people in their home that services are able to respond to increasing complexity.

Now there was an independent review that was published in the UK some years ago called the Marmot Review and it made a similar point, but I do think it is worth reiterating because this is really what is at the crux of this legislation; it is about health. So, I quote from the Marmot Review:

Poor quality housing harms health and evidence shows that exposure to poor housing conditions including damp, cold, mould, noise is strongly associated with poor health, both physical and mental; the longer the exposure to poor conditions, including cold, the greater the impact on mental and physical health. Specific physical effects are more morbidity, including respiratory conditions, cardiovascular disease and communicable disease transmission and increased mortality. In terms of mental health impacts, living in non-decent, cold or overcrowded housing and in unaffordable housing has been associated with increased stress and a reduction in a sense of empowerment and control over one's life and with depression and anxiety. Children living in overcrowded homes are more likely to be stressed, anxious and depressed, have poorer physical health, attain less well at school and have a greater risk of behavioural problems than those in uncrowded homes.

So, to vote in support of this sursis, Members should feel comfortable that they are prolonging the prevalence of such impacts in Guernsey. A delay to this legislation will also stall other housing priorities which address the kind of issues Deputy Leadbeater rightly referred to and Deputy Oliver's attempted point of correction for Deputy Fairclough, it also addresses that because this shows that this work, this Housing Standards Legislation, is fundamental to be able to progress some of the other work that does touch more directly to the kinds of issues that Deputy Fairclough was referring to.

So, if this legislation is not approved it would delay the work on landlords' and tenants' rights as that work relies on the fact that properties are fit for human habitation, for example, with respect

to standard rental agreements. It makes our energy efficiency work hard to progress if it cannot be linked to a basic standard and a delay to that work will have a negative impact on our economy.

1310 Rent control or rent stabilisation, which is something Deputy Leadbeater touched on as well, is another workstream that will not be able to progress because, again, it needs to be linked to properties meeting a basic standard. Anyone that is serious and genuine about housing being this Assembly's top priority will not want to delay any of this work by supporting the sursis.

1315 So back to the detail of the sursis, it goes on to direct the Committee for E&I, A, to consider a phased introduction of the matters contained within the current draft ordinance, prioritising areas which require more immediate regulatory intervention. Well, we have already considered and planned for a phased introduction as is set out in section 10 of the policy letter.

1320 Housing standards, both minimum standards and the HHSRS and the enforcement provisions will take effect straight away because why would we want to delay them? But we anticipate that licensing and registration would come into effect six months later. However, this is at the discretion of the Committee, which will be the Committee for Housing at that point and so they can decide the timeline for the introduction of those aspects.

1325 This legislation is primarily around providing safe accommodation so standards are almost guaranteed not to change because they are based on really broadly accepted standards, such as those in force in the UK and comparable jurisdictions. So, I do not think that sending anyone back to the drawing board is going to change the substance of what the standards are likely to be. Deputy Dyke, I can hear him muttering, I think I am going to address his point in a minute.

So, part B of the sursis directs the Committee to conduct and include in the subsequent policy letter a regulatory impact assessment (RIA) of the regulation on the rental sector taking into account the ongoing housing crisis and economic sensitivity of the rental market and detail any potential effects such regulation would have on the housing market.

1330 So, the housing policy letter was agreed in 2020, as we know, and this sets the parameters of what was drafted. An RIA assessment cannot and will not change these parameters and, therefore, the drafting instructions are completely clear and have been agreed by the LRP and I think this also speaks to a point that, I think, Deputy Le Tissier made.

1335 The LRP is there precisely to do the job that he talked about. So, the LRP's role is specifically to go through legislation and check to make sure that it is indeed compliant, it does bring into effect the policy and drafting legislations that the States agreed. So, that is what the LRP's role is and the LRP have duly done that and they have confirmed that this does, indeed, bring into effect the resolutions that were made.

1340 So, market impact, this is really a small quantum, it is £10 per annum for landlords and £24 for each rented dwelling. Oh, no time limit, phew okay right, thank you. So, there has been a lot of discussion and concern, and I get that, about the market impacts but please let us put this in context.

1345 We are not talking about great sums we are talking about £10 a year for a landlord registration. We are talking about £24 a year for each rented dwelling and so even if we assume, and I think it is correct to assume that those costs will be passed on to tenants, in the grand scheme of what rent is, I do not think that that is going to really move the dial particularly.

1350 For HMOs with up to 10 residents, it is £150 *per annum* and with more than 10 residents, it is £250 *per annum*. So, the most expensive HMO would be 11 residents, which equates to £2 per resident per month. So, the cost of licences does, indeed, take into account market impact and these costs are below other business licence costs. As Deputy Gabriel has explained, the OEHPR already license thousands of businesses and that is what they do and they actually do it really efficiently and cost efficiently.

1355 So, we have already approved the resources, these operations are not going to generate any additional cost to the taxpayer because they have been designed to wash their face in terms of the quite modest, at an individual level, revenues that they will be raising. The new Housing Committee, however, will have the ability to review the fees and the impact of the fees and the running costs associated with the Propositions, so that Committee will be able to amend fees by regulation and it is they who will be responsible for appointing the Director of Housing Standards.

Now, it is fully anticipated, certainly if we were introducing this today and making this decision. we absolutely expect that that would be one and the same person as the role that is already there, I mean I am sure he would be delighted to be paid £250,000, but that is certainly not what we would have in mind. We do very much anticipate that it would be carried out as a new role but not a new person, if that makes sense. So, it absolutely can be done.

That said, if the new Committee *for* Housing decide that they want to create an additional role then that would be something for them to consider. But that is certainly not necessary and not what we would anticipate at all. So, the Committee will retain an essential oversight and level of control about how these key elements are discharged.

Deputy Haskins and others seem to imagine that thousands of properties will need to be inspected each year but that is not how it works. Inspections will only be needed for the highest risk properties already known to be so or newly reported and anyone who has looked at the photos I circulated yesterday, or the Facebook video I circulated last night, or read the Citizens Advice report that I circulated this morning, will know what by that and why it is so essential that we have effective enforcement tools to make safe these properties and the people living in them.

Landlords will be required to self-declare that their properties meet minimum standards and are free from hazards during the registration process. This means that tenants will expect to see those standards and they can report sub-standard properties with a greater level of protection from retaliatory actions.

The OEHPR will, therefore, also react to reports and ensure that proportionate actions are taken whilst noting that their assessment may determine that fitness standards have been met. This risk based approach is common to the enforcement approach taken by the team across their other regulatory areas. I will just say, I think, that some of the comments have been a bit unfair on them. I think Members were really delighted when they used their enforcement powers proportionately to sort out a fly issue in St Andrew's, for example.

There are lots of times where Members are fully supportive of these enforcement actions and they have shown. I know from often hearing both sides of the story that, actually, the way they go about dealing with enforcement is, indeed, really pragmatic. They do not go in with fists flying they are looking to get things done. It is proportionate and reasonable the way that they carry out their enforcement responsibilities.

So, Deputy Inder yesterday circulated an email of a WhatsApp message he had received from a landlord intent on leaving the sector. Now the work that we have done over the last few years and the evidence that we have published has highlighted that this is by no means the primary reason that landlords might leave the sector. The biggest factor is simply demographic.

Lots of landlords in the Island are of an age where they want to take it a bit easier. They do not really want the additional work of running rental properties and they do, potentially, want to cash in on their assets as they head towards or further into retirement. So, when they sell has this Assembly done what it can to encourage another landlord to buy it? Well, not really.

As Deputy Oliver referenced, we have actually made buy-to-rent less attractive by putting an additional 2% Document Duty on anyone buying a home that is not their principal private residence. So, we have stacked the deck against rental properties staying in the market. Landlords themselves were very clear that this is a real issue. It was a common cause for concern at, for example, the GPRLA's AGM last year, the Collas Crill roundtable discussions, the Housing Forum and the GPEG housing discussion I was invited to attend.

But when Deputy Oliver and I made that case to the Assembly in the form of a Budget amendment to equalise the treatment of PPR and non-PPR Document Duty, landlords' concerns about the shrinking of the sector were not heeded. In fact, I remember Deputy Kazantseva-Miller explaining that, in her view, and it is perfectly legitimate to hold this view, but she thought it was more important to keep that additional 2% Document Duty in place for buy-to-lets, so that first time buyers had a better chance of purchasing those properties.

Now, in reality, I would be personally amazed if any, such properties were able to be bought by first-time buyers but I am not surprised if we are losing homes from the private rental sector because



1410 we have designed our tax system to encourage exactly that outcome. So, we do have other levers to shore up and encourage properties staying in the private rental sector or, indeed, entering the private rental sector.

Now, we should all bear in mind that these proposals relate to health, but business impacts have been considered and widely consulted upon. The sursis is focused pretty much exclusively on market impact but the licence costs are so low that the only market impact of significance would be if the properties needed money spending on them because they were unsafe to live in.

1415 Now, right at the beginning of this debate, Deputy Inder used an example of wine down the walls and all the rest of it, that is not what we are talking about. We are talking about a minimum standard and hazards that pose risk to life and limb. So, a bit of wine down the walls is not what we are dealing with here.

1420 If this is the case so, if there are properties which are literally unsafe to live in, then this sursis would only have the effect of allowing people to live in unsafe properties for longer. The sursis does not suggest that the housing standards are unreasonable and this is supported by the consultation and standards in other comparable jurisdictions. So, it is a tricky ethical argument, I think, that housing standards should be ignored.

1425 Our evidence base is clear, or made clear, that the cost to the States of poor housing is significant due to healthcare issues. If properties need to have money spent on them as they are dangerous then they simply cannot be ignored for 12 months more. This also gives us a much greater ability to address the issues through a variety of ways and not having to resort to the most extreme interventions from the outset.

1430 So, the third direction in the sursis is to develop a more detailed analysis of the funding requirements of regulation and enforcement given the proposed scale and depth of the proposed regulatory powers and the number of properties involved to support the internal resources and finances of the regulatory authority. These have been considered and were deliberately discreet but the Committee can choose to upscale and cover costs in doing so, extra costs will be passed to industry and, therefore, tenants. Suggesting a bigger scale from the outset is counterintuitive.

1435 So, the fourth direction is to consider any synergies that have been sought with Jersey and other jurisdictions in enabling the delivery of such regulation as intended in the original policy letter in 2020 and, indeed, that is exactly what we have done. As Deputy Burford said, we do work very closely with Jersey in a number of different areas and, actually, other jurisdictions especially through the British Irish Council, which is a fantastically useful resource, especially in respect of housing.

1440 So, our standards align very closely with other jurisdictions and they are administered in a way that is, indeed, proportionate to Guernsey, they will be, and the HHSSRS enforcement provisions and the HMO licensing are the same as the UK. The minimum standards are Guernsey specific, but there are only more specific standards regarding how landlords should comply with the HHSRS. So, in essence, these are so low that they just give the clearest requirements.

1445 They also incorporate existing standards, for example, around electricity, gas and fire safety. The only thing that we are going slightly further than the UK is in the registration of the private rental sector. So, the UK is actually looking to implement that scheme, a registration scheme, and Jersey is already in the process of introducing it.

1450 In essence, we are ensuring that we will be aligned and there is also a clear benefit from this registration because it is very difficult to regulate a sector that we have no idea the true scope or detail of. It also aligns with landlords being able to self-declare that they meet the minimum standards and tenants being able to check that the rental property is legitimate.

1455 There are landlord registration schemes across the UK currently but it is not unified. Now, Shelter England has this to say:

People searching for somewhere to rent often ask our advisors why there is not a way to check whether potential landlords are Law abiding and up to the job. It's a good question. Scotland, Wales and Northern Ireland have a landlord register. England is currently the only nation in the UK without one ... A landlord register will give tenants peace of mind and much needed rights. With a public register of landlords, people could enter into a tenancy agreement knowing who

they will be paying rent to and trusting to follow the Law. They will also know that their landlord has had to prove that they are a fit and proper person and that their properties meet all legal requirements

So, I think that shows that not only are we working in a way that does align with comparable jurisdictions, but also it underscores the benefit and necessity of that particular aspect of the legislation. So, back to the sursis, we are also asked to consider the requirements for any IT systems that may be necessary to enable accessible and efficient registration of properties and regulatory compliance and their readiness for launch at the time of legislative enactment.

Well, again, this has already been done. There is a live and prioritised IT project and this has funding, as Deputy Gabriel pointed out. Now, we are upgrading our system to accommodate the additional numbers. It is not the existing system but the newer version of it and we are well aware of the numbers of rental properties, those reported by the States, and we have also allowed an excessive upper level to ensure that this is accommodated.

Plus, we have also allowed a phase-in time for landlords to prepare for industry engagement and to ensure that we do not go live with the system until it is tested and ready. Incidentally, we believe that there are hundreds of HMOs rather than, I think someone said that they thought there were 38, which are represented by the GPRLA and that means that there are a significant number not represented by the GPRLA and operating without visibility.

So, the OEHP, the Environmental Health, have already visited many of these and there are over 200 that they have kept a record of, of which over 100 have more than 11 occupants. So, this illustrates that the GPRLA, who I think do a magnificent job, do not represent all sectors and that the HMO sector is operating without due controls and, I think, that should give us pause for thought because these are some, as I said in my opening speech, these are often guest workers who carry out essential roles for not very much money and often English is not their first language and it is really important that they have got access to sufficient protections.

So, the sursis also asks us to consider providing a longer lead-in time for the market to get ready before the relevant legislation is enacted and it is, as Deputy Burford already has pointed out, it is already phased and within the control of the relevant Committee. So, just to explain the phasing the housing standards in the form of the minimum standards and the HHSRS and the enforcement provisions will be introduced straight away and then licensing and registration six months later. I think I have already covered that anyway.

So, the sursis asks us to revert to the States no later than the end of the second quarter of 2026 with the policy letter addressing the above matters with suitable Propositions, which should include the results of any consultation process which is taking place.

Now, just a couple of additional points, Deputy Oliver and others who have talked about social housing are mistaken. The minimum standards apply to all rental properties and the HHSRS applies to all sectors, including owner occupier. So, social housing will, indeed, be covered. Social housing is only exempt from the registration process because we already know what those properties are and who is in them and who owns them, so there is no need to duplicate it, that would be ridiculous.

So, the Citizens Advice report, just to just to bring this to a close because I appreciate I have been talking for too long, the Citizens Advice report, I think Deputy Fairclough quoted from something useful, but I think it is important to remember, as Deputy Bury and Deputy Leadbeater and others have pointed out, that this is about real people, real people living in our community right now and the standards that affect them and their lives and their families.

So, the Citizens Advice report says, the current housing concern in Guernsey is focused, as we know, on the lack of availability and high cost of rental property in Guernsey. This report provides evidence that tenants continue to experience poor standards of accommodation and supports the need for legislation for minimum standards for rental housing to protect tenants' health, welfare and safety.

The shortage of alternative affordable properties is a further difficulty for tenants who wish to leave unsatisfactory accommodation, or who must move out while major repairs are made. It goes on to say, the report, that it demonstrates that some people are forced to such extreme measures

as renting properties that they know will present imminent risk to their health; and that is what this is all about. It is about health. I do not think it is too much to ask.

1510 Many in this debate have said that good landlords have nothing to fear and that is true but, actually, I think even really average landlords have nothing to fear. We are talking about minimum standards. It is a sorry situation in this day and age that we have got no effective means of actually ensuring that people can access that fairly fundamental right. But certainly if this sursis is supported, they will be unable to address those problems for even longer, certainly well over a year and it will have a consequential impact on a number of other really important housing priorities.

1515 So, Members, I ask you if we are serious about prioritising housing, please do not support the sursis. The Committee is more than happy to provide any additional information that people would like but this legislation is sorely needed and it is needed as soon as possible. So, please do not support the sursis and please go on to support the legislation.

Thank you.

1520 **The Bailiff:** Deputy de Sausmarez Rule 17A(4) covers where there are no time limits. Rule 17A (4d) refers to a speech made by the President of a Committee, which is the subject of the Proposition. In the sursis motiv   there is direct reference to the Committee *for* the Environment & Infrastructure dealing with matters and that is why there was no time limit on Deputy de Sausmarez because she is the President of that Committee. A sursis is a secondary Proposition and, therefore, 1525 is, in my view, covered by the terms of Rule 17A (4d). However, Deputy Kazantseva-Miller only has 15 minutes.

Deputy Kazantseva-Miller to reply to the debate.

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

1530 I will not be longer than that. Members, I think it has been very unfortunate the way this debate has been pitted as those who care about the most vulnerable in rental properties versus those who do not because, actually, I think this is completely the wrong way to look around it. We are here as parliamentarians so when legislation and policy letters come our way, we are here to debate those policy letters and legislation.

1535 As a parliamentarian, when I received this 300-page document my duty was to look at what had been provided in this document and try to look at the details of this legislation, rather than the hyperbole that might be going around it. So, what I will do is point, actually, to a number of areas in this specific legislation and try to address why I am really concerned with what has been presented as a light touch approach in line with other jurisdictions actually really requires further 1540 consideration.

At the core of this, looking into those details of the legislation in front of us, is the reason why, which is at the core of the sursis, is to undertake a more in-depth regulatory impact assessment of what the effect this regulation will have. So, I will start by pointing Members to clause seven in the parts of the standards which is in relation to starting investigations.

1545 Authorised officers can authorise an investigation to see if a dwelling is simply a dwelling or if it is a rented dwelling. So, what this clause in the Law entitles the authorised officers to do is to undertake an investigation of any property and just so that the clue is in the headline the legislation is not just for rental properties, this is legislation that encompasses the whole of the housing market. So, if the Assembly was seen to believe that this is just about rental properties and just about those 1550 people who are affected about rental properties, this is actually beyond just rental properties.

Part eight then refers to the right for inspection. So, technically, the authorised officers can enter and inspect any dwelling on the Island for the purpose of determining whether they are rented accommodation or they are not rented accommodation.

1555 8.2 provides that 24-hour notice needs to be served to all adult occupiers, but I have no idea how all adult occupiers are going to be contactable by the authorised officers in 24 hours. Would the officers hold all the contact details of all the occupied adults in those properties? I have no idea how it is possible to notify all adults in a dwelling and, as a reminder, we are talking about all

dwellings on the Island not just rented properties, for the authorised person to be able to effectively access and inspect those properties.

1560 That part at least provides that the inspector cannot access the properties by force, they will at least need to ask for a court order but technically they can access. The provision is there for the authorised authorities to access any property on the Island with 24-hour notice.

1565 Moving into section 17, which refers to enforcement action in respect of category one hazards, point two of part 17 refers to the fact that an authorised officer, Director of Housing Standards, or part of their team if they consider that a category one hazard exists on any dwelling in the market, that is not just a rented dwelling, they can undertake enforcement action. So, again, to reiterate, Members, this legislation is not just about enforcement protection of rented accommodation.

1570 So, taking it further, if you look at clause 38, the enforcement authorities will have the power to take improvement actions without consent, without agreement, by simply serving a notice of remedial action. So, again, this could apply in emergency situations for any dwellings on the Island.

1575 Section 39 refers to the powers to recover expenses from remedial action, even when that action has not been agreed. So, they were not given the authority by landlords, tenants or occupiers to remedy the action but they still have the power to recover the expenses and if you look at the detail of what is being provided in terms of the recovery of the expenses, point (a) in 39 states that, the expenses not only will include the expenses relating to the remedial action they may also include 'such sums that appear to the Director reasonable in respect of the Director's administrative and overhead expenses'.

1580 So, what this is actually saying is that there are powers in this legislation to actually recover costs from the head office of the Director, far beyond what the remedial action is. I am just taking Members through the details of what is in the legislation in front of us, which we have been asked to approve with a couple of days' notice of receiving physical copies of this legislation.

1585 So, if we move on to part three, which is in relation to overcrowding. Again, this part is not in relation simply to rental dwellings, this is in relation to all dwellings on the Island. It does provide for an exemption for visiting families. So, if you have got a house and you have family visiting you from wherever, it is exempt; that if your house becomes overcrowded, it is exempt.

But if you have visiting friends, for example, and you have got children staying in bunk beds in a small room that is not exempt. So, currently under this proposed legislation if you have got visiting friends and you have got a couple of rooms that might become overcrowded, technically you will be, as the occupier of that dwelling, liable for breaching the Laws for overcrowding.

1590 Moving on to the houses of multiple occupation, as noted by Deputy de Sausmarez, I think there is a misunderstanding of what the implications of this legislation are because the HMO definition is becoming much broader. It is no longer just those houses with very high levels of occupation. If you look at the definitions, it is dwellings where you have got more than two people, so three people plus will be considered a house of multiple occupations.

1595 It is also a house where more than one household occupies. So, if you have got a household that might be sub-letting a room to another household that, technically, would be a house of multiple occupations. So, the HMO definition is going way beyond what is currently being envisioned and really potentially touches a much bigger sector of the dwellings.

1600 I do want to point out actually when going through the details of this legislation, there has been numerous technical errors of cross-referencing. So, actually, just going through the document that has been submitted to us, it was technically inaccurate in many places and I understand legislative technical amendments will be brought forward –

I give way to Deputy Haskins.

1605 **Deputy Haskins:** I am grateful for Deputy Kazantseva-Miller for giving way.

Just in relation to the HMO licences, I wonder if she believes it prudent to highlight that in the UK a licence is needed for large HMOs, five or more, not for what we have here which is more than two. I think that is a useful distinction of how we are going above what the UK does.

Thank you.

1610 **Deputy Kazantseva-Miller:** I thank, Deputy Haskins, I was very surprised by the definition of HMOs because it is extremely low and as I said, will encompass a much more significant number of potential properties and people who are not even realising that they will be subject to this potential regulation standard.

1615 Moving on to the next section, which is a new section which was not in the original policy direction, which is about making management orders; this is section seven. So, the implication for that is the Government will have the right to take over the possession of HMO properties, and as we said HMOs could be anything with two or more people occupying them, and manage them, including the collection of rent for a year, or in more serious cases, for up to five years. This level of complete Government intervention in private landlords' property to me is absolutely extraordinary.

1620 So, I think, Members, in summary I appreciate there was a policy direction that certain sections of legislation have to be developed but the details of how those sections have been developed are absolutely critical in terms of how this Law will be interpreted, how this Law will be enforced by the relevant authorities and this is what I want to really highlight to Deputies when what is being presented as light touch and in line with other jurisdictions, I think, really from just a few of the examples I have indicated looking just at some of the details of the legislation, goes beyond comparable jurisdictions.

1625 So, in summary, there are the very broad powers of inspection of any property, the power to take over the management of property for up to five years by Government, there are broad emergency powers without consent, there are much stricter rules and classification for houses of multiple occupancies and overcrowding, as I mentioned, would start infringing on just basic things like family visiting and rooms in your houses becoming overcrowded.

1630 So, Members, now much has been said about the consultation which we first received, has not been included in the policy letter attached. Consultation documents were included in the original policy letter in 2020 but were only circulated to us yesterday and also looking at the consultation, you can make whatever you want from the data because, I think, what I would have really wanted to see from the consultation is the segregation of the different key stakeholders and those key stakeholders to me are on the supply side.

1635 You have got the landlords and property owners who are impacted by this legislation and on the demand side absolutely you have got the tenants and the public that we need to make aware. But this consultation has been mixed up and it is weighted stronger towards tenants rather than landlords.

1640 So, while you have got these generic high-level summaries of 70% here, 59% there because of the weights and because we cannot distinguish which part of the consultation in relation to landlords versus tenants we just cannot, actually, make proper insights from that consultation. Looking at the consultation, actually, more comments were received not in support of the proposals than in support: 98 comments against; 84 comments for. And also when consultations are done, they are not on the legislation, they are not on this document they are not on the details of the depths and the powers that are being conferred. They might be on the specific details, such as technical standards.

1645 So, Members having looked also now in, actually, more detail at really the legislation being proposed, I stayed up until midnight yesterday to actually go page-by-page, I think what has been said in terms of sledgehammer to crack the nuts is exactly the right position. While protecting tenants and raising housing standards is absolutely crucial, I feel what is being presented goes far beyond areas in other jurisdictions, particularly around universal inspection powers and Government property takeover.

1650 If the sursis is not approved and we go ahead to approve this today, this could introduce one of the most interventionist housing regulatory powers in the Channel Islands certainly and if not the world. So, this is not about do we want housing standards or not; to me, at the core of this, is about the detail and I feel that this legislation as presented today goes way too far. There are absolutely elements that we can bring quickly and quicker than 15 months but I really think we need a proper rethink of this.

1660

**The Bailiff:** Are there any Members who have not declared an interest, even possibly those who have spoken, who wish to do so?

Deputy Meerveld.

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

For transparency and an abundance of caution, I will declare a potential interest. When my family returned to Guernsey some years back, we went into a bungalow owned by my brothers as part of their property portfolio while we were looking for something more suitable but found it such that we have stayed there now for 16 years. We do pay rent for it but we have no tenancy agreement. I have invested tens of thousands of pounds in improving the property and do the maintenance but it is not a typical tenancy agreement and, therefore, I do not anticipate this legislation having much applicability.

Thank you, sir.

**The Bailiff:** Deputy Gabriel, you are on your feet.

**Deputy Gabriel:** I also neglected to make a declaration yesterday, sir. I am a director of a housing association.

**The Bailiff:** Okay.

**Deputy de Sausmarez:** Sir, the declarations we made before still will carry on, won't they?

**The Bailiff:** Yes. No, I did say that you do not have to redeclare the direct or special interests. Deputy Queripel.

**Deputy Queripel:** Sir, when I spoke before, I failed to mention that I rent a property; I am a tenant. It is not a luxurious property; Deputy Burford inferred that we all live in luxury when she spoke. It does not have an outside toilet, (*Laughter*) thankfully it has an inside toilet, in fact, it has two so, I suppose in that respect, with two inside toilets, perhaps I do live in luxury. (*Laughter*)

Thank you, sir.

**The Bailiff:** Anyone else before we go to the vote? Right, so it is time to vote on the sursis motivé proposed by Deputy Kazantseva-Miller and seconded by Deputy Haskins and I will invite the Greffier to open the voting on that sursis please.

*There was a recorded vote.*

*Not carried – Pour 19, Contre 19, Ne vote pas 2, Did not vote 0, Absent 0*

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

Moakes, Nick  
Murray, Bob  
Oliver, Victoria  
Prow, Robert  
Vermeulen, Simon

Roffey, Peter  
Soulsby, Heidi  
St Pier, Gavin  
Taylor, Andrew  
Trott, Lyndon

**The Bailiff:** So, in respect of the sursis motivé proposed by Deputy Kazantseva-Miller and seconded by Deputy Haskins, there voted in favour, 19 Members; there voted against, 19 Members; 2 Members abstained; no Member was absent and, therefore, on the equality of votes, I will declare it lost.

Now, what I would like circulated next is a motion under Article 7(1) of the Reform (Guernsey) Law, 1948 please. This effectively accompanies the amendment that you may or may not already have seen. Have you seen an amendment? (*Interjection*) No, okay, can the amendment also accompany the motion because they are interrelated?

Does every Member now have a copy of both the motion and Amendment 1? So, Madam Procureur, you are proposing the motion, maybe you can explain briefly, you have up to 15 minutes of course, (*Laughter*) but you can explain briefly why it is that the motion should be approved.

[Motion Under Article 7\(1\) of the Reform \(Guernsey\) Law to suspend the Rules of Procedure and amendment](#)

1. In each of Propositions 1 to 4, for "the Housing (Standards, Landlord Registration and HMO Licensing) (Guernsey) Ordinance, 2024" substitute "the Housing (Standards, Landlord Registration and HMO Licensing) (Guernsey) Ordinance, 2025".

2. For Proposition 5 substitute – "5. Only if propositions 2 to 4 have been approved, to approve the draft Ordinance entitled "The Housing (Standards, Landlord Registration and HMO Licensing) (Guernsey) Ordinance, 2025", as set out in Appendix 1 (as substituted) to the policy letter and to direct that the same shall have effect as an Ordinance of the States." For Appendix 1 to the policy letter substitute the Appendix to this Amendment.

**The Procureur:** Thank you, sir.

In brief, Members will see from the amendment there is a technical issue with the Ordinance that you will have before you when it comes to the vote. The amendment seeks to correct that technical issue. The reason for asking you to suspend the Rules is because Rule 24(1) requires that the Greffier provides a paper copy of each secondary Proposition whenever it is submitted to him or her, as soon as practical, if received during the Meeting.

So, in other words, if we did not suspend the Rules then you would each need a copy of this document which, as you will have heard from earlier debate, is pretty lengthy. Now, all I will simply say is if you do not wish to suspend the Rules, it is not the end of the world, it may be the end of the States' Greffier's printers (*Laughter*) but we do have some spare copies. But we are simply asking you to suspend the rules for expediency and for practical reasons and that is pretty much it, sir.

**The Bailiff:** Deputy de Sausmarez, you formally second the motion?

**Deputy De Sausmarez:** Yes, sir.

**The Bailiff:** Thank you very much. Well, you have heard the explanation. Members of the States, this is pragmatism at its highest, which is to save a tree, possibly. Those in favour; those against?

*Members voted Pour.*

**The Bailiff:** I will declare the motion duly carried and now the amendment, please, Madam Procureur.

**The Procureur:** Thank you, sir.

I will start the amendment with a huge apology to the States because the amendment has been caused by technical issues within the Law Officers' Chambers. In essence, Proposition 1, and if Members have it before you, I was not proposing to read it out but it is hopefully self-explanatory, Proposition 1 just corrects an error in the Propositions themselves, not in the Law, but in the Propositions. The Propositions referred to the Ordinance as the 2024 Ordinance, it is a 2025 Ordinance. So that is all that Proposition 1 seeks to do.

The meat of it really is Proposition 2, where it asks you to approve the draft Ordinance as set out in Appendix 1 as substituted. The reason for that is that after the draft had gone through the approval process with the Legislation Review Panel, so the LRP did approve the correct version, the drafter was putting the papers together and it seems from a 24 hour quick review, that he accidentally pressed a backspace next to number 20.

Now there is an invisible numbering system set within all our automatic formatting and unfortunately that caused all the numbering to be out by one. Luckily, he spotted it yesterday before this goes for approval. It has meant that he has had to go through the entire Ordinance and all of the cross-references. I can only apologise unreservedly that this has happened.

Needless to say, we have put in place extra check measures and I sincerely hope this does not arise again. It simply means that the numbering was out by one in the other version. That is it essentially and, therefore, we are asking you to substitute this new, revised and amended Ordinance with corrected numbering.

Thank you, sir.

**The Bailiff:** Thank you very much and Deputy de Sausmarez, once again, do you formally second the amendment?

**Deputy de Sausmarez:** Yes, sir, I do and the only thing I would like to add, if I may just briefly, is that this happened after the LRP had and, indeed, the Committee had both signed it off. Just in case anyone thought that we were napping on the job.

**The Bailiff:** Does anyone wish to debate the amendment? No, in that case this is Amendment 1, proposed by His Majesty's Procureur and seconded by Deputy de Sausmarez and I will invite the Greffier to open the voting on Amendment 1.

*There was a recorded vote.*

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

**POUR**

Aldwell, Sue  
Blin, Chris  
Brouard, Al  
Burford, Yvonne  
Bury, Tina  
Cameron, Andy  
De Lisle, David  
De Sausmarez, Lindsay  
Dudley-Owen, Andrea  
Dyke, John  
Fairclough, Simon  
Falla, Steve  
Ferbrache, Peter  
Gabriel, Adrian

**CONTRE**

McKenna, Liam

**NE VOTE PAS**

Hill, Edward  
Snowdon, Alexander

**DID NOT VOTE**

None

**ABSENT**

None



Gollop, John  
 Haskins, Sam  
 Helyar, Mark  
 Inder, Neil  
 Kazantseva-Miller, Sasha  
 Le Tissier, Chris  
 Le Tocq, Jonathan  
 Leadbeater, Marc  
 Mahoney, David  
 Matthews, Aidan  
 Meerveld, Carl  
 Moakes, Nick  
 Murray, Bob  
 Oliver, Victoria  
 Parkinson, Charles  
 Prow, Robert  
 Queripel, Lester  
 Roffey, Peter  
 Soulsby, Heidi  
 St Pier, Gavin  
 Taylor, Andrew  
 Trott, Lyndon  
 Vermeulen, Simon

**The Bailiff:** Will you now please close the voting. So, in respect of Amendment 1 proposed by His Majesty's Procureur and seconded by Deputy de Sausmarez, there voted in favour, 37 Members; 1 Member voted against; 2 Members abstained; everyone else participated and, therefore, I will declare Amendment 1 duly carried.

1770 We go into general debate on the Propositions as now amended. Deputy Gollop.

**Deputy Gollop:** Oh, I feel a bit stressed that one vote either way could have made the difference, because I did have a certain amount of time for the work Deputy Kazantseva-Miller had done and various other erudite Members who had contributed material. It was very late in the day but then  
 1775 as somebody pointed out to me, I may have been the guilty of that many times in the past of late amendments and things; so there you go.

A wise person who worked on Treasury & Resources and Commerce & Employment in the past said today is a choice between, effectively, putting something important off and not getting what we need, kicking an issue down the road and maybe adopting, hurriedly, something that is not quite  
 1780 right and not quite suitable for us.

So, it is not a great choice in a way and part of me would be quite happy if over lunch, if we get to lunch, if Deputy de Sausmarez and her Committee decided to withdraw the legislation (**A Members:** Hear, hear.) and reconsider it and not kick it into next term, although there is an argument Housing could look at it, but perhaps ask nicely the Presiding Officer and the Policy &  
 1785 Resources Committee if it could be presented in, let us say, four weeks' time because by that time, everybody from landlords to lawyers from constructors to trust managers will have had a chance (*Interjection*) to read it.

They had an argument about what went on, and yes, we should have read the policy letter, and I did in 2020. Now, I knew all this was happening because I listened carefully to Deputy de  
 1790 Sausmarez, always interesting, updates because she has mentioned it every time and I knew about it too through the Government Work Plan. I probably knew about it through Employment & Social Security, how it was coming up as down today and I would agree with the point that may be made overnight, that there are numerous statutory people who do play a role.

When I was a landlord for a while, I certainly ran the gauntlet of housing officers, the people of  
 1795 housing licences, fire safety officers, planning officers, scheduled building, I had a scheduled building, technical standards, whether I had the right gas rating, even, theoretically, social workers or health visitors for certain kinds of tenants.

So, there are people, and Deputy de Sausmarez has made the point in the paper today that it would not necessarily require any additional staff resources and I think that is true on the face of it, but the reality is once this is up and running, let us put it logically. We have got some very able individuals who work as Director of Environmental Health, Public Health, again, is a different matter, who already work really hard, (**A Member:** Hear, hear.) now presumably if 100% of their time and professionalism is taken on Environmental Health matters, then housing matters which are in addition to those, or different, would require a resource and so I can see a scenario that Deputy de Lisle hinted at where fees might rise.

I will vote for this legislation today if we have to do that, but it will be on the understanding that it is carefully monitored by the outgoing Committee and the new Housing Department and updated and improved for proportionality and also whether it is having a deleterious effect upon housing and that is something that is really important too.

I would like to say the problem I have with this is there has been a little bit of a failure of the best Government processes. We do not, as a rule, for good reasons and I know the senior Presiding Officers in the past and in the present, have generally not liked it when the Legislation Select Committee has looked at matters at the same time as an updated policy letter and we are doing that on this.

There has also been the fact that some of us got the material late and it is extremely large and I think although Deputy de Sausmarez is right that the principles and the issues and the additional policy letter have been well known for several weeks, the counter view is also true that the legislation, which is the meat of it, came up too late for serious evaluation, not just by Members but by the wider professional and business community.

But the problem one has is, is it Deputy Le Tocq who says the perfect is the enemy of the good, and I notice most of us on Policy & Resources in the last vote, although we did not collude on it in any way, came to the view that we did not go for the sursis and that is not because the sursis did not have excellent points, although there would have been additional resources, it is about respecting our colleagues and working together, in my view, because let us look at it another way.

We voted in the past, or the previous States 20 of the 40 people were there, for this legislation to be progressed. We all have been aware or should have been aware that it was in the pipeline through Government Work Plans, policy planning and everything else. It finally comes to us, just think of the money that has been spent on officer time, on political time, on the 300 pages, on the Legislation Select Committee, on the legal draftsmen, and we all know that lawyers are highly prized for their expertise, and if we throw it out today, I know there are changing economic circumstances and there are certain aspects of the Law that are not quite correct in people's minds. I too am amazed at why we are having multiple occupancy for more than two people. But if we throw it out today, we are wasting time and money and it is yo-yo Government; it really is.

We vote for something, the work goes on for years, we have a crisis whereby accommodation prices are going up and becoming more of a shortage and then we throw this out and go back to the beginning again, having probably spent hundreds of thousands of pounds on it if you really did an estimate of it.

So, in that context, I think the most pragmatic solution maybe would be a deferral to ensure that it does go through, with maybe some amendments to ensure it makes it. The second is to support it today and amend it and restructure it in the next six months, rather than, as people have already said, throwing the baby out with the bathwater.

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

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

I rise to speak immediately after Deputy Gollop because I think he has raised some very pertinent points. I do not want to throw this out today because of all the work that has been done because I think, I believe, from what I have read there is merit in this Ordinance and a good deal of merit listening to those who have been involved very closely with this.

1850 But I remain unsatisfied and I remain unsatisfied simply because we are less informed, far less informed, than we are about most things when we come into debate. So, I think that Deputy Gollop has raised a very good point about withdrawing the policy letter and resubmitting it. It was clearly an error which is unintended or a bad consequence of pulling it forward into this debate. It needed further air time.

1855 I would suggest that the Committee does the presentation and can allow people to make their comments and get their questions answered and to go into some quite technical detail which is necessary around this Ordinance. There has been five years delay since it was approved, the policy letter, things have changed.

1860 People will want to be satisfied that the Committee has done the work and it is not fair to vote this down on the basis that people do not understand when, actually, the Committee I am absolutely sure has done the work, and it allows the Committee the chance to give that explanation and that greater detail, which States' Members need, absolutely require, in order to make this decision.

1865 So, my fear, and the reason that I voted for the sursis, was because I was going to have to abstain on this, I would like to vote for it, I would like to give it my support, but I am afraid that I am not sure that I can unless I have further information and so I would suggest that we use the lunch hour in order to withdraw the policy letter and to, however the mechanism is that allows us to do that, and to resubmit for a date before April or just after April when we have got our next States' Meeting.

Thank you, sir.

1870 **The Bailiff:** I think as it is quickly approaching 12.30 p.m. We will now adjourn until 2.30 p.m.

*The Assembly adjourned at 12.30 p.m.  
and resumed its sitting at 2.30 p.m.*

## **COMMITTEE FOR THE ENVIRONMENT & INFRASTRUCTURE**

### **9. Introduction of Housing Standards Legislation – Legislation and policy letter – Debate continued – Propositions (as amended) carried**

**The Bailiff:** Well, if no Member is rising to speak in general debate –  
Deputy Kazantseva-Miller.

1875 **Deputy Kazantseva-Miller:** Sir, I am sure you have heard enough of me, (*Laughter*) but I do want to speak to the original Propositions and the structure of the original Propositions. So, the way the original Propositions are structured is that you have got Proposition 1, which is to note and then you have got Propositions 2, 3 and 4, which are new additions above the policy direction that was approved in 2020 and so, although they are separate Propositions that you can vote Pour or Contre,  
1880 obviously, the final Proposition, which is the most important one, it says the following, 'only if Propositions 2 to 4 have been approved;', which I read you have got to approve all of those Propositions then you can approve the Housing Standards Landlord Registration HMO Licensing Ordinance 2024, as set out in the new appendix in its entirety.

1885 So, although we are given the chance to vote down Propositions 2, 3 and 4 but that means you cannot have the Ordinance enacted today. So, effectively, the Assembly is not given a choice to select, if they chose to, not to include certain parts of the Ordinance, despite those parts being added as new parts and above what was originally proposed in the 2020 letter and I specifically wanted to talk against Proposition 2, which is in relation to the management orders, which from what I can see, has been basically taken pretty much 100% from legislation in the UK.

1890 So, again, a country of 65 million people we seem to have copied and pasted this legislation and the management orders, if you look into them, it basically gives a chance to the Government and management orders are in relation to HMOs, they are not in relation to HMOs which are for rent. So, actually it affects all HMOs, right and as we previously discussed before HMO has now a very broad category.

1895 I want to remind Members that it now includes houses which have more than two people, so the baseline is set extremely low. So, if you got three people or more living, if you have got more than one household, so if you have got two households, you can have a family plus someone else living that would classify as an HMO.

1900 So, I think this will even cover, for example, room-to-let arrangements, potentially, where a family is actually renting. So, management orders, we have got provisions for management orders that are covering all of HMOs, not just rental, all HMOs and what management orders imply is, effectively, a Government takeover of private property for management, interim management orders are up to 12 months, which allow you to take up rent to undertake remedial work and the most significant ones are five-year management orders where you can do even more. You can decide who you sublet the units to, what you do with the property.

1905 It is complete Government takeover of private property. This is what we have got in this legislation today. I believe this is completely disproportionate enabling legislation that is being proposed as part of this Ordinance and I really think this goes so far beyond any kind of proportionality of measures that we need in our community.

1910 So, whoever is very keen to support this Ordinance I would really caution them against supporting specifically the management orders and I do want to emphasise again that the direction to draft legislation in relation to management orders was not part of the original policy letter, it has been included during the latest proposals.

1915 So, I really would urge the Assembly to vote this down. But voting this down, and this is the problem with the structure of this policy letter today in addition to all the technical amendments that we have had to approve, is that you cannot vote it down if you actually want something to be approved today.

1920 So, I do think there is a technical, unfortunately, inaccuracy here and I feel Members will not be able to vote down the Propositions basically. So, I would really urge Members not to vote for Proposition 2, specifically, because this is going way beyond any proportionality in managing housing standards in Guernsey.

Thank you.

**The Bailiff:** Deputy Dyke.

1925 **Deputy Dyke:** Thank you, sir.

I find this, this whole level of intervention and this legislation very concerning. For an offshore finance sector to enact this sort of extreme legislation is very worrying to me and sends out a very bad signal to anyone looking at Guernsey. I did suggest to Deputy de Sausmarez that there might be a different approach.

1930 There have been a lot of suggestions that those of us who are against this legislation just do not care and we do not bother because it does not matter to us. This is not true at all. I have spent most of this States desperately trying to do things on Planning that bring housing forward to the point of arguing and being very annoying indeed. So, I do actually care a lot. I just wanted to make that point to everyone else here and so do all the other people here that that may oppose this for various valid reasons.

1940 But the suggestion I had is that we do have the Environmental Health Department. Now there was a discussion this morning as to whether they had enough powers to deal with houses that might be damaging to health because of, for example, damp and mould. Would it not be possible, instead of all this, at least as a starting point, to look at those powers, and there seems to have been

some dispute as to what they are, look at those powers and focus on that and see if they could be changed to give Environmental Health the more powers that they need, if they need more powers.

1945 So, that strikes me as a rather focused approach to the specific point that we are probably most worried about and that is worth looking at. Looking at the legislation as a whole, if we do not do something modest like that and we bring in this whole thing, legislation, regulation, taxes they all have knock-on effects, they change behaviour and we know that that is, I think, the primary reason that Deputy Kazantseva-Miller brought the sursis was to explore what those knock-on effects would be and to avoid unintended consequences.

1950 One of the unintended consequences of this is that a rental market that is already overheated it is under stress in terms of landlords already leaving the market for various other reasons that some of the tax changes have not helped them, we risk, quite seriously, losing a chunk of the rental sector and we will lose a chunk relentlessly each year. It will begin to deteriorate as people give up their rental properties, as people get older the rental market will slowly slim down and get smaller and smaller. There will be less and less properties on the market and the prices will go up.

1955 So what we are doing is, effectively, saying to people in future years, we are going to pass all this and houses will disappear, the rents will go up and we do not really care about that. Is that what we are saying? I do not know. I hope it is not what we are saying, but it is the effect that will happen and that is why the sursis was brought to look into what these unintended consequences would be.

1960 We have discussed the question of costs, a whole new administrative system will have to be set up, IT, staffing and the staffing if you are trying to regulate the whole sector the staff is going to end up as four, five or six, I do not know, it is not going to be one person. So, you have the costs. Who is going to bear the costs?

1965 The taxpayer possibly, which will include renters or will it be the landlords? Possibly. Will it be both? If it is the landlords, it will be passed on to the tenants, so they will get it, these increases, the cost of the inspections, the registration and blah, blah will be passed on largely. So, there again, it is another unintended consequence that we do not want to happen.

1970 Turning to the legislation itself, it is very, to my mind, extremely over the top in terms of the jurisdiction we are. Deputy Kazantseva-Miller and Deputy Haskins have talked about the HMOs and the level at which we are now proposing to intervene in that market. Which is quite frightening and I do not think that was the intention, probably, at the drafting to take it down to such a low level of HMO that pretty much anything with a few people in a house is going to be brought into that regime.

1975 And then that regime is, again, it is very extreme. The powers to enter private property are, to my mind, over the top, the powers to take over management Deputy Kazantseva-Miller has spoken about that. But these proposals are extreme and really very extreme indeed and look what happens when we take things over. Look at the Public Trustee Accounts we keep seeing them every year we look at this £6 million in legal fees where we have taken over running some sort of trust company that has gone rather badly.

1980 That is what happens. We will start taking over HMOs, the litigation will build up, the legal fees will build up, it will be a total nightmare and it is not something that we really want to do in Guernsey and some of the interventions are positively Orwellian. They are not for an offshore finance centre; they are more for North Korea some of them.

1985 But they are disproportionate and we cannot do that. We are supposed to be a jurisdiction where you can do things relatively easily, that is not overregulated. It is absolutely vital that we stay that way and we cannot build up more and more costs because we cannot afford it. We have to put more and more taxes on the population, who do not want to pay them.

1990 I just would humbly suggest that we do not, at this time, vote for this legislation and vote it all out. But bearing in mind that I think there is another much simpler alternative, namely, to deal with the powers of the Environmental Health Department, which could be a very low key piece of legislation, it will give them the powers to get in and sort out those houses which are badly maintained and a threat to health and general anxiety on the part of the tenants in there. I think that would cover the point.

Thank you.

1995 **Deputy Leadbeater:** Rule 26(1) please, sir.

**The Bailiff:** Can I invite those Members who wish to speak in general debate to stand in their places? Deputy Leadbeater, is it still your wish that I put a motion?

2000 **Deputy Leadbeater:** Yes, please, sir.

**The Bailiff:** The motion is that there be no further debate other than hearing from the President in reply. Those in favour; those against.

*Members voted Pour.*

2005 **The Bailiff:** I declare that carried.

**Deputy Leadbeater:** Can I have a recorded vote, please?

2010 **The Bailiff:** I will invite the Greffier to open the voting on the recorded vote that has been requested on the motion proposed by Deputy Leadbeater pursuant to Rule 26(1).

*There was a recorded vote.*

*Not carried – Pour 16, Contre 17, Ne vote pas 5, Did not vote 2, Absent 0*

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

2015 **The Bailiff:** So, in respect of the motion Deputy Leadbeater proposed pursuant to Rule 26(1), there voted in favour, 16 Members; there voted against, 17 Members; 5 Members abstained; 2 Members did not take part in the vote and, therefore, I will declare it lost.  
Deputy Ferbrache.

2020 **Deputy Ferbrache:** Sir, I commend, somebody else said previously I think, Deputy Dudley-Owen, the considerable work put in by Environment & Infrastructure. They have done a tremendous amount of work in relation to this. There is no criticism of them. But what we have received, and I fully appreciate the point made by Deputy Taylor that I think it came out on the internet at about the 10th February, but we only received the hard copy on Monday.

Now, I am used to reading lots of pieces of paper very quickly but it is a 300-page document, it contains lots of detailed proposals and I defy anybody, even on one careful reading, to have

2025 assimilated all the proposals. So, it needed more consideration and I was very attracted to Deputy Gollop's suggestion just before lunch that there be a four-week adjournment, because people then would have had the opportunity to read it fully and assimilate it and if they had not, that was down to them. (**A Member:** Hear, hear.)

2030 I normally agree, not all the time, but I agree largely with Deputy Mahoney, but I did not quite agree with what he said today. He said it is not the landlords' responsibility to look into documents like this, it is ours. Well, it certainly is our responsibility but interested parties also should be looking into it and, if necessary, taking advice from people. I would not expect them to understand all the legal terms.

2035 Well, they have not had much time, but that is again not a criticism of anybody because we are trying to get business done before the end of this Assembly and this has been around for about five years, as we know. But this is so fiendishly complicated. I would not quite go as far as Deputy Helyar referred to this morning or Deputy Dyke this afternoon but it is certainly heavy handed, it certainly over the top in relation to where we are.

2040 Now, there is no way, section 198 which is the commencement provision, says it can be brought in at various times by various regulations. I would like to know, Deputy de Sausmarez is not obliged to deal with this and they must have in their mind when they think this section can be brought in, that section can be brought in, so that we know. If they do not then it is likely to be, I would have thought, some time before all or any part of this legislation is effectively promulgated in the sense that it is enacted, because it is so very complicated.

2045 Now, it is like everything, you can do things in a simple way or the difficult way. The simple way, and I do not need Deputy Bury or Deputy Leadbetter to tell me how concerned they are about tenants, I am very much concerned about tenants, people living in terrible conditions. There is a percentage of our population that lives in dreadful conditions. Just because I own my own home and I have owned other properties, does not mean that I do not fully appreciate that. People are  
2050 entitled to live in a home of a good quality. They are entitled not to have mould on the windows they are entitled to have decent bathrooms, etc.

One of the problems we have got is we do not have enough housing. There is too much demand and not enough supply. We have not addressed that, no other States have addressed it and it is not going to be addressed for a long time. So, we have got to deal with the situation as we currently  
2055 find it.

Now, what you could have is that both for HMOs and for residential properties, there would be different considerations, you would have a statutory list of things, of standards, which have got to be addressed. So, a landlord, let us just deal with residential property for example, he or she, I will say he, before he can let a property to a tenant he has got to make sure that he has got a certificate  
2060 from somebody saying that these basic standards have been adhered to and he would be under an obligation during the currency of that tenancy and when that tenancy expires with the next tenant, to make sure that that was kept up to date and in order.

Now that is going to need some work and there should be power for an Inspector to go in and inspect it. The tenant and the landlord would have to sign something at the beginning of the lease  
2065 to say that was complied with and, therefore, the premises were in reasonable order. Now, in connection with that, the tenant would have the right to go to the Health & Safety Executive, or whoever it was, and say look this has not happened. It does not matter what we agreed a year ago, this has not happened.

That could then, on a case-by-case basis, be examined and the tenant would have the right to  
2070 not be evicted on the basis that they had been a whistleblower or made a complaint. Now, that would be protected by the courts. Where I disagree, and I fully accept I have always accepted the integrity of Deputy Fairclough but he said somebody came to him, Christmas time, he gave him a cup of tea or something, and they were going to be kicked out.

If you have entered into a property lawfully you are a tenant lawfully even if your tenancy is  
2075 expired. You have got a two-year lease and it has come out; you cannot be evicted other than through the Courts. The landlord cannot simply turn the key that is an offence, you cannot do it.

So, that tenant, I am sure Deputy Fairclough accepted that in good faith and I am sure the person believed that, but it was not accurate in the sense that that is the position.

2080 All of that could be spelt out. So, we could do this, because what we have got here, we have got interim management orders, we have got financial management orders, we have got disqualification orders, got to be for a minimum of 12 months. We have got charging orders against people's property, we have got the States being able to go in and administer somebody's property. That is never going to happen.

2085 There are not going to be the resources to do it. It is just not going to happen. It is theoretical, it is not practical and we are told also in section one of the Law, there will be a director of whatever the title is and we are told at paragraph 9.5 of the policy letter, but it will not be anybody extra because this person is already doing another job. If they are doing a senior job and they can just hack this in, they are under occupied already, but they will be able to do it.

2090 But they are going to need a cast of thousands. (*Interjection*) They are going to need extra inspectors they are going to need civil servants. Why does every owner of a residential property who wants to let his or her property have to go on a register, 8,000 or 9,000 entries or, if you have got six properties, perhaps 5,000 entries; anyway, a heck of a lot of entries. What is the purpose of that?

2095 We have got the document at the back of the policy letter as one of the appendices, which shows what you have got to fill in, your name, your address, personal information, etc. Why is that necessary in what should be a liberal society like ours? We are letting step-by-step, stage-by-stage, salami slice by salami slice our basic freedoms go,

2100 We all, everybody in this room, wants to protect tenants from poor landlords. Everybody wants to do that. This 300-page document, 198 sections, or whatever it is, is over the top. It does not achieve it. I would have liked the Deputy Gollop suggestion to be taken forward but it is not going to be and I am certainly not going to lead the charge to do it, we will have another two-hour debate and then probably another 19-19 and we will have wasted another two or three hours.

2105 So, that would have been the prudent thing to do, bearing in mind that – I am not giving away, no, Deputy de Sausmarez will have plenty of time to make her closing speech in relation to that – the position of this is so simple the solution is a simple one. It is not going to be without costs, it is not going to be without bureaucracy, what I said, but there will be a lot less cost and a lot less bureaucracy.

2110 The cost of implementing this will be hundreds and hundreds of thousands of pounds if it is to be effective. It will not be effective, it is an impossible task that we are asking civil servants, inspectors, etc. to do and it sends completely the wrong impression out there to the world at large. There is Guernsey going this way, the rest of the world is going that way, but Guernsey is going this way.

2115 As I said, I do not need Deputy Bury and I do not need Deputy Leadbeater, and I mean that respectfully, telling me that people need good accommodation. I fully accept that and just because I live in my own house does not mean I cannot appreciate that. I did have an outside toilet, it had not been mentioned in this States' Meeting, so I am very grateful to Deputy Queripel, who has got two toilets we know and we also know, this has been an interesting debate because Deputy Meerveld has told us he spent thousands and thousands of his brother's properties, that he does not own but that he has lived there for 16 years.

2120 So, if I have learned nothing else, I have learnt those two things today. I am not sure how much it takes the great learning of Guernsey forward, but neither does this particular piece of legislation. It is too onerous and it just will not work. It is not going to work. Whatever the merits of it, it is not going to work. I would have liked to have the suggestion that Deputy Gollop said, and I repeat that for the third time.

2125 Deputy Meerveld made it very clear, he said, look, I have got a lot of sympathy for E&I, they have done a lot of good work, but I have not had time to assimilate this properly and I fully accept that because even if he has read it five times, it still needs some thought. So, he is going to vote against it. He may change his mind, of course, he is going to vote against all the proposals. I am not going



2130 to vote against all the proposals for that reason, but I am going to vote against them because there is a simpler way of doing this.

**The Bailiff:** Deputy Inder.

2135 **Deputy Inder:** Sir, only briefly, you will be glad to know. Earlier on in the sursis I made the argument on the likely impact of this policy letter on the rental stock and I will not rehearse all of those arguments again. This morning the President of the Landlords' Association wrote to Members confirming the same concerns.

2140 The high cost of managing properties, the current regulation and the age profile of those who actually own properties is likely to mean a rout out of the sector. (**A Member:** Hear, hear.) That has been confirmed by the President of the Landlords Association today. Fewer rental properties, not a lot of activity in new rentals, it is actually very difficult to get into the market at the moment and the cost of money is expensive, we have we have had almost a generation of free money and we do not anymore, the availability of stock, the average price.

2145 If we start taking landlords out of the market and they start selling them on this will not improve the situation, for all the good things that this policy letter is trying to do and that is what we will do today if the States votes this through. If anyone has any doubt of the precarious position we are in, I will remind Members that the hospitality sector is currently being used as an overflow for key workers.

2150 That is housing policy failure right there. Foreign key workers are living in their droves in boarding permit lodgings because the previous Government, and this Government, has failed to deliver one unit. Population growth in 2022 was around, I believe, 900 and 2023 is 1,064. Why does anyone think this is going to improve the lot of the tenants? It simply is not.

2155 I have been here before and we may have been here actually this term as well. I believe it was 2018 and only half of the Assembly is to blame for this, none of the new Members, and I was one of them. I think it was in 2018, I am happy to be corrected, we voted on the PML policy letter. What we did at the time was the right thing by the economy.

2160 Members may remember, I think we had a fairly static population if not slightly declining in 2018 I seem to remember and do not forget this is all pre COVID. But we must have known that as we bring, and we probably did or we should have known or it should have been explained or I should have understood or we should have done something in the previous Assembly, is that as we pull people into the local market that needs replacing.

2165 At the time that we produced the PML, back in 2018 and it was the right thing to do, there should have been a complementary policy letter that reflected the amount of people and an assessment of the people that were likely to go in to the local market and we should have been building out. We did not do it and that is the fault of the previous Assembly, of which I accept my responsibility in that even though I was not on any of the responsible Committees, or I might have been.

2170 Dart forward six years we are here again. If we vote this through, we are simply going to precipitate that shrinking market. Now, I understand some Members of ESS think that this is going to improve the situation, I am sure it will for some of the extreme versions, I would like to think, that we have seen, we have seen photographs of people living in vans

Well, that is not really an argument. No one should be living in a van that is policy failure. People are living in vans because we have not built any homes. It is just that simple. It is 10 years of housing policy failure. That is where we are right now. There is nowhere for tenants to go once this market starts contracting and I do not need to explain to Members the likely outcome.

2175 Members, you will make your decision today. I will not be supporting the policy letter. I think it has overreached. I think there are better ways of doing it and I have real significant concerns because I know people in the market, I am of the age, we will be selling our homes and if you think that just because you saved a few people that have got some awful accommodation, a bit of black mould that is not where you should be looking. It is those people that are going to leave the sector

2180 which you need to be worrying about. You are looking in the wrong place and for that reason I cannot support this policy letter.

Thank you.

**The Bailiff:** Deputy Vermeulen.

2185

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

We do not have a Department of Government Efficiency but if we did, I wonder what they would make of this policy letter and the new legislation before us now. I wonder if they would investigate the cost of running such an intrusive scheme and I have got a little insight into that.

2190

Since 1979 I have operated premises with boarding permits and we had to have inspections and, to make sure all that happened, inspectors were employed by the States of Guernsey, they used to come and visit you inconspicuously, you never knew they were there apparently. They would go away, you would get a report, you would get your boarding permit and you would hang it on the wall.

2195

We used to rent rooms by the day. Most people would come for a fortnight then they started to come for short breaks. But I think the Guernsey Tourist Board at the time had about 80 people working for them and now we do not. We do not have anything like that, we outsource inspection. But we have not got anything like the amount of bed stock that there is in the Guernsey rental property market.

2200

So, we really should be concerning ourselves with the implications of passing this and what would happen to the supply of rental property. That is probably going to be going down and going down means there is less properties to rent out. Now, all I have heard this term from everyone has been that we need more housing, rental or whatever and we just need more housing, Simon.

2205

But what you are doing here is not going to create that. It is going to change significantly the amount of people at the bottom and the middle of the market of the rental sector because people with property will just look at that and say, we are out. We are not doing this anymore and we are probably moving on as well, because we have become disenchanted with the over-regulation that Guernsey tends to impose on everyone now.

2210

So, in my opinion, this is a disproportionate Government response with far reaching implications and open-ended costs. All I have heard is oh, we might need one or two, it might be five but it will be all right, we are not we are not too worried, we can do this, it is doable Deputy Gabriel, it is doable. Yes, anything is doable but what about the cost? What about the implications? Let us not forget those because that is where we are.

2215

So there have been some great suggestions this afternoon, again, from the floor of the Assembly of ways to get around this by, perhaps, giving more powers to Environmental Health if it was needed. I think Deputy Ferbrache raised some great points. Some of the concerns expressed by Deputy Fairclough with his concerned constituent that visited him and he gave him a cup of cocoa or whatever, just were not right, but about it now, obviously having been told.

2220

So, we are taking over the power to administer, the Government is taking over the power to administer, all rental property. That is quite a shift. We are in 2025, George Orwell wrote about stuff like this in his book 1984, not in 1984. We have got to go very carefully in what we do here. It is a shame that Deputy Gollop's suggestion was not taken up and this was given four weeks more in which Landlords Associations could be consulted.

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Now, the people on the Department of Government Efficiency would be looking at this and the first thing they would say is, well why has it taken them six or seven years to come up with this legislation? That is a very long time and there is a great expense incurred. They would also be wondering why we are using consultation from pre-COVID, sir, pre-Ukrainian war, pre-lockdown, why are we looking at consultation then when we had low interest rates when now the financial scenario is completely different –

2230

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

**The Bailiff:** Point of correction, Deputy de Sausmarez.

2235 **Deputy de Sausmarez:** The consultation took place in the summer last year, July/August last year and maybe even later than that.

**The Bailiff:** Deputy Vermeulen.

2240 **Deputy Vermeulen:** Thank you.

Yes, well we have still got people saying they have not been consulted on the Law full stop and they are the property owners, they have not been consulted on the Law, full stop. But E&I have been working on this for a long time, probably too long, and it really does need to be done inside one term if it is going to be done at all.

2245 So, I am not going to support this legislation because I do not think it has been done properly, I think it has been rushed right at the end (*Interjection*) and I do not think there has been enough consultation with the public, with people who pay rent, with people who rent properties or, indeed, with the Deputies here.

So, thank you, sir.

2250 *[Inaudible]*

Rule 26(1) motion

*There was a recorded vote.*

*Carried – Pour 19, Contre 16, Ne vote pas 3, Did not vote 2, Absent 0*

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

2255 **The Bailiff:** Deputy de Sausmarez to reply to the debate, please.

**Deputy de Sausmarez:** Thank you, sir, and I thank everyone again for their contributions to the debate.

2260 Deputy Kazantseva-Miller raised her concerns around properties that qualify as an HMO and went on to talk about management orders which relate to Proposition 2. So, just to clarify it is not just simply the number of people living in a property that would qualify it as an HMO, it has to comply with all the different bits of that definition.

So, there have to be people from more than one household and they have to be paying rent and sharing amenities. So, there are certain qualifying factors in terms of what an HMO is. In terms of the management orders I can certainly give her the assurance that rooms to let are exempt. So, they would not be classified as an HMO and so management orders would not be in any way applicable.

But in any case, management orders are from the Housing Act, this is a mirror of the Housing Act, 2004. They have to be issued by a court, not by officers of the Committee or anyone. They are the most extreme option and are only used *in extremis*. But it is important, as with all enforcement measures –

**Deputy Haskins:** Point of correction.

**The Bailiff:** Point of correction, Deputy Haskins.

**Deputy Haskins:** Sir, Deputy de Sausmarez said that those Members who have lodgers for which I would declare an interest, I do have one, they would be exempt from the HMO. Now, they are technically exempt from the registration within them, sir, and I read this at 93 it is (a), (b) and (c) there. Now, the last bit says lease or licence of a rented dwelling shared with the landlord was granted to no more than two occupiers. So, when you read that in your judgement of the number of people about, you will find that they are not always exempt in the entirety.

**The Bailiff:** Deputy de Sausmarez.

**Deputy de Sausmarez:** Sir, I have had it confirmed during the course of the debate that rooms to let would not be classified as an HMO. Management orders are an enforcement tool, all enforcement –

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

**The Bailiff:** Point of correction, Deputy Kazantseva-Miller.

**Deputy Kazantseva-Miller:** Sir, sorry, it is in respect of something Deputy de Sausmarez said just before the previous interception. She mentioned that a court order is required. I am reading section 126 which is making of interim management orders. An authorised officer may make an interim management order in respect of an HMO, etc., there is a provision, in this section there is absolutely zero reference that this has to go through the court. So, the way I am reading all of the clauses, the authority can absolutely, themselves, make management orders under this section.

**The Bailiff:** Deputy de Sausmarez.

**Deputy de Sausmarez:** So, it is an HMO because it is both, a, more than two people, b, more than one household, so in an example where you have got a couple and a single and that is provided someone pays rent and provided that they share a basic amenity, which is set out in section 108.

However, although it is an HMO it does not require a licence if it is exempt from registration, as set out in section 109. The exemption most likely to arise in this scenario is where one of these two households are actually the landlord, for example, the single, is renting to the couple, in which case the small lodgings exemption applies as set out in section 93.

So, I hope I can provide some assurance on that point and I probably should have set out before jumping into the detail that the Committee is absolutely more than happy and would be delighted to run presentations or Q and As or whatever on the detail of legislation so that some of these questions can be explained more fully.

I do appreciate that is after the event but it would, actually, be before regulations are brought to enact because I do understand the sentiment. We are very happy to put on and facilitate that

2315 session with relevant Law Officers, etc., to help explain some of this detail. Sir, sorry, I should have said that from the outset.

But going back to management orders they are a familiar tool, all enforcement measures need to have a backstop, a set of tools available in order to make enforcement effective and the most extreme measures are measures that, understandably, are not used at all frequently, but they do  
2320 still need to be there for those cases that are *in extremis*. Management orders were introduced in the UK in 2004 and Jersey have already introduced landlord registration. So, they are going through a very similar process as we are.

Deputy Dyke painted a pretty dystopian vision. He talked about our reputation as an offshore finance centre. Well, of course, Jersey is an offshore finance centre, they are probably our closest  
2325 competitor and, as I have just mentioned, they are putting in place very similar legislation because they recognise that, actually, it is a good thing for your reputation.

If you want to give the impression that you are a well-regulated financial market, it is good to be able to demonstrate that actually we are regulated in ways that people would be very surprised to find out that we were not. That is a slightly circular sentence but certainly I do not share Deputy  
2330 Dyke's concern that this is disproportionate. Of course, when you look at the full suite of measures in any enforcement toolbox, you will see that this is mirrored in all sorts of different parts – I am not giving way – in all sorts of different forms of legislation.

Deputy Dyke did suggest –

2335 **Deputy Kazantseva-Miller:** Point of correction, sir.

**The Bailiff:** Point of correction, Deputy Kazantseva-Miller.

**Deputy Kazantseva-Miller:** Sir, Deputy de Sausmarez mentioned Jersey is going through a very similar process. In relation to the management orders they do not have that provision in place and it is absolutely a subjective statement to say that something such as an extreme backstop has to be  
2340 in legislation that is completely a judgement call. It does not have to be there; it is not there in Jersey.

Thank you.

2345 **Deputy Dyke:** And another point of correction from me.

**The Bailiff:** Yes, Deputy Dyke, point of correction.

**Deputy Dyke:** Deputy de Sausmarez keeps saying that this is comparable to anywhere else but, again, as part of this procedure we have not had the comparisons set out side-by-side and it is not correct to say that the UK has a general registration of all landlords. That is not the case in the UK. So, a lot of these things are not comparable to other jurisdictions.

Thank you.

2355 **The Bailiff:** Deputy de Sausmarez.  
Another point of correction, Deputy Haskins.

**Deputy Haskins:** Apologies, sir, this also in view of that last statement it is not disproportionate or different to other jurisdictions. Now, section eight is this the right to inspect, 5g, where the  
2360 authorising officer can go and remove such a document to copy it, in which case ... [*Inaudible*] Now the courts in the UK the equivalent can be under warrant or, of course, by asking for it beforehand, but it cannot go into the dwelling and remove it, whereas they can here, I say, so it becomes different to other jurisdictions.

2365 **The Bailiff:** Deputy de Sausmarez.

**Deputy:** Thank you, sir.

I have lost track of all these points of correction. I have got the UK scribbled down; we did touch on this in the debate on the sursis. So, Deputy Dyke is right that England does not have a unified registration system. The other nations in the UK do and I spelt that out and, actually, I quoted from Shelter England to explain why England is actually working towards exactly that and the problem – and this touches on something that Deputy Ferbrache mentioned in his speech – why do we need to register all these rental properties? Well, quite simply, if we do not have some sort of registration system, and this is pretty basic the information that we require, how are we supposed to identify and deal with the problem ones?

So, that is really what is at the core of the issue and not having that ability to identify and then have the means to address issues off the back of that is a real issue in England, which is exactly why they are working towards that kind of system and why all the other jurisdictions, and we do work with all the different nations as part of the British-Irish Council, and that is why England is actually quite unusual in not having a registration system and why they are quite a good illustration of the need for one.

So, yes and actually, in terms of the landlord registration in Jersey, it is notable that their fees are higher than ours. So, theirs is £60 for two years, so that is more than what we are proposing. So, Deputy Dyke did suggest he said, well, why cannot we just beef up the OEHPRs existing powers?

Well, the existing powers are under the 1934 Public Health legislation, which has got some wonderful French name from memory, so these are an improvement notice or closure order. The closure order must be signed by the Medical Officer of Health and Dr Brink has confirmed that it is, actually, inappropriate for her to sign these.

The powers cover any premises or part of premises or any fixture or appliance therein in such a state as to –

**Deputy Vermeulen:** Point of correction, sir.

**The Bailiff:** The point of correction, Deputy Vermeulen.

**Deputy Vermeulen:** I am sure, sir, that I heard Deputy de Sausmarez yesterday in her opening speech, saying, and I quote, people have died or we have had people die with black spot algae. It did not mention the UK; that was the opening speech. We have had children die of black spot algae; we have had a couple of cases. Now, why wouldn't the doctor close those premises down if the risk of black spot algae, which can be cleaned up quite easily with ventilation, heating and a little disinfectant, why would it not be closed down?

**The Bailiff:** Deputy de Sausmarez.

**Deputy de Sausmarez:** Deputy Vermeulen is incorrect. I did not make any such claim about Guernsey, I was talking more generically and I think that was, hopefully, quite clear to others. It is the opinion of the Medical Officer of Health that it is inappropriate for her to sign such orders. There are also powers relating to system used for the supply of water for domestic purposes and any gutter, drain, chute, stack pipe or downspout of a building.

Basically, this is 1934 legislation and I think this is a problem that many Committees come across, actually, when you are dealing with legislation that was created so long ago it is very difficult to amend sometimes because so much has changed in terms of the circumstances in the interim and, actually, I do not believe there have been –

**Deputy Dyke:** Point of correction.

**Deputy de Sausmarez:** That is in my opinion.

2420 **Deputy Dyke:** I suggested that the current Laws be amended as necessary to get the powers in the right place to deal with the mould and other house issues. We change old French Laws all the time into new English Laws so, I just do not see how that makes it impossible.  
Thank you.

2425 **The Bailiff:** Deputy de Sausmarez.

**Deputy de Sausmarez:** Okay, I have lost track of all the corrections. There is actually a point of correction so, management orders do not need to be issued by the Court but they have got a Court appeal process that must satisfy the legal bars to comply. So, there is a bar that is to the legal standard there.

2430 The 1934 legislation is not easy to amend in the way that Deputy Dyke suggests it could be. So, I appreciate his helpful suggestion, but it is not considered practical or workable.

Deputy Dyke and Deputy Inder are concerned about the loss of properties from the rental market. When I replied to debate on the sursis I did say that our evidence had shown that, actually, the biggest driver is probably the demographics. Actually, Deputy Inder himself referred to that. It tends to be that there is a bit of generational trend in terms of who landlords are and, understandably, they get to a certain point where it makes sense for them, in their personal circumstances, to move on and cash in the value of their asset and they are totally entitled to do that.

2440 But I would say that is something I have already mentioned one way that I think would be a far more effective way of supporting the rental market in that respect. But really, I think we have to bear in mind that what this legislation is requiring of landlords are the minimum standards. So, most landlords are not going to have to do much more than fill in an online form and pay a very modest registration fee.

2445 So, the vast majority of landlords are not going to be troubled by this because they are, one would hope, already meeting the fairly basic standards that this legislation requires of them. So, I do have to, well I hope I can, dispel Members' concerns that this is somehow incredibly onerous. The only people for whom this will be at all onerous or costly are those who have properties that are unsafe for people to live in and I hope Members would agree that is an investment worth making at a societal level.

2450 So, Deputy Ferbrache, actually, this sort of follows on in the same theme, again, a bit like Deputy Haskins in relation to the sursis suggested that this is going to be a really bureaucratic nightmare and we are going to need loads and loads of officers. But as I explained in relation to the sursis, it is nothing like that at all. It is actually much more straightforward and much lighter touch.

2455 In the process of registering landlords self-declare that their properties meet these standards and by virtue of having a register and, if that is a blatant lie, or actually if someone has concerns that it might not be entirely accurate, then those concerns can be flagged. But we are not anticipating that thousands of properties are going to need inspecting.

2460 I think quite the opposite; we can anticipate that the majority of properties will not need to be inspected and it goes back again to the fact that what we are talking about is a minimum standard. Nothing particularly onerous. No one is going to be turning up to make sure that people have polished the doorknobs and painted the walls –

**Deputy de Lisle:** Point of correction.

2465 **The Bailiff:** Point of correction, Deputy de Lisle.

**Deputy de Lisle:** This will be onerous to landlords. It is not good enough to be making that point, that it is not onerous. Landlords with several properties will have quite a big job, actually, of filling all this in and, also, I think it is very unfair to renters to have this additional tariff placed on

2470 their property when really, they are quite innocent and the issue is that they are being charged for a few people that are, perhaps, going against the grain.

But I also point out, if all housing is covered by this legislation, then a lot of people are actually, or will be, against the Law because they will be running HMOs in their private dwellings. So, I think this is definitely onerous on owners and unfair to the rental public that will have to pay more.

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**The Bailiff:** Deputy de Sausmarez.

**Deputy de Sausmarez:** Right, Deputy de Lisle is right in that it is perfectly possible that these charges will be passed on to tenants and that will be to the tune of £2 per month. So, yes, I am not sure if Deputy de Lisle has checked what rents are at the moment but as I say I am not anticipating that the additional £2 a month is a likely –

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**Deputy Haskins:** Point of correction, sir.

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**The Bailiff:** Point of correction, Deputy Haskins.

**Deputy Haskins:** Sir, those charges will also be charged, the cost to the tenants. Now, for a gas certificate and electricity certificate, we have heard from Deputy de Sausmarez that there will also be an energy efficiency certificate. (**Deputy de Sausmarez:** No, no.) The gas certificate in the UK is *circa* £120/£140 per year, sir, the electricity certificate comprises between £80 and £250 a year. So, these costs do stack up and we do believe that there is a valid point from Deputy de Lisle.

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**Deputy de Sausmarez:** Right, can I just please request for all the other points of correction that are going to be coming, can I please just finish the sentence? I am more than happy to be corrected, but actually, Oh, God, I have lost track, there are so many –

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**Deputy Vermeulen:** Point of correction, sir. (*Laughter*)

**Deputy de Sausmarez:** This is getting ridiculous. (*Laughter*)

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**The Bailiff:** Point of correction, Deputy Vermeulen.

**Deputy Vermeulen:** Sir, I am sure that Deputy de Sausmarez does not wait for me to finish the sentence before she interjects with the point of correction. In fact, this morning, sir, I asked you whether you felt it was a point of correction and you said you had not even finished your sentence, Deputy Vermeulen, so how could I even possibly give a ruling? But there you go.

2505

**Deputy Trott:** I thank Deputy de Sausmarez for giving way. I think we all owe each other a common courtesy in this Assembly (**A Member:** Hear, hear.) and I do not think there would be many, if any, who are listening to this debate that are not feeling uncomfortable with the level of interruptions that Deputy de Sausmarez is experiencing. (**Several Members:** Hear, hear.) I would ask the Assembly to give her the courtesy her office deserves.

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**The Bailiff:** Deputy de Sausmarez.

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**Deputy de Sausmarez:** Thank you.

I will do my best to address the points that have been raised in points of correction, although I will have to do my best to keep track. So, just trying to rewind my brain, Deputy de Lisle was concerned that all households would somehow be considered an HMO. Well, I can assure him that is not the case. There are four different criteria that need to be met, from memory, and there are certain exemptions that can be applied. So, I am sure I can give him some comfort on that.

2520



In any case even if the full cost of licensing for HMOs is passed on it is still a relatively modest amount. So, it is still in the region of, I think, about £22 per resident per year for the most expensive category of HMO.

2525 Now, actually, the point of correction raised by Deputy Haskins is a good opportunity to explain that this is one of the ways that we are reducing bureaucracy because the standards and certifications that he talked of are not new. They are all existing standards that landlords already have to meet. These are already existing requirements and what we are doing is we are consolidating everything in one place to actually make it less complicated and less bureaucratic.

2530 It really speaks to Deputy Dyke's point as well, that this is actually rather than trying to tweak what we have got, which is sometimes really frustratingly ineffective at achieving the outcomes that we are hoping to achieve, by putting everything in one consolidated set of legislation, everything is there in one place, it all works with each other, we do not have anomalies or contradictions and it is much more straightforward to understand. So, actually, this brings everything into one consolidated place which, actually, reduces the amount of bureaucracy. So, I hope that can help to assuage some of the concerns that, actually, far from making it more bureaucratic it is actually making it less so.

2540 Deputy Ferbrache, I have already touched on why registration is important because without a form of registration we cannot actually easily identify the problem properties. Actually, his suggested alternative approach was, I think, through contractual obligations; well interestingly that is another thing that we are working on in terms of what would be required, but it is dependent on these minimum standards, these housing standards, actually going through. I mentioned before in debate on the sursis that there are some interdependencies and actually the kind of work that Deputy Ferbrache was referring to is only possible if we have got a basic standard of accommodation set out in Law and that is exactly what this legislation does.

2545 So, Deputy Vermeulen said, well, there is nothing in this which is going to create more housing. I would agree with him, this is not legislation on house building, but as the evidence that underpins the Guernsey Housing Plan and as the Guernsey Housing Plan itself makes very clear, our housing market is facing more than one problem.

2550 Now, the under-delivery of housing is, indeed, a serious problem but it is by no means the only one and another area of problems that has been very well illustrated is that, actually, the quality of our housing is not safe enough and not decent enough for this day and age and that we do not have adequate legislative tools by which to address that.

2555 So, really that is what this legislation is trying to achieve and I will reiterate that by virtue of the amendment to the Schedule for Business, I do appreciate that even though we lodged this absolutely by the book and within the Rules, and because of the printing problems that Deputy Fairclough referred to, Members have had less time than would be optimal to look at this and we are really happy to facilitate presentations, question and answer sessions with relevant officers and Law Officers to help Members understand some of the detail if they have any other questions remain, please do come and contact me if that is the case and I will facilitate it in whatever means is going to work best for Members.

2560 I thank everyone for their patience. This is an important piece of legislation. It is an important part of moving our housing objectives forward and it is a way that we can show the community that we do take housing in all its different guises seriously and we do consider it a priority. So, I really would urge Members to please support the Housing Standards Legislation and all the Propositions that come before that.

Thank you.

2570 **The Bailiff:** Well, Members of the States, there are five Propositions, each of which have been amended. Obviously, Proposition 5 can only be put to you if there is approval of Propositions 2 to 4. I got the impression from Deputy Kazantseva-Miller that she wants to vote separately on Proposition 2. Just Proposition 2, or can I put 2 to 4 together?

**Deputy Kazantseva-Miller:** I would like for the Assembly to have Propositions 2, 3 and 4 offered for individual votes.

Thank you.

**The Bailiff:** So, does anyone want to vote differently on Propositions 2, 3 and 4, or can I put the three Propositions to you together? So what we will do is.

**Deputy Kazantseva-Miller:** Sir, yes, I would like to vote differently.

**The Bailiff:** You would like to vote differently, all right.

So, what we will do is we will probably end up having five votes on that basis. So, we will take Proposition 1 on its own first, which is simply to note. I will invite the Greffier to open the voting.

*[Inaudible]*

**Deputy Oliver:** Sir, could we not just do it the old way and go around by paper or is that not allowed?

**The Bailiff:** No on the basis that the electronic voting system is available, so there is no alternative. The alternative is that we proceed to close the voting and declare the result accordingly. *(Interjection)* There is one Member.

There is no other way of doing it. It is your stupid Rules, not mine!

**Deputy Haskins:** Sir, could the argument be made that if the system is not available to all Members, that it is not available?

**The Comptroller:** I will say yes, you are right.

**Deputy Meerveld:** Sir, if I may interject, I think under the Rules, it is allowed that somebody can put in a vote verbally for it to be entered by the Greffier if the system is not working for them, at your discretion, of course. *(Interjection)* I thought that was included when we introduced the SEV system, but I will stand by your judgement, sir.

**Deputy Taylor:** Can I have a go at a suggestion, sir? *(Laughter)* Well it says that a vote shall be taken using the electronic voting system unless it is unavailable. It could just be argued that it is unavailable for one Member and her vote is taken in a different manner to the rest of us using the electronic system.

**The Bailiff:** No, I still do not accept that. That is exactly what Deputy Mathews proposed. Deputy Brouard.

**Deputy Brouard:** Could we, as the States, suspend the Rules (**A Member:** Hear, hear.) and then move forward, sir?

**The Bailiff:** If there is an appropriate motion, yes.

**Deputy Brouard:** Can the Greffier please find an appropriate motion to make? *(Laughter)* How can we suspend the Rules to bypass the electronic voting system?

**A Member:** As a pragmatic solution, if we knew which way the Member who cannot vote was going to vote could somebody on the other side who is going to vote the other way, just agree to abstain?

*There was a recorded vote.*

*Proposition 1.*

*Carried – Pour 25, Contre 9, Ne vote pas 6, Did not vote 0, Absent 0*

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

**The Bailiff:** So, in respect of Proposition 1, there voted in favour, 25 Members; there voted against, 9 Members; 6 Members abstained, everyone participated in the vote and, therefore, I will declare Proposition 1 carried.

2630

Now, Proposition 2, on its own. Please, Members, do not press some buttons that you are not supposed to! I will invite the Greffier to open the voting on Proposition 2.

*There was a recorded vote.*

*Proposition 2.*

*Carried – Pour 19, Contre 17, Ne vote pas 4, Did not vote 0, Absent 0*

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

**The Bailiff:** So, in respect of Proposition 2, there have voted in favour 19 Members, 17 Members voted against, 4 Members abstained and everyone participated and, therefore, I will declare Proposition 2 also carried.

Proposition 3 next, please and I will invite the Greffier to open the voting on Proposition 3.

*There was a recorded vote.*

*Proposition 3.*

*Carried – Pour 19, Contre 17, Ne vote pas 4, Did not vote 0, Absent 0*

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

**The Bailiff:** In respect of Proposition 3, similarly, there voted in favour, 19 Members; 17 Members voted against; 4 Members are abstaining and, therefore, I declare Proposition 3 also carried.

Proposition 4 next on its own please and I invite the Greffier to open the voting on Proposition 4.

*There was a recorded vote.*

*Proposition 4.*

*Carried – Pour 20, Contre 16, Ne vote pas 4, Did not vote 0, Absent 0*

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

**The Bailiff:** In respect of Proposition 4, there voted in favour 20 Members; 16 Members voted against; 4 Members abstaining, no Member absent and, therefore, I will declare Proposition 4 also carried.

So, there will be a vote on Proposition 5, which is whether you are minded to approve the draft 2025 Ordinance as substituted. Once again, I will invite the Greffier to open the voting on Proposition 5 please.

*There was a recorded vote.*

*Proposition 5.*

*Carried – Pour 19, Contre 17, Ne vote pas 4, Did not vote 0, Absent 0*

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

**The Bailiff:** So, in respect of Proposition 5, there voted in favour, 19 Members; there voted against, 17 Members; 4 Members abstained; no Member was absent and, therefore, I will declare Proposition 5 also duly carried.

## COMMITTEE FOR THE ENVIRONMENT & INFRASTRUCTURE

### 10. The Bailiwick of Guernsey Sanitary and Phytosanitary Border Model – Propositions carried

*Article 10.*

*The States are asked to decide:-*

*Whether, after consideration of the Policy Letter entitled 'Bailiwick of Guernsey's Sanitary & Phytosanitary Border Model' dated 3rd February 2025, they are of the opinion:*

- 1. To endorse the Committee for the Environment & Infrastructure's intent to put in place corresponding arrangements that achieve equivalence of outcomes with the UK with regard to the Bailiwick of Guernsey's Sanitary & Phytosanitary Border Model.*
- 2. To agree that future policy and operational decisions (including those effected under subordinate legislation) related to the Bailiwick of Guernsey's Sanitary & Phytosanitary Border Model will be taken by the Committee for the Environment & Infrastructure (or other Committees designated under the Official Controls framework, as appropriate).*

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

2655 **The Greffier:** Article 10, the Committee *for the Environment & Infrastructure* – The Bailiwick of Guernsey Sanitary and Phytosanitary Border Model.

**The Bailiff:** I invite the President, Deputy de Sausmarez, to open the debate.

2660 **Deputy de Sausmarez:** Thank you, sir.

I was getting concerned that people were missing the sound of my voice. (*Laughter*) I am very sorry. I will be amazed if I have still got any voice left at the end of the day. Right, this, I also apologise because it is quite technical, it is quite dry and it is one of those things that falls into the category if it were in my favourite news magazine called *The Week*, it would fall into the category, boring but important.

2665 Basically this policy letter outlines the principles and aims for the development of a new post-Brexit border model, which I will call the model. So, why would we want or need one of those? Well, because previously Guernsey operated under the terms of Protocol 3, which allowed for trade with the UK and the EU without additional border checks. But, sadly, Protocol 3 fell away with Brexit so we need to put a different arrangement in place.

2670 So, the model relates to the importation of sanitary and phytosanitary goods, which are known as SPS goods. For those not hugely familiar with the term, and I would not blame you if you were not, it means food, feed, animals, animal products and plants. Anything being imported from the Common Travel Area is not engaged by this. What these arrangements cover is SPS goods imported from the EU or, indeed, the rest of the world beyond the CTA and the checks and measures that need to be put in place to minimise the risk of adverse health and safety consequences.

2675 So, that is the rationale behind why people have SPS measures in place. The model is intended to be proportionate and risk-based. I am sure many people will be pleased to hear that and aligned with the UK in terms of equivalence of outcomes. It is absolutely not intended to complicate operations or add layers of bureaucracy and I can assure the Assembly that the last thing I am sure any Committee wants to do is put in place something unnecessary of this type.

2680 So, resources for implementing the model have already been agreed through the GWP and this policy letter details the background and the work that we have done to date. It summarises the model and essentially it seeks approval from the Assembly for decision-making powers going forward and seeks to obtain endorsement of the general policy approach of equivalence of outcomes with UK arrangements and that is really important.

2685 So, why are we bothering at all? Well, the problem is if we do not implement the model, we could expose the Bailiwick to biosecurity and reputational risks and being seen as a third country, we could cause significant disruption to agri-food movements from the Bailiwick to the UK. We could potentially create significant resource implications, for example, if we had to undertake all the biosecurity related checks on food moving from the UK to be able to demonstrate that we have effective SPS border controls and it could restrict personal allowances that Islanders currently enjoy on these kinds of imports from outside of the British Islands.

2690 A border control post has been set up and it is basically an ancillary building within one of the States' sites at Raymond Falla House, as the model requires a small, contained area for SPS checks correspondent with those carried out on the entry of goods into the UK and EU. So, it has been designed to be flexible and adaptable to change, which is just as well. It is particularly relevant and essential given the recent developments.

2695 So, I am sure Members, if they have had an eye on the news, the national news in the UK, they will be aware that the UK government is in ongoing dialogue with the EU in order to reset relations and improve trade whilst remaining, obviously, outside of the EU Single Market and Customs Union and, obviously, closer to home Guernsey has recently decided to sign a contract for a Guernsey only ferry service.

2705 So, on the first point, the UK government has pledged to negotiate a veterinary agreement with the EU to prevent unnecessary border checks and to help tackle the cost of food. Relevant Guernsey SPS officers are continuing to liaise with P&R officers and their counterparts in the UK government.

2710 It is possible that the EU may request dynamic alignment by the UK with EU legislation as a prerequisite for a common veterinary agreement which would result in constitutional issues for Guernsey. Operationally, there is only slight divergence between the UK and EU's SPS legislation post-Brexit at the moment, but there are constitutional risks in adopting specific forms of dynamic alignment. So, cross-Committee collaboration will be essential to consider the best interests of our jurisdiction.

2715 So our aim, Guernsey's aim, is to ensure that we reassert and protect our constitutional autonomy and strengthen the negotiating position of the UK through any negotiations. Our model, like Jersey's, is built on the framework of the UK's Official Controls Regulation, which in turn is built on a framework of the EU's OCR. So, component parts will remain similar even while implementation may differ.

2720 Critically, the joined-up approach has been integral in achieving recognition by the UK authorities that the Channel Islands' unique circumstances demand a pragmatic and proportionate approach. However, there is no real need to align on line-by-line basis with Jersey, for example, on personal allowances or fees and charges for border controls, but it is worth restating that this is a Bailiwick of Guernsey border model that is underpinned by Bailiwick of Guernsey legislation and operationalised by Bailiwick of Guernsey officers.

2725 So, the ferry contract, the Guernsey only service reduces the ability and, indeed, the need to look at an SPS model on a Channel Islands-wide basis. However, both Guernsey and Jersey will be reliant on the UK government's endorsement of their models if both Islands are to continue to achieve free and virtually frictionless northbound trade.

2730 The ferry contract presents opportunities as well as challenges. The proposed model provides the flexibility to react and respond to such changes, while continuing to meet the policy principles, for example, if there are aspirations to increase the volume of agri-food freight from St Malo to Jersey for consumption locally here in Guernsey then operations could be scaled to fit the need.

2735 One of the things that could be set up within the model is a trusted trader scheme, which would reduce border checks and further facilitate commercial movements. If there is a desire to increase the volume of freight, including agri-food, using the St Malo-Guernsey leg of the journey to join with the Guernsey-Poole leg of the journey, there are options to negotiate with the UK government so that these are classed as transits through Guernsey to be checked on arrival into the UK, or, if economically justified, to upscale and re-site the border control post to allow for increased volumes and frequency of consignments. So, basically, we can adapt.

2740 The model and the associated infrastructure have been developed according to the principles originally laid down by P&R. Low volumes of goods being imported to Guernsey for domestic use is at the heart of that. This context has been made clear in discussions with the UK government, who must endorse our border control, our BCP, so that it can be used for the import of goods into Britain and the other Crown Dependencies.

2745 If that context needs to be changed, in other words if we were to start importing larger volumes of goods for onward movement into Britain and the other Crown Dependencies, then this will require the endorsement of a different BCP setup as regards the infrastructure needed, albeit within the framework of the proposed model.

2750 So, upscaling the BCP and/or changes to proposed arrangements are likely to have resource implications that will need to be quantified once we have got more clarity around those details. So, we would need to know what the type of thing it is that we are increasing the volumes of and how frequent and all of that kind of thing so that we can properly understand the resource implications and there would obviously have to be a lot of consultation between Committees to make sure that that all works.

2755 During the consultation P&R did recommend that strategic consideration should now be given to how the change of supply channels can be strengthened and this is an active work stream that

we can reassure them that will result in the development of a working group to facilitate those processes and ensure that consensus can be made around the strategic decisions that will need to be taken, bearing in mind all the different considerations that cut across different Committee mandates. So, I apologise, it is quite dry, it is quite technical but it is one of those things that is quite fundamental to us being able to enjoy the things that we do enjoy in terms of free trade and movement in and out of our jurisdiction.

Thank you.

**The Bailiff:** Deputy Le Tocq.

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

I have lost track of the number of times I have nearly got tongue tied trying to say sanitary and phytosanitary or *sanitaire phytosanitaire* in French over the last four or five years and these are things, of course, that we in the past never really had to think about. I can be brief, because the President has alluded to the fact that the UK government is seeking a SPS agreement with the EU and from the discussions we had on the reset agenda in Brussels along with my Jersey counterpart last week, I can say that it seems like they are knocking on an open door.

So, I very much hope that whilst we need to be prepared in this way, that a solution will be found where we can return to a more normal, less friction environment in terms of trade, particularly because I think, again, the French are very keen on that. I met with the French Permanent Rep as well and, obviously, because of our ferry contract there is quite a degree of interest in how access might be increased to the market in Guernsey.

So, whilst I would totally support these preparations, which are sensible and we need to do the best we possibly can, my hope is that those negotiating come to a conclusion and we have expressed our views very strongly bearing in mind our geographical position to both the UK and the EU, as well as to France, and we have got strong support there.

**The Bailiff:** Deputy Prow.

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

I rise very briefly to support the policy letter and I thank Deputy de Sausmarez for her explanation. I also agree with Deputy Le Tocq that as much frictionless customs arrangements that we can negotiate the better for everybody. I just want to refer to two sections in the policy letter, the first is 6.7 where it mentions customs involvement and there is customs involvement in this which comes under the Committee for Home Affairs, insofar as they will identify those goods that will be subject to the border operating model.

Also they will be involved in making sure that they are kept in customs charge until the proper inspections take place and so there are resource implications but I am comforted in that and so is the Committee, as is laid out in paragraph 3.22 of the policy letter, which basically suggests that there is an oversight provided by P&R at a high level cross-Committee workstream, which will make sure that all the resources are used effectively.

One point that Deputy de Sausmarez mentioned was she used the words common travel area, but the common Travel area is a creature of immigration and immigration legislation. But she also mentioned the Customs Union and that is very important for frictionless trade. As most of our imported goods come via the UK and are already cleared into the UK and from that point of view those checks and those requirements are overseen at the first point of entry.

As far as customs involvement, a lot of the goods that will be covered by it will also probably require other customs clearance. So, the work is manageable within the resources provided the work suggested in 3.22 of the policy letter is properly co-ordinated. So, I rise really to give some reassurance to the Assembly that the question of resourcing this, managing it and controlling it, both from a customs perspective and from E&I's officer's point of view, has been very thoroughly thought through and will continue, I hope, to happen.



Thank you, sir.

2810 **The Bailiff:** Deputy Falla.

**Deputy Haskins:** Sir, can I ask for Rule 26(1), please?

2815 **The Bailiff:** Well, too late because I called Deputy Falla, next time.  
Deputy Falla.

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

2820 I feel very strongly that we absolutely need to grab all of the potential that the new relationship with France, via the Brittany Ferries deal, offers the opportunities that exist there and ever since the ferry service was announced there has been considerable interest from the business community in what that could mean, not just for tourism but also for the wider business sphere.

2825 For example, only last week, the Guernsey Chamber of Commerce hosted a webinar with our French counterparts, on which there were 70 participants, and great interest was shown such that they are going to revisit that exercise again very soon. I just wondered, I am out of my depth to a great degree in this area, but if I am reading 3.18 correctly, it talks about a trusted trader scheme, potentially, being helpful in facilitating business with France.

2830 I was just wondering if the President is able to answer this, whether it is worth precipitating the introduction of such a scheme before the opportunity arises rather than have to do it in retrospect and further delay potential? So, it is really that I appreciate there are still a lot of hurdles to be crossed or jumped over in order for business to take place between Guernsey and France in this respect, but what can be done to smooth the way and, maybe, get ahead of the game rather than react?

Thank you.

2835 **The Bailiff:** Deputy Haskins.

**Deputy Haskins:** Sir, can I ask for a 26(1) please.

2840 **The Bailiff:** Can I invite those Members who wish to speak in debate to stand in their places.  
Deputy Haskins is it still your wish that I put a motion.

**Deputy Haskins:** With a heavy heart, yes, sir. (*Laughter*)

2845 **The Bailiff:** Members of the States, the motion proposed by Deputy Haskins pursuant to Rule 26(1) is that there be no further debate other than hearing from the President in reply. Those in favour; those against?

*Members voted Pour.*

**The Bailiff:** I will declare that carried.  
Deputy de Sausmarez.

2850 **Deputy de Sausmarez:** Thank you, sir.

2855 I thank both Deputy Le Tocq and Deputy Prow for their useful contributions and their reassurances, in fact, and particular thanks to Deputy Prow for distinguishing between the CTA and the Customs Union; he is, of course, quite right. So, really, I think the only question that came through debate was Deputy Falla's just now about the potential with France and on a personal level, I totally agree with him and certainly, as I explained when I opened on this the model has been designed to be as flexible as possible but depending on the scope may need to be flexed.

With respect to the resources they are always being reviewed but in light of the current situation and future developments, they are always being reviewed because there is so much that is in flux at the moment, but all the indications are, from the UK and EU, towards deregulation which would reduce that friction and also reduce the requirement for human resource and structural requirements. So, I think that as Deputy Le Tocq said some very encouraging signs.

So, Deputy Falla asked a question about the trusted trader scheme and he asked a very sensible question, which is can we can we get ahead of the game, can we get ahead of the curve in that respect and I think, sadly, the answer is no because my understanding of a trusted trader scheme is that it is per trader, so we would have to know which traders can be certified as trusted in order to make them a trusted trader.

So, I think, sadly although it is a very good suggestion and I think we can still look for other ways that we can potentially facilitate, I think that specific suggestion probably does not have much mileage and I think it would also be dependent on what was being traded, because there are different levels of risk depending on what the actual commodity is. So, I think that is about it. It has been very short debate. I think people have got line fever now, have they not, so I will just shut up and encourage everyone to please support all three Propositions.

Thank you.

**The Bailiff:** Well, Members of the States, there are three Propositions, does any Member wish to vote on them separately and differently, or can I simply put the three Propositions to you collectively? Nobody is rising; therefore, I will invite the Greffier to open the voting on all three Propositions taken together.

*There was a recorded vote.*

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

**POUR**

Aldwell, Sue  
Blin, Chris  
Brouard, Al  
Burford, Yvonne  
Bury, Tina  
Cameron, Andy  
De Lisle, David  
De Sausmarez, Lindsay  
Dudley-Owen, Andrea  
Dyke, John  
Fairclough, Simon  
Falla, Steve  
Ferbrache, Peter  
Gabriel, Adrian  
Gollop, John  
Haskins, Sam  
Hill, Edward  
Inder, Neil  
Kazantseva-Miller, Sasha  
Le Tocq, Jonathan  
Leadbeater, Marc  
Matthews, Aidan  
McKenna, Liam  
Meerveld, Carl  
Moakes, Nick  
Murray, Bob  
Oliver, Victoria  
Parkinson, Charles  
Prow, Robert  
Queripel, Lester

**CONTRE**

Le Tissier, Chris

**NE VOTE PAS**

None

**DID NOT VOTE**

Helyar, Mark  
Mahoney, David

**ABSENT**

None

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

**The Bailiff:** In respect of all three Propositions, there voted in favour, 37 Members; 1 Member voted against; no Member abstained; 2 Members did not participate in the vote. So, I will declare all the Propositions duly carried.

## COMMITTEE FOR HEALTH & SOCIAL CARE

### 11. The Review of the Children Law & Outcomes – Propositions carried

*Article 11.*

*The States are asked to decide:-*

*Whether, after consideration of the Policy Letter entitled, "Review of the Children Law and Outcomes" dated 3rd February 2025 they are of the opinion:-*

- 1. To agree that the orders to be known as Supervision Orders further to proposed amendments to the Children (Guernsey and Alderney) Law, 2008, as approved by Resolution 12b on item III of Billet d'État No. XX of 2022 dated 23rd October 2022, should be known as Community Support Orders.*
- 2. To agree that a Regulation making power should be given to the Committee for Health & Social Care within the Children (Guernsey and Alderney) Law, 2008 to enable the Committee to change the names of entities referred to in or under the legislation more efficiently.*
- 3. To agree to the inclusion of a provision to discharge an existing Community Parenting Order if a court makes a Residence Order as set out in section 4 in the attached Policy Letter.*
- 4. To rescind Resolution 19 on item III of Billet d'État No. XX of 2022 dated 23rd October 2022, further to enactment of the Domestic Abuse and Related Provisions (Bailiwick of Guernsey) Law, 2024 as agreed by the States at its 23rd October 2024 meeting (item I on Billet d'État No. XVIII of 2024 dated 27th September 2024).*

2885

**The Greffier:** Article 11, the Committee for Health & Social Care – The Review of the Children Law and Outcomes.

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

2890

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

On behalf of the Committee for Health & Social Care, we present a short policy letter seeking the Assembly's agreement to make changes to the Children's (Guernsey & Alderney) Law, 2008. These are in addition to those changes which were agreed by the Assembly in 2022 and the Committee also seeks to rescind a resolution from the 2022 debate, as this has now been superseded.

2895

The Assembly's approval is sought now so that these additional changes, which are basically technical, can be made to the Law, which will be returning to the States, I think, for consideration on the 17th March. So, the idea was to add these further technical changes to our policy so that they can be then incorporated in the Law that is coming through before the end of term.

2900

There are basically four Propositions, the first one, basically, gives an alternative name to supervision orders to make it clearer to what they actually are compared to the UK and is to change

the name to Community Support Orders. The second Proposition is to give the Committee regulation powers to be enabled to change the name in Law of some of the Committees that we deal with, or some of the organisations that we deal with, because sometimes they change their name and then, of course, we have to then go back and change the Law for who we are contracting with.

Proposition 3 is to ensure that you cannot have a Community Parenting Order and a Residency Order at the same time and it is to give clarity as to which one takes preference and then the final Proposition, number 4, is to rescind one of the proposals as it has been superseded by the changes to the Domestic Abuse Law agreed by the States on 23rd October 2024.

I commend this to the States.

Thank you.

**The Bailiff:** Deputy Queripel.

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

In November 2015 the Scrutiny Committee published a report on the Review of the Children Law undertaken by Professor Kathleen Marshall. The review was instigated by myself and my brother, former Vale Deputy Laurie Queripel, because we were both Members of the Scrutiny Committee at that time and the reason why we suggested Scrutiny undertake the review was because we had been approached by 33 families who reported major failings in the system. Laurie and I decided it was much too big an issue for just two Deputies to deal with, so we asked our fellow Committee Members to agree to Scrutiny, undertaking that review.

Professor Marshall made 21 recommendations in her report, where she felt improvements needed to be made to ensure the States provided the level of support to our children and their families here in the Island and in Alderney, the support they need. Ten of those recommendations related directly to HSC.

In 2016, just a year after that report was published, I submitted a set of Rule 14 questions to HSC asking them for an update on their progression of those recommendations. In a nutshell, the response I received was that they were doing their best to progress the work that was needed. I submitted another set of Rule 14 questions to HSC four years later, inquiring once again about the progress. I was told that some of the recommendations had been fulfilled, whilst others had been subject to further discussion.

In my latest set of Rule 14 questions to HSC, which I submitted in February this year, nine-and-a-quarter years after Professor Marshall made those recommendations, HSC informed me that six out of the 10 recommendations had been completed and that four are still outstanding. So, sir, the cruel irony here is that progress pursuing recommendations that sought to eliminate delays has been delayed.

In those nine-and-a-quarter years our children and their families have been forced to endure, I repeat that, sir, forced to endure because they had no say whatsoever in the matter, forced to endure completely unnecessary trauma and stress that has been caused by those delays. I know that for a fact because I have worked with many of those families in that time in an attempt to accelerate proceedings and put an end to that unnecessary trauma and stress.

What we are talking about here is, in the worst case scenario, children being taken away from their parents because of accusations of physical and sexual abuse until such time as the parents are either found to be guilty or innocent. If they are proven to be innocent then they get their children back. That could take months and sometimes it takes years and that is time lost to the family that cannot be given back to those children and their parents and it leaves mental scars that last for the rest of their lives.

Sir, I am going to ask some questions of the President in a moment, but before I do I want to read out something that is relevant to this debate. I want to read out something I wrote back in 2014 whilst I was working with a family where a child was taken away and this is written from the child's point of view:

2955 The loss that no one but me will ever feel, the heartache that no one can ever heal. Taken from my family at six years of age, is it any wonder why I rage. Returned at nine because nothing was proved but I was the one who was moved. Moved away from my family, moved away from my home to end up feeling dreadfully alone.

2960 The psychological scars of my formative years flushed out daily by a river of tears; only return the very next day because three years of my life were taken away. No one will know how much I hurt, why I am so painfully introvert I cannot really put it into words how I feel, in fact, I am wondering if I will ever heal. Three years lost at such a cost and my poor heart is fit to bust.

2965 Sir, as I have already said, it has taken nine-and-a-quarter years since Professor Marshall made those recommendations and here, we are, today, still talking about them. How can that possibly be considered to be acceptable to our children and our families who are forced to endure trauma and stress because of failings and delays in our system? Failings and delays that were identified nine-and-a-quarter years ago; surely that cannot be acceptable.

2970 Our children and their families not only deserve much better than this, but they need much better than this in order to be free of the delays that are ripping families apart here in the Island and in Alderney. So, I think every Member of this Assembly, (*Interjection*) in fact, every Member of the previous two Assemblies, owes our children and their families an apology for failing to progress the Marshall recommendations as a priority and even though that apology will not give time back to children and their families that had been taken from them, I think, we still need to make it. It is the very least we can do.

2975 Apologies cost nothing yet they mean so much and even though I have done my absolute utmost to address the failings and delays in the system that were identified by Professor Marshall, I am only too willing to hold my hands up and say I am sincerely and genuinely sorry the States of Guernsey have not been anything like as reactive or as proactive as we should have been these past nine-and-a-quarter years.

2980 Protecting and supporting our children and their families in their time of need should have been treated as a priority and it is simply not acceptable that they were not. I can only hope that my colleagues are gracious, considerate and sensitive enough to also apologise when they speak. That apology will mean a lot to our children and our families who have been forced to endure – I repeat, forced to endure – completely unnecessary trauma and stress because of delays.

2985 In asking for that apology, I am going to exclude my fellow Members from the 2012 to 2016 Scrutiny Committee because they saw the need and the value in undertaking that review from the outset. That Committee was chaired by the late and-much needed Paul Arditti from Alderney I hasten to add.

2990 Sir, I always believe in giving credit where it is due, so I want to commend Home Affairs in response to the same set of Rule 14 questions I submitted to them also in February they reiterated that they progressed and resolved 11 recommendations from the Marshall Report that related to them within two years. That is the sort of urgency and responsive approach that was needed and that is the sort of approach Home Affairs adopted, which is why I commend them.

2995 **Deputy Haskins:** Point of order, sir.

**The Bailiff:** Point of order, Deputy Haskins.

3000 **Deputy Haskins:** Sir, I do apologise to Deputy Queripel, but I am struggling to see how the actions of Home Affairs, as great as they are and are always under great leadership of Deputy Prow, (**A Member:** Hear, hear.) I am struggling to see how this is related to this debate. So, Rule 17(6), sir.

**The Bailiff:** Yes, I think that is right. Deputy Queripel, can you concentrate on the Propositions that are before you.

3005

**Deputy Queripel:** Sir, I am moving to a close. (**The Bailiff:** Good.) I will close by asking the questions of the President that I referred to earlier. Before I ask them, I wanted to say that I very much appreciate Deputy Brouard cannot speak on behalf of the two previous HSC Committees, but he and his Committee must know the history of this totally unacceptable delay and seeing as I have given him and his Committee prior notice of my questions, I would expect him to have the information I am asking for.

Question one, why has it taken HSC nine-and-a-quarter years to get to this stage and why did his Committee not, when they took office four years ago, apply the urgency to this matter that should have been applied in the first place? Question two, are there more recommendations to progress that HSC are responsible for, or is this the last of them? Question three, if there are more to progress, is the President able to give me an assurance they will be progressed by his Committee as a matter of urgency and absolute priority? Question four, if he is not able to give me that assurance, can he please tell me why he is not?

And finally, question five, which I have only just thought of actually so I apologise for not giving the President prior notice of this one which is, will he apologise now in this Chamber on behalf of his Committee and his Department to our children and their families for HSC taking so long to progress such crucial recommendations that sought to eliminate delays in the system that were causing children and their families here and in Alderney severe and unnecessary trauma and stress?

**Deputy Haskins:** Sir, can I ask for Rule 26(1), please.

**The Bailiff:** Can I invite those Members who wish to speak in debate on this matter to stand in their places? Deputy Haskins is it still your wish that I put the motion.

**Deputy Haskins:** Again with a heavy heart, yes, sir. (*Laughter*)

**The Bailiff:** Well, the motion proposed by Deputy Haskins pursuant to Rule 26(1), is that there be no further debate other than hearing Deputy Brouard's reply. Those in favour; those against.

*Members voted Pour.*

**The Bailiff:** I will declare that carried.

**Deputy Queripel:** Recorded vote, sir, please.

**The Bailiff:** Yes, and because there has been a request for a recorded vote. I will invite the Greffier to open the voting on that.

*There was a recorded vote.*

*Rule 26(1)*

*Carried – Pour 21, Contre 14, Ne vote pas 2, Did not vote 3, Absent 0*

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

3045 **The Bailiff:** So, in respect of the motion pursuant to Rule 26(1), there voted in favour, 21 Members; 14 Members voted against; 2 Members abstained; 3 Members did not participate in that vote and that is why it was declared carried. So, I will turn to Deputy Brouard to reply to the debate, please.

3050 **Deputy Brouard:** Thank you very much.

First of all just a quick apology from me from the point of view that I mentioned the 17th March when it is coming to the States, the main bulk of that is going to the Legislation Review Panel on 17th March and, hopefully, in the States for 30th April. So, that makes it a little bit clearer.

3055 There has only been one contributor which is Deputy Queripel and I thank him for his support. It is an area that he has highlighted, throughout his political career and I commend him for it. We have on HSC taken this particular issue of the Children Law as a priority and that is why in 2020, we started earnestly looking at it and brought the big review proposals to the States in October, November 2022.

3060 We had substantial support from the States for those reviews to try and get delays to be taken out of the system for those who look after children and especially for children who end up in care or away from their original families. Of course, I am very sorry that there is any delay in either bringing it to the States or for those people involved. But there are quite a few mitigating circumstances on the journey and as Deputy Queripel will fully understand, around 2020 we also had COVID again for the second bout, that also took a lot of resources away especially from the from the health care area.

3065 It has been a priority for our team but it is a very complex system, not only administering the 2008 Law, but also the actual whole family system, generally, is quite complex and there are quite a lot of moving parts in it. So, that is another area which adds some complexity. But we have also had some professional disagreements between some of the people who work in the system.

3070 So, those have to be worked through, talked through, discussions, more discussions to try and get to a consensus where everybody can live with it. It is not always perfect for everyone, but it has been a case that not everybody has agreed with all the different parts of the reforms. So, I am going to the actual questions.

We have made it a priority and that is why you have got it here today to put these extra amendments in to then make the actual Law even better when it comes, hopefully, to the States on 30th April. A review is quite easy to do, usually, implementing the review is usually a lot tougher and a lot harder to do.

So, it is quite easy to have a review. We have taken the Marshall Report, that was then built on again because it is quite complex and then there was a further review called the Outcomes Report, which was published in August 2020 and that then informed the policy that came to the States later that year

Going to the actual questions, why didn't the Committee not apply urgency? I think the Committee has applied urgency, it has come a lot further in this particular term than it has in others and there are many reasons for that. The complexity of it and also staffing resources and as most teams know, we all have resource issues, but we have tried to put as much resource into this particular area as we could.

Are there more recommendations? This is not a one fix forever, things will evolve, courts will evolve and families will evolve. There will be different issues coming forward in the years to come. So, this is our bit to try and get it as best as we can, but that will evolve, practices will change. Number three, I think, was to look at the actual Law. Well, that is coming to you shortly and you can have a full review of that.

I think Deputy Queripel wanted an assurance under question four, I am very happy to give the assurance that we will continue, certainly under our watch, to push this. That is why we are trying to make sure that we get the main bulk of the Law through before the end of this particular term.

Finally, I think, an apology. Yes, I am very sorry that it has taken this long but do not forget in the interim there are very few legal impediments to doing the right thing or having working practices that come in in advance of any particular Law and where we can that has been happening.

So, if there are best practices that we can do, we have been doing. So, although the Law may take a little bit of time to catch up with that it has been happening now. So, please rest assured, Deputy Queripel, there are there are many people working very hard and as equally as passionate as he is to try and do our very best for our Island children and please support the proposals.

Thank you.

**The Bailiff:** Well Members of the States, there are four Propositions, does any Member wish to vote differently on any of those four, or can I put the four to you collectively? In that case, I will invite the Greffier to open voting on all four Propositions taken together.

*There was a recorded vote.*

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

POUR	CONTRE	NE VOTE PAS	DID NOT VOTE	ABSENT
Aldwell, Sue	None	None	Helyar, Mark	None
Blin, Chris			Le Tocq, Jonathan	
Brouard, Al			Mahoney, David	
Burford, Yvonne				
Bury, Tina				
Cameron, Andy				
De Lisle, David				
De Sausmarez, Lindsay				
Dudley-Owen, Andrea				
Dyke, John				
Fairclough, Simon				
Falla, Steve				
Ferbrache, Peter				
Gabriel, Adrian				
Gollop, John				
Haskins, Sam				
Hill, Edward				



Inder, Neil  
Kazantseva-Miller, Sasha  
Le Tissier, Chris  
Leadbeater, Marc  
Matthews, Aidan  
McKenna, Liam  
Meerveld, Carl  
Moakes, Nick  
Murray, Bob  
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:** So, in respect of the four Propositions, there voted in favour, 37 Members; no Member voted against; no Member abstained; 3 Members did not participate in that vote and I will declare all four Propositions duly carried.

3110

## COMMITTEE FOR POLICY & RESOURCES

### 12. The Schedule for Future States' Business – Proposition (as amended) carried

#### Article 12

*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 19th March 2025 they are of the opinion to approve the Schedule.*

*STATES OF DELIBERATION SCHEDULE for FUTURE STATES' BUSINESS (For consideration at the Ordinary Meeting of the States commencing on the 5th March 2025)*

*Items for Ordinary Meeting of the States commencing on the 19th March 2025*

*(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;*

*P.2025/26 - Committee for Education, Sport & Culture - Blanchelande College, Elizabeth College and The Ladies College Future Funding Arrangements\**

*P.2025/24 - Committee for Health & Social Care - Proposed Amendment to the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008\**

*P.2025/25 - States' Trading Supervisory Board - Incorporating our Trading Business\**

*Amendments to the proposed meeting dates and order are permitted only for those items marked with an \*.*

*Items for Ordinary Meeting of the States commencing on the 9th April 2025*

*P.2024/105 – Policy & Resources Committee – Rectories in Plurality\**

*Items for Special Meeting of the States commencing on the 15th July 2025 P.2025/xx – States of Guernsey Accounts*  
*Items for Special Meeting of the States commencing on the 4th November 2025 P.2025/xx – States' Budget*  
*P.2025/xx – Non-Contributory Benefits Rates*  
*The Schedule for Future States' Business.*

**The Greffier:** Article 12, the Schedule for Future States' Business – Policy & Resources Committee.

3115 **The Bailiff:** Members should be receiving a paper copy of an amendment to the schedule. Does every Member now have a paper copy? So, Deputy Trott, what do you want to say about the amendment?

[Amendment 1.](#)

*To insert at the end of the proposition the following:*

*"subject to:*

*a) Inserting at paragraph (d) the following:*

*"5th March, 2025*

*"P.2024/29 – Policy & Resources Committee – The Guernsey Financial Services Commission Commissioners*

*"P.2025/32 – Committee for Home Affairs – Parole Review Committee: Appointment of Chairperson";*

*b) Inserting at the end of the items listed for the Ordinary Meeting of the States commencing on the 19th March 2025 at paragraph (g) the following:*

*"No.10 of 2025 – The Capacity (Prescribed Persons) (Amendment) Regulations, 2025 The Telecommunications (Bailiwick of Guernsey) Law, 2001 (Amendment) Ordinance, 2025*

*"P.2025/28 – The Reform (Guernsey) Amendment) Law, 2025\**

*"P.2025/35 – Development & Planning Authority, Development Plans – Amendment Process\**

*" P.2025/33 – Committee for Home Affairs – Further Legal Reform in Respect of Domestic Abuse and Sexual Offences\**

*"P.2025/34 – Policy & Resources Committee – Double Taxation Arrangement with Bahrain\**

*"P.2024/105 – Policy & Resources Committee – Rectories in Plurality\*"; and c) deleting the following: "Items for Ordinary Meeting of the States commencing on the 9th April 2025*

*"P.2024/105 – Policy & Resources Committee – Rectories in Plurality\*".".*

3120 **Deputy Trott:** Sir, the Policy & Resources Committee has spoken with the respective Presidents affected, all of whom have approved that certain aspects of their business should be brought forward in the manner detailed in these schedules. So, one is what we expected and the additional amendment is the additional business that the Assembly is asked to consider for 19th March.

3125 Now, I understand, sir, there is an understandable fear that we will run out of time to complete this Assembly's workload and what you are seeing here is active management of those concerns, hence, these modifications, particularly bearing in mind that we shall not be sitting tomorrow, sir, so that is a day that we have lost that might have been of great use for this Assembly in debate.

**The Bailiff:** Deputy Soulsby, do you formally second Amendment 1?

3130

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

**The Bailiff:** Thank you very much. Now, under the rules it is only the Presidents of the Committees concerned who can speak and, I think, that that means first you, Deputy Meerveld.

3135

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

I will support this particular item being brought forward.

Thank you.

3140 **The Bailiff:** Thank you very much and then, Deputy Oliver.

**Deputy Oliver:** It is a really pragmatic way, so I completely agree with it.

**The Bailiff:** And finally, Deputy Prow.

3145

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

All I would like to say, as this has been brought forward, a presentation will be made to States' Members on the 14th, which I think is a week tomorrow. So, I very much hope with this notification that Members who are interested and want to ask questions and delve into this at a presentation to put that aside and we will give the details of where and what time later.

3150

Thank you, sir.

**The Bailiff:** So, on that basis, Members of the States, there is no further debate permitted on this amendment to the Schedule and I will invite the Greffier to open the voting on the amendment proposed by Deputy Trott, seconded by Deputy Soulsby.

3155

*There was a recorded vote.*

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

POUR	CONTRE	NE VOTE PAS	DID NOT VOTE	ABSENT
Aldwell, Sue	None	None	Helyar, Mark	None
Blin, Chris			Le Tocq, Jonathan	
Brouard, Al			Mahoney, David	
Burford, Yvonne				
Bury, Tina				
Cameron, Andy				
De Lisle, David				
De Sausmarez, Lindsay				
Dudley-Owen, Andrea				
Dyke, John				
Fairclough, Simon				
Falla, Steve				
Ferbrache, Peter				
Gabriel, Adrian				
Gollop, John				
Haskins, Sam				
Hill, Edward				
Inder, Neil				
Kazantseva-Miller, Sasha				
Le Tissier, Chris				
Leadbeater, Marc				
Matthews, Aidan				
McKenna, Liam				
Meerveld, Carl				
Moakes, Nick				
Murray, Bob				
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:** So, in respect of Amendment 1 to the Schedule proposed by Deputy Trott, seconded by Deputy Soulsby, there voted in favour, 37 Members; no Member voted against, no Member abstained, 3 Members did not participate in that vote and, therefore, I will declare the amendment carried and now the schedule as amended, Deputy St Pier.

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

Obviously with quite a lot of business being brought forward, much of which has only recently appeared on the website, it is incumbent, I think, that every effort is made to ensure that paper copies are circulated as soon as possible. (**Several Members:** Hear, hear.) My fear otherwise is that we may have Members express concern that they have had inadequate time to consider the matters when they come before us on the 19th and the days thereafter.

**The Bailiff:** Deputy Gabriel.

**Deputy Gabriel:** In a similar vein, sir, I was going to mention that, but I would also ask to, I can only ask Deputy Trott in his response, but if Deputy Oliver or her Committee will be giving any presentation on their policy letter?

Thank you, sir.

**The Bailiff:** Deputy Dudley-Owen

**Deputy Dudley-Owen:** Yes, it is just a follow up in a similar vein relating to many of the issues that have been raised over the course of this debate about bringing forward these policy letters and the need for Committees to give consideration to convening, even if it is online, to give extra information to States' Members in advance of the meeting.

Thank you.

**The Bailiff:** Deputy Trott, do you wish to reply to that short debate?

**Deputy Trott:** Insofar as I absolutely agree with the comments of Deputy St Pier and Deputy Dudley-Owen. I watched Deputy Oliver she was nodding in affirmation to the question raised by Deputy Gabriel that there would be a presentation, so I hope that all Members are content to proceed, as amended, sir.

**The Bailiff:** Members of the States I put to you the schedule as now amended and invite the Greffier to open the voting on the schedule as amended.

*There was a recorded vote.*

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

**POUR**

Aldwell, Sue  
Blin, Chris  
Brouard, Al  
Burford, Yvonne  
Bury, Tina  
Cameron, Andy  
De Lisle, David  
De Sausmarez, Lindsay

**CONTRE**

None

**NE VOTE PAS**

Snowdon, Alexander

**DID NOT VOTE**

Helyar, Mark  
Le Tocq, Jonathan  
Mahoney, David

**ABSENT**

None

Dudley-Owen, Andrea  
Dyke, John  
Fairclough, Simon  
Falla, Steve  
Ferbrache, Peter  
Gabriel, Adrian  
Gollop, John  
Haskins, Sam  
Hill, Edward  
Inder, Neil  
Kazantseva-Miller, Sasha  
Le Tissier, Chris  
Leadbeater, Marc  
Matthews, Aidan  
McKenna, Liam  
Meerveld, Carl  
Moakes, Nick  
Murray, Bob  
Oliver, Victoria  
Parkinson, Charles  
Prow, Robert  
Queripel, Lester  
Roffey, Peter  
Soulsby, Heidi  
St Pier, Gavin  
Taylor, Andrew  
Trott, Lyndon  
Vermeulen, Simon

3195

**The Bailiff:** So, in respect of the Schedule as amended, there voted in favour, 36 Members; no Member voted against; 1 Member did abstain; 3 Members did not participate in the vote and, therefore, I will declare the Schedule as amended, duly carried and I will invite the Greffier to close today's Meeting.

*The Assembly adjourned at 4.52 p.m.*