



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Wednesday, 22nd October 2025

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Law Officers

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

People's Deputies

C. P. A Blin	A. Kazantseva-Miller
Y. Burford	M. S. Laine
T. L. Bury	M. P. Leadbeater
A. K. Cameron	M. Malik
H. L. Camp	A. D. S. Matthews
G. M. Collins	L. J. McKenna
R. P. Curgenvin	P. S. N. Montague
H. L. de Sausmarez	A. J. Niles
D. F. Dorrity	G. A. Oswald
S. J. Falla	J. M. Ozanne
A. Gabriel	C. N. K. Parkinson
J. A. B. Gollop	S. R. Rochester
L. T. Goy	T. M. Rylatt
S. T. Hansmann Rouxel	A. S. Sloan
M. A. J. Helyar	G. A. St Pier
R. M. Humphreys	J. D. Strachan
N. R. Inder	S. P. J. Vermeulen
B. R. Kay-Mouat	S. Williams

Representatives of the Island of Alderney

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 J. P. Le Tocq ; Deputy L. C. Van Katwyk (*absent de l'île*)

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States of Deliberation

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

[THE BAILIFF *in the Chair*]

PRAYERS

The States' Greffier

EVOCATION

CONVOCATION

The States' Greffier: To the Members of the States of the Island of Guernsey, I hereby give notice that a meeting of the States of Deliberation will be held at the Royal Court House on Wednesday, 22nd October, 2025 at 9.30 a.m. to consider the items in this Billet d'État which have been submitted for debate.

Billet d'État XXVI is convened pursuant to Rule 2(4) of the Rules of Procedure.

Statements

General update –

Statement by the President of the Committee *for the* Environment & Infrastructure

The Bailiff: Good morning, Members of the States. Without further ado, I will invite the President of the Committee *for the* Environment & Infrastructure to deliver an Update Statement.
Deputy Gabriel, please.

Deputy Gabriel: Thank you, sir.

Members, welcome to the first of my Update Statements from the Committee *for the* Environment & Infrastructure. These are undeniably challenging times for us, yet in the face of such challenges I am pleased to say that it immediately became clear to me that the new members of the Committee are resolute in their commitment to serve our community, including our valued neighbours in Alderney.

As a Committee, we will not shy away from scrutiny or difficult conversations. We are showing that we are prepared to challenge where necessary, and we are equally prepared to listen and learn. We recognise the financial constraints facing the States and the reality that we cannot offer unlimited services. Nonetheless, we are determined to ensure that the many and varied services we do provide are delivered efficiently, with resources targeted where they are most needed and where they will have the greatest impact.

25 We approach our responsibilities with both realism and hope. We also recognise that progress cannot be achieved in isolation. The Committee is committed to working in partnership with you, fellow Members of the Assembly, with other Committees, Boards and Authorities. We welcome constructive feedback and collaboration. If a proposal we bring forward can be improved, we are open to that conversation. While we may not always reach perfection and compromise will sometimes be necessary, we are determined to get things done in a way that reflects the collective will of this Assembly.

30 Looking ahead, the Committee's work this term will be focused on seven main themes: infrastructure, energy transition and security, the natural environment, climate resilience and adaptation, sustainable transport and mobility, ensuring that we meet our regulatory and international obligations and land use policy. These priorities reflect our commitment to concentrate on what is needed most, investing public money wisely and delivering in a timely and proportionate fashion.

35 We are embarking on several new pieces of strategic work in partnership with several other Committees. These include the development of a strategic infrastructure plan for the Island, which will help the States as a whole determine what the Island will need in the future and plan accordingly. The parameters of this work are still yet to be established, but it will be a collaborative effort with other Committees as it will reach across many aspects of our mandates, and at a less strategic level, but still vitally important, how best to support development at Leale's Yard.

40 A plan to assess fuel importation and its storage, combined with an East Coast Strategic Flood Defence is another piece of strategic work. The Marine Spatial Plan, which will guide sustainable use and protection of our marine environment, while giving confidence to any developers of a proposed offshore wind farm.

45 Another piece is we will also begin to explore tailored and proportionate approaches to bringing contaminated land back into use, recognising that a stricter approach is appropriate for household gardens, while other uses, such as car parks, for example, may allow for more flexibility.

50 I personally would also like to see a recognition of the biodiversity of potential development sites before they are cleared and how a net gain can be realised and implemented in a structured, proportionate way.

Alongside these new initiatives, we continue to deliver workstreams required under the Government Work Plan and our business as usual at Committee level. A few examples are the ongoing delivery of the Electricity Strategy, progressing the pathway to net zero, implementing the States' strategy for nature and maintaining or upgrading critical infrastructure such as roads, coastal defences and on Island public transport.

55 By balancing new strategic priorities with the effective delivery of our existing commitments, the Committee will remain focused on what is needed most, ensuring public resources are invested wisely and that progress is both timely and proportionate.

60 The Committee continues to support the work of the Guernsey Development Agency in bringing forward a plan for the delivery of its strategic vision for the bridge. Critical to this is the preparation of strategies for future fuel importation and its storage and, as I mentioned, East Coast flood defences.

65 The Fuel Importation and Storage Strategy will consider the options for the provision of infrastructure related to the import and storage of fuels to enhance reliability and security of supply while reducing the impact of the existing public safety zones around the Bridge. It is expected that the Fuel Importation and Storage Strategy will result in new methods for the import and storage of fuel which reduce overall risk and, more importantly, release land for development opportunities.

70 The East Coast Flood Defence Strategy will build on technical studies and surveys along the east coast to provide detailed flood risk forecasts into the long term and establish options for flood mitigation infrastructure, which are proportionate, affordable and deliverable. It is intended that the East Coast Flood Defence Strategy will provide a foundation to support the Assembly to prioritise a programme of sustained infrastructure investment to protect critical areas of the Island from future physical risks, such as part of a co-ordinated infrastructure planning process.

While some may recall with affection the carefree days of the 1970s and 1980s, when Gabriel's ruled Fountain Street and life felt simpler, our Island has indeed changed and so have the demands placed upon our infrastructure. The Committee recognises that adapting our roads to meet modern
80 needs is not always easy nor universally welcomed, however, it is very necessary. We must ensure our roads are safe and accessible for all; for our children walking to school, for our elderly navigating busy junctions, for those living with disabilities, and for each of us who rely on these networks daily.

Initiatives such as School Streets have shown that thoughtful change can deliver real benefits, improving safety and enhancing community wellbeing.

85 In parallel, we must not lose sight of the strategic importance of development in the north of the Island. The need for housing in that area remains pressing, and the Better Transport Plan for the north, developed to support such growth, deserves renewed attention as we work to support our colleagues in the Committee *for* Housing. It is a sound and forward-looking initiative, and we will work to ensure it is once again recognised as a key part of our Infrastructure Strategy. Continued
90 road infrastructure improvements will be a priority for this Committee.

Notwithstanding that, the community and economy of Guernsey benefit greatly from our exceptional land and marine environments. I am pleased to confirm that the United Kingdom's membership in the Convention on Biological Diversity (CBD) has just been extended to Guernsey, fulfilling a States' resolution. Our participation in this convention underscores Guernsey's
95 commitment to environmental protection, enhances our international reputation, and supports our ambitions in green finance and access to free trade agreements.

Looking ahead, 2026 will be a significant year for our marine environment, with several initiatives spearheaded by the Committee. Early in the year, we will launch the Marine Biosecurity Plan, offering advice and guidance to safeguard our seas from invasive non-native species and any diseases that
100 could jeopardise our blue economy and its environment.

Additionally, we will lead on the development of a Marine Spatial Plan for Guernsey, which will bolster our marine governance, support a sustainable blue economy, enhance marine protection and aid the States' investigations into the feasibility of offshore wind development.

I am also pleased to highlight the Nature Commission's growing contribution to our natural
105 environment. Last year, over 4,500 students engaged in their environmental education programme. In August, they introduced the Nature Opportunities for Business initiative, an online tool enabling businesses to invest in or volunteer for charity-led conservation projects, and this month launched the People and Nature Survey, which will help us and them understand the importance of green spaces to Islanders.

110 The Pathway to Net Zero Policy Letter was agreed by the States in April. This confirmed that if delivered the States' existing policies and plans will enable the Island to meet its interim climate target of a 57% reduction in 1990 carbon emissions. To ensure success it is important to monitor both the implementation and impact of these policies throughout the first seven-year review period.

While climate mitigation remains a key focus, we recognise that climate adaptation is becoming
115 increasingly important. Work is underway to develop an Island-wide climate adaptation plan drawing on best practice from other jurisdictions but tailored to Guernsey's unique circumstances.

The Committee continues to prioritise its energy policy. We are reviewing options for the regulation of offshore renewables to ensure market certainty and value for money, with a Policy Letter to be brought to the States in the near future. This is important in supporting the offshore
120 wind workstream.

Implementation of the Electricity Strategy is ongoing in collaboration with the Committee *for* Economic Development and STSB.

Finally, improving energy efficiency, particularly in buildings, is a cost-effective way to address
125 both energy and climate challenges. Work in this area will continue in partnership with other Committees to enable the States to reach a decision on the best approach.

In May, the UK and EU reached a common understanding committed to negotiate a UK-EU Sanitary and Phytosanitary Agreement, SPS as it is commonly known. This agreement aims to establish a common SPS area for trade in animals, plants and related goods. The UK-EU reset is

130 making progress with political agreements to create the common SPS area, implement dynamic alignment and reduce controls. While this development is expected to ease the movement of goods, the detailed rules are still under negotiation and have yet to be enforced.

For Guernsey as a Crown Dependency, we are reliant on the UK to negotiate our inclusion in any new SPS arrangements. This is likely to require that we align animal and plant health legislation and controls with the EU, which the UK has also committed to and which pre-Brexit was the case for 135 legislation relevant to products that were imported or that were traded with the EU.

Officers are actively involved in liaison and negotiation to present Guernsey in the strongest position that would allow freer movement of SPS goods, including for exports from Guernsey into the EU, while maintaining appropriate controls on animal and plant health.

Under the proposed SPS regime, many movements of animals, animal products, plants and plant 140 products would take place without the need for checks at the border controls. Officers continue to update my Committee and others as the UK-EU negotiations progress to ensure there is political oversight and that Deputies are briefed on the benefits and any potential risks that may arise. This is just one small piece of work we need to fit alongside the regular updates currently needed to animal and plant health legislation post-Brexit to ensure the flow of goods.

Turning to coastal defence, the Committee continues to deliver essential works across the 145 Bailiwick. In Alderney, remedial works have been undertaken on the breakwater. A sonar survey of the superstructure rubble mound was completed this summer, with results being analysed by States' engineers. The 2025 Dive Contract was completed at the end of September, with further works being carried out on the seaward facing wall.

150 In Guernsey, we are progressing with a range of ongoing projects such as repointing at Route de la Lague South and Portelet Piers. Smaller revenue funded projects such as maintenance of slipways and coastal steps are also ongoing. Completed projects include La Saline, Fermain North, Salerie Piers, Route de La Lague North, and Admiral Park North Sheet Piles. Preparatory works have started for the next phase of rock stabilisation and maintenance at Petit Port Steps, and other 2026 155 repointing projects.

Earlier I mentioned my family's heritage, Gabriel's stores in Fountain Street, and anyone who visited back in the day knows that I observed from an early age how to run something economically and still give the public what they need. I will try, along with my Committee, within our means, to deliver that for Guernsey.

160 In closing, sir, I wish to emphasise that the Committee is fully aware of the responsibility entrusted to us by this Assembly by Islanders and the Bailiwick. We are committed to delivering what is needed most, in a manner that is timely, proportionate and mindful of the expense to the public. We will continue to collaborate with colleagues across the States, listening to constructive feedback and adapting our approach where necessary.

165 Our focus is on practical progress, on projects and policies that make a real difference to our community both now and for future generations. I am grateful for the support and engagement of fellow Deputies, stakeholders and the public. Together we can ensure that our Island remains resilient, sustainable and well-prepared for the challenges and opportunities ahead.

170 Finally, sir, I told my mirror this morning that I was ready to deliver the speech. It responded though with silence. I hope I can elicit some questions about the environment and infrastructure mandate from you, Members.

Thank you.

The Bailiff: Members of the States, it is now an opportunity to ask questions within the mandate 175 of the Committee *for the Environment & Infrastructure*.

Deputy Vermeulen.

Deputy Vermeulen: Thank you, sir.

180 I thank the President for his enlightening update. But my understanding is Leale's Yard previously had a developer and were ready to go on housing. Then the States bought the site. So my question

is: has States' ownership of Leale's Yard slowed down the progress of providing housing for young, local families?

The Bailiff: Deputy Gabriel.

Deputy Gabriel: I am not entirely sure that is within my mandate, sir, but I will try and answer that as it relates to infrastructure and the Better Transport Plan. I would say that no, it has not slowed it down at all, is the short answer.

The Bailiff: Deputy Blin.

Deputy Blin: Thank you, sir.

I would like to thank the President for his statement. Last term, the Committee confirmed, alongside with Home Affairs, its intention to address the issue of noisy vehicles and disturbance. Could the President update the Assembly on the progress made since that commitment and where we might see measures implemented to reduce the disturbance and keep our roads and community safer.

The Bailiff: Deputy Gabriel.

Deputy Gabriel: Thank you, Deputy Blin.

It is one of the items that is filling my inbox and probably many Members, including colleagues on Home Affairs.

The update is that I have had an informal meeting with my Home Affairs colleague, Deputy Leadbeater, and the Committees are going to be joining together in a structured meeting to decide the best way forward that we are under resolution to deliver.

From memory, that is to start a data collection to ascertain the extent of the problem and with actual true data backed up by that, and we have also a sound meter that colleagues at Bailiwick Law Enforcement have which we will be using to inform that data collection trial.

The Bailiff: Deputy Matthews.

Deputy Matthews: Thank you, sir.

I was very pleased to hear that the President is keen to update our road network for cyclists and pedestrians, which we all know our roads are narrow and inadequate in places, especially around some schools. At a recent meeting of the ESC Committee, it was noted how many cyclists there are, how many students are taking a cycle to work, and one of the thoughts that occurred to me was how useful it would be for the east-west coast cycle path, first proposed in a report to E&I in 2019 to be developed and to really help improve cycling infrastructure and cycling and pedestrian infrastructure in general around the Island. Is the President, sir, keen to progress this project?

The Bailiff: Deputy Gabriel.

Deputy Gabriel: Thank you, Deputy Matthews.

Cycling is an important part of the Integrated Transport Strategy, and it is a choice which some people make because of the benefits it provides. Cycling in a structured manner where either it can be a contraflow against traffic, where of course we have the room, and as he quite ably explained, that our roads are configured in such a way, probably back from the 1850s some of them, that they are not able to be reconfigured.

The east-west coastal path is not something that has been discussed at this Committee because primarily its route takes through many private ownerships, and that is a bone of contention in negotiating with those owners to come through their land.

The Bailiff: Deputy Falla.

Deputy Falla: Thank you, sir.

There are headlines today about the removal of turkey oak trees from Le Friquet to allow development, and also environmentally sensitive land being cleared in advance of development applications. Are the rules around such things being relaxed in the President's view?

The Bailiff: Deputy Gabriel.

Deputy Gabriel: The Committee is responsible for the Strategic Land Use Plan and that informs the Island Development Plan. The Island Development Plan then informs colleagues at the Development & Planning Authority and they then impose tree protection orders. I, for one, would certainly like to see tree protection orders remain, and again the real importance of biodiversity net gain. So a measurement of a site before it is cleared for development and then an improvement on that site. I will vouch that this Committee will work with Development & Planning Authority to ensure that biodiversity net gain is recorded in a structured way.

The Bailiff: Deputy Leadbeater.

Deputy Leadbeater: Thank you, sir; I thank the President for his update.

During a recent Digital Steering Group meeting, Deputy Cameron mentioned that the Committee for E&I is seeking to access anonymised traffic data to enable more intelligent data-driven planning of road closures. Given the significant disruption currently being caused to Islanders by multiple simultaneous closures, could the President advise whether this work is underway and when we might expect to see a more co-ordinated and evidence-based approach implemented?

The Bailiff: Deputy Gabriel.

Deputy Gabriel: I thank Deputy Leadbeater for his question.

Roadworks are an unfortunate necessity for updating infrastructure. Most of our infrastructure, be that electric, water, gas, sewage, fibre, is under our roads and there is a concerted effort by utilities to upgrade them.

The transport planning and road work planning is an art, certainly, and I have first-hand experience of that as I used to complete that about 15 years ago for Traffic and Highway Services. The advancements in technology that certainly could help us with the benefits are quite easily explained and probably prevalent everywhere, although engaging a company like Google or similar, we would have to have the IT infrastructure to support it. At the moment I do not believe that we have that infrastructure and the head of IT has confirmed that he will be approaching Google to see if anonymised traffic data can be used in Guernsey when we have the IT infrastructure to support it.

The Bailiff: Deputy Inder.

Deputy Inder: The President made mention of the Electricity Strategy which we adopted in 2023, I believe. Within the strategy, the former States resolved PV targets of 5 mw by 2025 and 10 mw by 2028. We have missed those 2025 targets substantially. How will the Environment & Infrastructure Department remedy that position?

The Bailiff: Deputy Gabriel.

Deputy Gabriel: Thank you, Deputy Inder.

He is partially correct with the 5 mw and 10 mw, not necessarily from PV but from renewables. So that could be wind, could be anything else effectively, but primarily solar. Should it be Government's place to be absolutely doing that? Yes, we have been leading on it. Yes, we have been speaking with Guernsey Electricity, and it is down to investment at the end of the day, in my view.

In my speech, I said that we would use our resources proportionately and where most needed. I do not believe that using our government resources on PV subsidies or anything like that is appropriate.

The Bailiff: Deputy Collins.

Deputy Collins: Good morning, sir, thank you.

My question to the President: what improvements has Stagecoach made since taking over the bus contract in April?

The Bailiff: Deputy Gabriel.

Deputy Gabriel: Thank you, Deputy Collins.

As Members know, we engaged in a new contract with Stagecoach to operate our state-owned bus vehicles, and they are the provider. The old contract finished at the end of March. They have helped us provide school integrated services, they have helped identify where we need infrastructure updates such as shelters, and some of those shelters have been fitted with solar PV to light up at night.

They have also helped us in times of need when we have had a problem with vehicles, they have helped us lease in some vehicles and, more importantly, they have helped us with their wider network, access different suppliers for replacement vehicles, and also helped us tweak the network.

One of the bonuses was that passengers arriving at Guernsey's Harbour Terminal now do not have to walk down to the nearest bus stop. That the bus routes circulate around the Harbour Terminal, helping out the many tourists and locals that choose to travel by sea.

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

Building on a comment of Deputy Matthews, I too have noticed a very significant increase in bikes at schools, and I think in the Island generally one of the big game changers has been e-bikes. They have absolutely revolutionised a school run near me certainly.

I would like to understand the President's views that whether the Committee might be minded to explore whether the age limit for e-bikes might be varied, given that my understanding is the current age limit is a bit of an anachronism. It does vary in different jurisdictions; for example in Canada it is 12. I just wondered whether the Committee is minded to explore that issue.

The Bailiff: Deputy Gabriel.

Deputy Gabriel: Thank you, Deputy de Sausmarez.

I cannot speak for the Committee as a whole because we have not discussed it, but it is my personal view that revision of the e-bike age and a lowering to either 12 or maybe even entry level to secondary school would be sufficient.

But it has to be taken into context though, of course. The e-bikes are a different weight, they are can travel at 15.5 miles an hour. There certainly has to be some ability on there, and I am pleased to say that Traffic and Highway Services have now got a full complement of bike ability instructors which helps get students on the road.

It could be a change by statutory instrument I understand to the 2026 amendment to the 2002 Law, but I will take it back and discuss with my Committee.

Thank you.

The Bailiff: Deputy Oswald.

340 **Deputy Oswald:** Thank you, sir.

I accept Deputy Gabriel's commitment to the protection of the marine environment, but I would wish to know, does the Committee *for the Environment & Infrastructure*, in co-operation with the Sea Fisheries Committee, envisage commissioning an in-depth scientific survey into the significant decline in fishery returns?

345 I refer not just to the well-documented impact of the octopus bloom on crustacean catches, but also in the significant fall in wet fish catches. I paraphrase a local writer on matters piscatorial, quoted on social media saying:

People's livelihoods, recreational anglers' sport, and precious marine ecology may have been, or is at risk of being irreparably destroyed.

350 Thank you, sir.

The Bailiff: Deputy Gabriel.

Deputy Gabriel: Certainly sea fisheries is part of the mandate – a very small part of the mandate
355 – but nonetheless very important. Deputy Oswald would have heard me mention that the Marine Spatial Plan, which sets out what activities could or could not happen in our 12-mile limits, and I made specific reference to an offshore wind farm there. But again, it is very important that breeding grounds are protected. Also I mentioned the Marine Biosecurity Plan; two very different things, although they have both got 'marine' in the title and both have got 'plan' at the end. Biosecurity,
360 that is a means to protect our waters, especially from craft who are coming in from outside who might have invasive non-density species on their hulls, and that plan is taking shape as well.

The Bailiff: Deputy Sloan.

365 **Deputy Sloan:** Sir, thank you.

May, I through you, sir, commend the Committee President on his statement which has some very laudable strategic objectives, and my apologies my question is a bit more mundane. Will the President of the Committee *for the Environment & Infrastructure* explain if the Committee supports the States Works discontinuing using glyphosate for weed control on our highways, even though
370 I believe it is not actually bound for commercial use, before having workable alternatives in place leading to widespread weed growth, general unsightliness of the public sphere, and the risk of higher maintenance costs in future?

The Bailiff: Deputy Gabriel.

375

Deputy Gabriel: Thank you, Deputy Sloan.

Glyphosate is a scourge and colleagues at STSP who are responsible for Guernsey Water will confirm that, and that the spend I understand getting rid of it out of our water system is significant. I and my Committee do back the voluntary ban by States Works Department of not putting
380 glyphosate everywhere because of course nearly everywhere is our water catchment area and we do not necessarily want to add to Guernsey Water's bill for cleaning that, filtering that out of our systems.

The Bailiff: Deputy Humphreys.

385

Deputy Humphreys: Sir, we have heard this week from the Royal Golden Guernsey Goat Symposium that the future of the Guernsey resident herd of the Royal Golden Guernsey Goat is at risk through in-breeding. Is there anything the Committee can, will or is considering to allow the import of semen or billy goats to address this issue before we can no longer ethically breed our local animals?

The Bailiff: Deputy Gabriel.

Deputy Gabriel: Thank you, Deputy Humphreys.

I too was at the Royal Guernsey Goat Symposium hosted ably at Government House by our Governor here. I was very impressed with the presentations I heard from colleagues in America and also from the UK.

Part of the import issues, my understanding, is around the SPS – sanitary and phytosanitary – arrangements and our arrangements there. But I am committed to ensuring that the breed survives, especially in Guernsey. We heard that it is quite prevalent in the UK with British Guernseys and also Royal Guernseys as well. But I am committed to working with the society here in a proportionate manner about how we can support the breed.

The Bailiff: Alderney Representative Hill.

Alderney Representative Hill: Thank you, sir.

Given the recent incredible rise of tuna, particularly in Alderney waters, can you give me an update on where we are with potentially issuing licences to catch tuna? Because at the moment, according to some, it is seriously depleting our normal fish stocks?

The Bailiff: Deputy Gabriel?

Deputy Gabriel: The answer, sir, is no, I cannot, because Economic Development Committee are responsible for issuing licences under ICCAT, the International Commission for the Conservation of Atlantic Tunas, I think is the acronym. Although, if they were to issue with them, I would like to see them on a catch-and-release basis, but I cannot say yes or no to what is happening with that, I am afraid.

The Bailiff: Deputy Gollop.

Deputy Gollop: Will the new Committee ensure that previous resolutions are implemented as quickly as possible because, for example, two instances that have not been resolved include the use of UK registration plates on vehicles and the use of minibuses with non-professional PSV driving licences to aid charity, something I know Deputy Gabriel put a lot of work into.

So my question is: will those policies be implemented in terms of legislation and activity as soon as possible?

The Bailiff: Deputy Gabriel.

Deputy Gabriel: The first part, Deputy Gollop, is very easy to implement. It is around enforcement. There is legislation already in place to prevent UK vehicles circulating in Guernsey on a permanent basis and my understanding is that there is a two-week grace period. But UK or if anyone imports a vehicle and it is on UK plates – it particularly frustrates me that you see local branded vehicles on UK plates. That is down to our colleagues at Bailiwick Law Enforcement.

The second part is that, yes, I have been chasing up my contact at Traffic and Highways, a very able officer, who is in turn pushing with Law Officers about drafting the legislation for D1 licences for not-for-hire or reward.

The Bailiff: Deputy Montague.

Deputy Montague: Thank you, sir; and can I thank Deputy Gabriel for his update statement?

There have been some very successful traffic changes around some of our schools. Can I ask the President what more is being done to ensure we have good road safety around our schools, with a particular focus on Hautes Cappelles?

The Bailiff: Deputy Gabriel.

Deputy Gabriel: Thank you, Deputy Montague.

A question I probably had expected, certainly from him. Road safety, as I mentioned in my update, is a priority for this Committee, especially around schools and where we have got vulnerable people traveling. That is all breadths of the community, not just schools. Of course, off the top of my head – 26 schools – I cannot recall.

We have implemented School Streets in other places, but again, we will prioritise areas based on data collection and that is one of the first steps.

The Bailiff: Deputy Camp.

Deputy Camp: Thank you.

At a time when financial constraint ought to be a top priority, how will the Committee ensure noble aims are not confused with necessity? For instance, net zero is a moving feast yet we appear unchanged on a programme that may see us bust a gut where other jurisdictions are facing facts that these goals are neither realistic nor universally supported.

How will you manage priorities to ensure that there is a balance between noble aims and proportionality and that we are doing so not at the expense of the people of Guernsey?

The Bailiff: Deputy Gabriel.

Deputy Gabriel: A noble question, Deputy Camp.

The Pathway to Net Zero Policy Letter had seven-year break clauses in it with some monitoring phases in there, and for me, it is around monitoring and ongoing analysis of what we are doing, which is why we did not commit to the target, but had put in seven-year breaks.

The Bailiff: I think everyone is having such a good time that we will continue questions to the President. (Laughter)

Deputy Laine.

Deputy Laine: In a similar vein, with regard to net zero, does the President agree with me that it is disingenuous of the States to both expect the commercial sector and citizens to act more sustainably in itself as the largest employer on the Island, the largest landholder, the largest landlord, without the States themselves both setting an example for citizens of businesses to follow, but also I think crucially and in line with Deputy Camp's question, to demonstrate that it can be done cost-effectively? Only then can we expect take-up.

Does he agree, and what is his Department going to do to ensure that the States of Guernsey walks the walk?

The Bailiff: Deputy Gabriel.

Deputy Gabriel: Thank you, Deputy Laine.

Again, a very noble question. I do agree that we should be walking the walk, and that measures should be proportionate and realistic. Sometimes those two are not necessarily in balance with the aims.

I will be working with States' Chief Executive and also colleagues at DPA and Building Control to ensure that any measures are achievable and realistic.

The Bailiff: Deputy Leadbeater.

Deputy Leadbeater: Thank you, sir.

It is off the back of the question from Deputy Gollop earlier on when he mentioned the issue of first registration duty. I would just like the President to confirm that when the two Committees of Home Affairs and Environment & Infrastructure meet, one of the agenda items will be looking at an initiative to combat the issue of non-compliance with first registration duty, and we are considering an amnesty period, and then after that a programme of enforcement to clamp down on the issue.

The Bailiff: Deputy Gabriel.

Deputy Gabriel: I thank Deputy Leadbeater for reminding me of the intricacies of that meeting that we are going to have and the agenda items but, yes, that will be on the agenda because again it is a bugbear of mine, and I am sure many others who legitimately register their vehicle and pay the duty while others do not.

The Bailiff: Deputy Vermeulen.

Deputy Vermeulen: Thank you.

The UK has seen an increase in electric vehicles just recently, largely fuelled by the grant given to purchases of electric vehicles. In Guernsey there is no such grant and electricity has increased 8%. What is being done to encourage people to purchase these new electric vehicles?

The Bailiff: Deputy Gabriel.

Deputy Gabriel: Thank you, Deputy Vermeulen.

There is no direct grant, although if he glances at this year's Budget Report he will see that first registration duty for electric vehicles is significantly lower, based at £50-odd for an EV, no matter its size or weight in a private vehicle class compared to other larger sums for private vehicles that use other fuels, petrol or diesel.

The Bailiff: Deputy Gollop.

Deputy Gollop: We have already had a couple of fishy questions about tuna from Dr Oswald, but I would like to say that there was another recent report suggesting that bass and cod are diminishing in Guernsey waters and that has an effect on the role fishermen and fish have in the economy. Would the Committee be seeking a fairly urgent meeting with Economic Development to look at how fishing can move forward on the Island and whether we need more marine protection measures but at the same time a package of support perhaps to the fishing community.

The Bailiff: Deputy Gabriel.

Deputy Gabriel: Well, sir, unlike Deputy Gollop, I cannot make the fish swim to Guernsey within our 12-mile limit but the Marine Biosecurity Plan will hopefully ensure that we try and limit invasive non-native species. Again, as I said earlier, the Marine Spatial Plan will also assist with that because it will identify breeding grounds and offer protection there with either no dredging, no fishing, and

that has been done and will be done in conjunction with fishermen and experienced members of the public, stakeholders, who know the area well.

The Bailiff: Deputy St Pier.

Deputy St Pier: I will join in the fun, sir.

Over the years, over the last decade or so, there have been multiple reports prepared in relation to fuel importation, alternative strategies, and in developing the final and bringing the final solution to the States to fruition. Can the President provide reassurance that that work has been banked and will be used without the engagement of yet further very expensive consultants and all the time and cost that that would involve and that that previous work is very much the basis of the likely outcomes?

The Bailiff: Deputy Gabriel.

Deputy Gabriel: Thank you, Deputy St Pier.

You might have mentioned a few words springing out of my or a repetition of words springing out of my Update Statement about proportion, and I do believe that, yes, we have got expertise on the Island. We should be using on Island expertise. That, yes, as he said, banking that information. The information that we have got to sense check the way forward for a very important piece of the jigsaw of the east coast development is the fuel importation and what happens up in St Sampson's and again how that can more importantly lead to release of land for development.

The Bailiff: Deputy Inder.

Deputy Inder: Thank you, sir.

I am just going back to the solar PV resolution of 2023 and I will read it:

Agree to set the following solar PV targets for Guernsey, namely that 5 mw of capacity be installed and operated by 2025 and 10 mw by 2028.

All entirely missed. The President, and I understand that, cannot really make people install solar PV. But by policy, he could consider whether it was mandatory for all new builds to install some form of solar PV on their roofs. I wonder if not now, he may at least give that some consideration in the future, working with potentially the DPA and Economic Development to generate a new era of our economy.

The Bailiff: Deputy Gabriel.

Deputy Gabriel: Thank you, Deputy Inder; and I do stand corrected.

Thank you for correcting me by reading out verbatim that it is solar rather than renewable, so my apologies to you. I stand corrected.

That is indeed a potential, it has potential, but again it has to be worked into Guernsey's special landscape and what planners can and cannot allow. I do not think a blanket policy on any new builds is necessarily right but perhaps something by exception it could work.

Thank you.

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

I wonder whether the President would agree with me that actually the single most important factor in hitting those solar or local renewable targets is actually the work that ED is leading around

the tariff restructure and the merit order. Actually it was a bit frustrating that that did not move a bit faster last time, but I do believe that that work is now picking up pace, so I wonder if he could provide some reassurance that actually E&I will play its part alongside Economic Development to make sure that work does progress that pace.

595

The Bailiff: Deputy Gabriel.

Deputy Gabriel: Thank you again for Deputy de Sausmarez for reminding me.

600 I have not had a chance to have a formal structured meeting with colleagues at Economic Development but yes ,we will support that.

Questions for Oral Answer

STATES' ASSEMBLY & CONSTITUTION COMMITTEE

Rule 11 question – Repeat clarification of response

The Bailiff: Deputy Gabriel will be relieved that nobody else is standing to ask any questions and we will move into Question Time proper.

605 The first question is to be posed by Deputy Sloan to the President of the States' Assembly & Constitution Committee. Your question please, Deputy Sloan.

Deputy Sloan: Sir, thank you.

610 For the public record, I ask the President of the States' Assembly & Constitution Committee to repeat the clarification of her response to my Rule 11 question at the last States' meeting in respect to reports submitted by the Commissioner for Standards that she subsequently provided to States' Members via email dated 29th September.

The Bailiff: Deputy Hansmann Rouxel, to reply please.

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Deputy Hansmann Rouxel: I am pleased to be able to clarify the response which I gave to Deputy Sloan's Rule 11 question at the previous States' meeting as follows.

620 The Committee has received a report. The report is authored by the Appeals Commissioner and includes as an appendix the Commissioner for Standards' original report. During question time, I was asked who the report was from. I replied that it was from the Commissioner for Standards, because at the time I thought the Appeals Commissioner's report had been appended to the Commissioners. In fact, it was the other way around.

625 I apologise if this caused confusion or misled any Member. This is why I referred to a report, because it is one composite document, whereas some Members quite understandably thought this meant there were two reports.

Although details may sometimes find their way into the public domain, we are still bound by the confidentiality rules until publication. That is why the exchange in the Assembly felt awkward. Not because anyone is trying to avoid openness, but because we have all to adhere to the proper process.

630 I am pleased to confirm that the Policy Letter on the matter will be published imminently. I trust this has cleared up any confusion.

The Bailiff: Supplementary, Deputy Vermeulen.

635 **Deputy Vermeulen:** I thank Deputy Hansmann Rouxel for the update.
But could she confirm that all members of her Committee have actually seen the complaint?

The Bailiff: Deputy Hansmann Rouxel.

640 **Deputy Hansmann Rouxel:** The Committee has considered it and two of the members have
recused themselves, so therefore the answer would be three of the Committee members have seen
the report.

ENVIRONMENT & INFRASTRUCTURE COMMITTEE

Electric vehicles – Number currently registered and second hand in Guernsey

The Bailiff: The second question is to be asked by Deputy Ozanne to the President of the
Environment & Infrastructure Committee.
645 Deputy Ozanne, your question, please.

Deputy Ozanne: Thank you, sir.
Of the vehicles currently registered and in circulation in Guernsey, how many are electric vehicles,
and what proportion of these are second-hand?
650

The Bailiff: Deputy Gabriel, the President, to reply, please.

Deputy Gabriel: Thank you, sir.
There are currently 63,350 private vehicles registered in Guernsey. The number of vehicles in
655 circulation, though, is estimated to be closer to 47,000 to 48,000, but this is an indicative figure as
driver and vehicle licensing is not always notified if a vehicle is deregistered, for example, disposed
of or stripped for parts.

There are currently 2,844 fully electric private vehicles registered in Guernsey; 1,954 are cars, with
1,022 being new and 932 being used; 242 motorcycles, with 213 being new and 29 being used; 648
660 light vans, and of this, 92 are new and 556 are used.

The Bailiff: Supplementary, Deputy Ozanne.

Deputy Ozanne: Thank you, sir; I am very grateful to the President for his detailed response.
665 Given the number of vehicles has grown from only 758 in 2020 and has risen by a third in the
last year from the figures he has just given me, and given the cost of electric vehicles, which
according to GreenMatch average around £40,000 for a new electric car, does the Committee
foresee a continued increase in the number of electric vehicles, both new and second-hand, on our
roads?
670

The Bailiff: Deputy Gabriel.

Deputy Gabriel: I would say, yes. The increase in 2024 was 15% of vehicles registered were
electric. Year to date, I understand it is in the region of 10% to 11%. Of course, the used market will
675 come into play even more, negating the £40,000 GreenMatch spend.

The Bailiff: Second supplementary, Deputy Ozanne.

Deputy Ozanne: Thank you, sir; I am grateful to the President for his answer.

680 I wonder, has the Committee considered at what point this increasing number of electric vehicles should start to contribute to the use on our roads, given that there are an increasing number of them who do not pay tax?

The Bailiff: Deputy Gabriel.

685

Deputy Gabriel: Thank you, Deputy Ozanne.

We are working under resolution from maybe even 2024 to work with Policy & Resources to redesign the Taxation Strategy for vehicles, and we are under resolution to do that. My Committee will be working with Policy & Resources.

690

The Bailiff: Supplementary, Deputy Gollop.

Deputy Gollop: Recent data from the UK suggests that in 2023 there were 314,000 electric cars sold, which was a big growth. By 2024, they have a 19% market share of all new cars, and that has risen to 22% in the UK. Would the President not agree that we are in danger of falling behind the UK and that we may need stronger infrastructure, such as more plugs to plug in electric cars at spaces, because usually Guernsey's ahead of the curve, but we are not there yet.

695

The Bailiff: Deputy Gabriel.

700

Deputy Gabriel: Agreed, Deputy Gollop. We are not there yet, although our percentage uptake has mirrored the UK with the peaks that they have seen, although we are slightly behind, I must admit. One of the workstreams at Traffic and Highways is to investigate public charging points because some people do want to take advantage of the efficiencies of electric vehicle driving, but do not have off-street parking. But, again, Government does not provide fuel stations.

705

There is a place, certainly, for public charging. But where and how that is, is yet to be determined. We have a few public available charging points already at key car parks, such as Salerie and at the Bridge.

710

The Bailiff: Deputy Matthews, you are trying a supplementary, are you?

Deputy Matthews: I will try one, sir.

Does the President agree with me that while it is great to see electric vehicle use, one of the real benefits to the Island can come from vehicles such as electric bikes, because there is a reduction in the amount of congestion that these vehicles would create?

715

The Bailiff: It does not arise out of the answer given to the original question, so I will disallow that. No one else, right.

That concludes question time.

720

Greffier.

Billet d'État XXV

ELECTIONS AND APPOINTMENTS

DEVELOPMENT & PLANNING AUTHORITY

1. Election of the President of the Development & Planning Authority – Election commenced

Article 1.

The States are asked:

To elect a sitting Member of the States as President of the Development & Planning Authority to complete the unexpired term of office, that is to 30th June 2029, of Deputy Yvonne Burford who has been deemed to resign from that office, in accordance with Rule 16 of The Rules of Procedure of the States of Deliberation and their Committees.

725 **The States' Greffier:** Article 1, Election of the President of the Development & Planning Authority.

The Bailiff: Are there any nominations?

730 **Deputy Burford:** I would like to nominate Deputy Jayne Ozanne.

Deputy Laine: Sir, I am seconding that nomination.

735 **The Bailiff:** Are there any other nominations?
Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: I would like to propose Deputy Inder.

740 **Deputy Curgenvven:** Seconded, sir.

The Bailiff: Is there anyone else seeking election to the Presidency of the Development & Planning Authority? Okay. Well, as you will remember from the election meetings at the start of July, what happens next is that I will invite each of the proposers of the two candidates, that is Deputy Ozanne and Deputy Inder, to speak for not more than five minutes and then each candidate
745 to speak for not more than 10 minutes, following which there will be a period of questions that you can put questions to the two candidates where they will alternate answering first, and that will last for up to 30 minutes.

 The first thing I will do is invite Deputy Burford to speak to the candidature of Deputy Ozanne.
Deputy Burford, please.
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Deputy Burford: Thank you, sir.
I am delighted to propose Deputy Jayne Ozanne for the position of President of the DPA. Although she is a new member, Deputy Ozanne has the skills and qualifications to discharge this important role. The DPA is different to other Committees of the States in that it acts in a quasi-judicial role in its determination of planning applications.
755

Deputy Ozanne is currently studying to be a barrister, having successfully completed her graduate diploma in law and fully appreciates the need to make impartial decisions on applications

that reflect the policies and legislation that has been approved by various States' Assemblies. Such determination by the political authority takes place in a public forum in the form of open planning meetings. These are, by nature, highly visible and the President needs to be someone who can confidently lead and chair such meetings, fairly applying the law and policy, without fear or favour.

Given Deputy Ozanne's wide experience prior to joining this Assembly, I have every confidence that this is a task she will perform with skill and professionalism. Members will know that this opportunity has come at a sad time in Deputy Ozanne's personal life and, as such, I am aware that she has not had the opportunity to do the level of research and reading that would normally be her style ahead of standing before you today. However, she most certainly has the aptitude and ability to get up to speed quickly, and I can attest that the induction process provided by officers is second to none.

I know she has met with the Director of Planning to discuss the role at length, and I have had several extended phone calls with her, endeavouring to answer her many questions.

During the election, Deputy Ozanne met with Island developers and builders to understand more of their concerns regarding the planning process. She was also one of the few who attended open meetings with the former DPA and the parishes as part of the IDP-focused review consultation, as well as engaging with the event that was hosted with the DPA at Beau Séjour. In short, she has consistently shown herself to be willing to engage, listen and learn, which I know will stand her in good stead as President of the DPA.

In the short time I have come to know Deputy Ozanne, I can see that she is a woman of principle who is committed to ensuring that all are treated fairly. I know she is someone who will challenge, where necessary, the status quo and she is not afraid to tackle difficult and complex subjects. Her extensive experience in the wider political sphere before becoming a Deputy will be an asset.

I urge you to consider her as a credible and principled individual who, I believe, will discharge the role well.

Thank you.

The Bailiff: Thank you very much.

Now, I will invite Deputy Ozanne herself to speak to her candidature.

Deputy Ozanne please.

Deputy Ozanne: Firstly, I would like to thank the former President of the DPA for proposing me with a very generous speech, as well as thanking the current Vice-President for seconding me.

I must admit, it is a great privilege to stand for the Presidency of the Development & Planning Authority, a Committee whose work touches every life on our Island.

If there is one thing I have learnt while listening to Islanders over the past few months, it is that almost everyone has a story to do with planning. Indeed, our family is no exception. As I prepare for my mother's funeral tomorrow, I cannot help but reflect on what my late father would have had to say about me standing in this election. For he, like many Islanders before and after him, had a somewhat love-hate relationship with the Island's planning process. If I am honest, what upset him most of all, years ago, well before the DPA was founded, was what he perceived to be unfair decisions where he saw what he considered to be preferential treatment given to some Islanders over others. I am sure that this had more to do with poor communication than with conspiracy. However, should I become President, I pledge to ensure that all decisions are subjected to the same high standards of fairness, proportionality, objectivity and transparency.

You see, like matters to do with other areas of Island life, such as traffic, our planning decisions can end up impacting all Islanders directly and indirectly. My goal, therefore, will be to try and improve the public perception, understanding and trust of the DPA. This will rely on clear and timely communication of the Committee's evidence-based decisions.

But it does not end there. At a high level, the DPA's mandate is to balance the needs and wants of infrastructure, housing, offices, industrial spaces, green spaces, biodiversity and more, all within

a small and increasingly populous Island. The job of the DPA is to perform that difficult balancing act, ensuring that Guernsey remains a vibrant, sustainable and beautiful place to live and work.

It is clear that not everyone will agree with every decision we have to make, but my hope is that by clearly articulating the objective rationale for our decisions, particularly if they are contentious, that we will earn people's trust and help re-establish a sense of togetherness moving forward.

As most will know, the key workstream right now is for a focused review of the IDP, which should have taken place in 2021 at the fifth anniversary of the IDP, but which was delayed due to the pandemic. I understand that we are over halfway through the interim review, with housing – principally affordable housing – and employment land supply being at its heart.

The zero-rating of GP11 in the last term means that designating viable sites for affordable housing is now a top priority, as these homes were not and will not be delivered under the previous policy.

Another workstream relates to the Assembly's approval at the end of last term of a Policy Letter to streamline and simplify the process for amending the IDP. I understand that the preparation of legislation is now well underway and it will be followed by statutory guidance enabling relaxations to plan amendment processes.

Taken together, a focused review and the new ability to make standalone changes mean that the 10-year comprehensive review due next year would ideally be deferred. This is because, as Members may know, the IDP is rooted in the SLUP, which itself is due for review in 2031. That is 20 years after its adoption in 2011.

The SLUP sits under the Committee *for the Environment & Infrastructure*, and from what I understand, preliminary discussions have taken place with E&I to ask them to consider reviewing it a few years earlier so that the work can then be fed into the deferred 10-year review of the IDP. I believe that this altered sequencing will be a much more efficient use of resources and result in a more up-to-date Development Plan to guide the Island forward.

Much has been done in the last term to simplify the planning process by creating further exemptions, and I am committed to continuing that, making the system more accessible and less bureaucratic for Islanders and businesses alike. If elected as President, I will seek to build a DPA that is responsive, innovative and forward-looking.

Housing is a stated core priority for us as a States, and to help address the housing crisis as President I would work closely with the new Housing Committee regarding delivery measures where these have land use implications. I am both glad and grateful that we are fortunate to have the President of Housing sitting as a Member of the DPA, with whom I look forward to working closely.

Other measures that I believe will assist in housing delivery include (1) greater working with consultees as part of a development team approach to help achieve swifter turnarounds, and (2) front-loading of processes and solutions, for example in relation to traffic, which is so often perceived as a stumbling block to development and which can help to accelerate delivery.

Modern methods of construction also have the potential for quicker delivery. Fortunately, these are already being considered through planning and building control regulations. What is clear is that as techniques change, we too need to adapt. That is why I understand that the Committee has already worked on simplifying the Development Framework process so they will only be required where they can add the most value.

My predecessor pledged to raise the profile of open planning meetings and, if elected, I would want to continue that objective. Open planning meetings are a vital part of the openness and transparency that we seek. That said, if a decision to go to an open planning meeting is made early in the process, it should not, in my view, create an appreciable delay.

There is immense scope this term to embrace IT improvements, particularly with AI, to enhance our work. The Committee is fortunate to have the skills of Deputy Laine, as such improvements can achieve some of the efficiencies that have long been discussed but have proved difficult to implement. Some work is already underway with regards to handling of inquiries by AI, but I believe there is much more that we can do here.

860 Over the last two terms, since the change of the Machinery of Government, the DPA has not sought to have non-States' Members on the Committee. However, I would be keen, if elected, to re-evaluate this with my Committee Members and see where we might have any gaps with a view to appointing some Islanders with the requisite expertise.

865 I recognise that land use policy is interconnected with housing, transport, environment, economic development and our Island's prosperity. So, if elected, it would be my intention to work collaboratively with other Committees to understand their perspectives while retaining the necessary independence of a statutory authority.

Those who know me know that I am open to challenge and am keen to embrace new ideas, while also being willing to adapt when necessary. Perhaps most importantly, I am not afraid of ensuring that we, as an authority, make clear and timely decisions; decisions which I recognise will shape our Island for decades to come.

I believe we need a DPA that is not only efficient and fair, but also ambitious and imaginative; one that can assist in the delivery of homes, jobs and prosperity, while protecting the environment and heritage that makes Guernsey so unique.

875 I passionately believe in building communities, not just houses, that recognise the need for social cohesion. This is something that I have been involved in previously in a former community in Littlemore in Oxford. Ultimately, planning and building regulation should always be seen as tools that serve our communities, not weapons to oppress or constrict them.

I believe that the key will always be good communication. where I can actively engage and listen with stakeholders and learn.

880 I recognise there is much to learn and, as Deputy Burford has alluded to, I am saddened that I have not had as much time as I would have liked to prepare for this process, but I pledge that I will give as much time as required to meet with all stakeholders and staff to learn and take on board what has gone before.

885 I therefore would ask your support in my bid to lead the Development & Planning Authority at this time.

Thank you.

The Bailiff: Thank you.

890 Next, I will invite Deputy Kazantseva-Miller to speak to the candidature of Deputy Inder. Deputy Kazantseva-Miller, please.

Deputy Kazantseva-Miller: Thank you, sir, and Assembly.

895 I am very pleased to propose Deputy Inder to this very important position and very important Committee.

I speak in my speech both as someone who has served on the DPA for the entirety of the last political term and as someone who has worked very closely with Deputy Inder as well for the entirety of the last political term. I know first-hand what it entails to be on the DPA and the kind of projects and the skills we require to really push such a significant and important mandate forward.

900 As mentioned by other speakers, the DPA is an absolutely crucial Committee to enable the States to address some of the key strategic objectives we have got. They are housing, infrastructure, and the unlocking of investment across our Island. Equally important is biodiversity protections; protecting what makes Guernsey a unique place to be.

905 Some of the key projects that have been ongoing now for several years are the completion of the IDP review and the completion of the streamlining process that the previous DPA initiated, but also the ongoing improvement to the planning process itself so it does not continue being the burden that unfortunately it continues to be perceived as.

910 The work undertaken by the previous E&I and the Housing Committee, looking to unlock some of the housing sites, unfortunately continues to point to the fact that planning remains a barrier because a lot of the planning applications get stuck in the system for months and months. That is

literally hundreds of thousands of pounds of money stuck in the planning system. So, there is clearly work to be done.

915 In order to progress this work, we do need experienced politicians who have the skills to take this forward. Deputy Inder was the President of the Committee *for* Economic Development in the last political term, and that has given him the advantage of being exposed to quite a lot of planning applications that came to the Committee *for* Economic Development for consultation.

920 That Committee is probably one of the key consultees in the planning application process and, through his experience on Economic Development, Deputy Inder was really exposed to the nuances and the application of policy that are required in providing that balanced view, and making sure that the economic side of arguments does not get forgotten as well.

Deputy Inder was part of the review process of the IDP in 2016. That was a very difficult debate with, I understand, 40 amendments. He was part of the debates we had on GP11 in the last political term. He has a very good understanding of how the planning policies interplay with SLUP and how that interplays with how the Machinery of Government and politics work.

925 He has also personally tried to drive quite a few little projects, including unlocking the barriers that tree surgeon businesses were experiencing in the last political term in being able to access spaces to conduct their business. It was off the back of his initiative that the DPA responded to streamlining that process.

930 I appreciate that Deputy Inder may have a bit of a Marmite personality, and I have had a number of disagreements with him personally, but I know the skills and the expertise he has got and the leadership that he was able to show in actually driving some of those key projects and decisions for the last States.

935 One of them was the ferry contract, and it is absolutely thanks to the decisive leadership of Deputy Inder that we find ourselves in the position ... we are really enjoying the fruits of the partnership with Brittany Ferries.

That was not the only decisive example of leadership that he showed, because he showed exactly the same leadership on the SACC in the previous political term when he helped deliver, with his Committee, the first Island-wide election, despite all odds and in record time.

940 We have already seen that he has been an active backbencher, and we know that not employing backbenchers proactively in the States may not serve us well.

I do feel it is absolutely essential, given how long the IDP process has already been running – it has been going on for about three plus years – that we need someone who can really bring those projects across the line, who can hit the ground running, and who could do that, driving DPA with what I would call pragmatic initiative –

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The Bailiff: Deputy Kazantseva-Miller, I am afraid your five minutes have expired. Deputy Inder to speak to his candidature.

950 **Deputy Inder:** Thank you, sir, and, I think, thank you, Deputy Kazantseva-Miller, and Deputy Curgenvin for the seconding.

Colleagues, Members of the States, we meet at a moment when planning and development have never been more central to Guernsey's future. Our Island faces a crucial challenge: how we build for the future without losing the character of the Island we love.

955 That balance between progress and preservation, between housing need and environmental duty lies at the very heart of the DPA.

Why this role matters is that the DPA is not simply a technical committee; it is one of the most influential decision-making bodies in our Government. Its work determines where we live, how our parishes grow, how our countryside is protected. It oversees planning applications, building control, IDP – the document that literally shapes Guernsey's landscape.

960 DPA's decisions decide where homes can be built, where green fields remain green, and how our heritage and environment are safeguarded. Its work defines the Island we will leave for the next generation, if not generations.

The Authority needs leadership that is decisive but fair, pragmatic but principled. It needs someone who can balance economic growth with our duty to protect Guernsey's environment and identity. It needs a President who will champion efficiency and reform, while keeping environmental stewardship at the core of every decision.

Love me or loathe me, I bring experience and energy. As the former President of Economic Development, I have managed portfolios directly linked to planning, from tourism and infrastructure to connectivity and investment. I have delivered results, built cross-Committee partnerships, and led with purpose under pressure.

Those who know me understand that I will act really without fear or favour. That same clarity and commitment are exactly what the GPA needs now.

I understand the planning system must be efficient, but never at the cost of the environment. The GPA can be both faster and fairer, and it does need some speed. Simplifying minor applications, building on the work done by the previous Committee, I think we need to look at that again. Reducing bureaucracy for the smaller sites; some work done in the previous House, but we need to improve on that. Using the digital tools for transparency, and the review of the IDP on a rolling basis, not once every few years.

But reforms must follow a clear principle. Our green fields, our vineries are not expendable. A field lost to housing is lost forever, whether it is in St Sampson's, the Vale, or the south of the Island; all fields mattering to Guernsey's landscape and identity.

I support a clear hierarchy of land use, protecting agricultural and scenic land from unnecessary encroachment, guarding the rural character of Guernsey, and promoting sustainable design that works with our landscape, not against it.

Environmental responsibility must be a pillar of planning, not an afterthought. I do support the DPA's duty to safeguard biodiversity, protect sites of special significance, and uphold the Strategy for Nature as planning guidance. Our green fields, our hedgerows, our coastlines are not just scenery; they are part of what this Island is. Planning decisions must ensure that growth never undermines those values.

If elected, I would take a proactive environmental stance by protecting those sites or at least ensuring that there is no threat to them, requiring new developments to include trees, planting and net gain, ensuring every decision reflects our duty to pass on a cleaner, greener Island for future generations.

I will ensure that planning policy supports our wider goals: affordable housing, urban regeneration, protecting of rural and coastal zones, strengthening collaboration with the other main committees; Committee *for the Environment & Infrastructure*, STSB, Economic Development and, of course, Housing.

The one thing that we all spoke about through the election: the DPA needs to help housing. We need to get stuff out of the ground as quickly as possible. The DPA should be there to assist, not to hinder.

An integrated approach is how we achieve a sustainable, co-ordinated development that serves both people and the planet.

I am sure I am about to run out of time.

Leadership in planning is not about popularity; it is about principle. It means saying 'no' when the easy answer is 'yes' and resisting short-term pressure in favour of long-term benefits. I have shown that I can stand firm. My time working with Jersey demonstrates that I am prepared to do the right thing by this Island without fear, and I will repeat again, or favour.

My vision is one of balance, sustainability and modernisation.

Colleagues, the future of Guernsey's landscape, its economy and its environment will be shaped by the DPA. We do not have long. We are four months into a four-year term. You watch time run out; you really watch time run out within the next 18 months.

Planning is not about paperwork; it is about people, places and the future we choose to build. So, choose balance. Let us choose transparency and let us choose a President who will protect what is precious while enabling what is possible and what is possible quickly.

1015 Thank you.

The Bailiff: Members of the States, there is now an opportunity to ask the two candidates who will answer alternately questions that relate to any areas of policy included in the mandate of the Development & Planning Authority.

1020 I remind Members that in the first instance they may ask only one question, however, if time permits and everyone who wants to ask a question has asked a question, there may be an opportunity for further questions.

The question must last no longer than 30 seconds and the candidate replying must reply within a minute.

1025 Deputy Vermeulen.

Deputy Vermeulen: Thank you, sir.

In your opinion, candidates, who is responsible for the shortage of housing for young local families on Island, please?

1030

The Bailiff: Deputy Ozanne.

1035 **Deputy Ozanne:** We are. But it is a complex problem, is it not? It is one which I think, if there was an easy answer, we would have fixed ages ago. I think you specifically asked about younger families. That has, I think, various levels of complexity, one of which is the ability to actually afford the finance in the first place – so we need financial vehicles; having houses that are suitable for them at their stages of life – that requires building and developers who are sensitive to those needs; but ultimately, to have the political will and processes that are timely and fit for purpose.

1040 That is why we are going through, I believe, the streamlining processes and the full review of the IDP to make sure that we have got viable land that can be developed. Because if I am truly honest, I think one of the shortfalls over the last four years has been ensuring we have got viable sites that can be developed at speed.

We have to ensure that they are financially viable to developers, otherwise they will never happen. That has been, in my humble opinion, the –

1045

The Bailiff: Minute is up, I am afraid, Deputy Ozanne.
Deputy Inder, please.

1050 **Deputy Inder:** It is probably not who Deputy Vermeulen thinks I would put the finger on; it is basically the land banking of which the States of Guernsey is now one of the biggest. We spent over £20 million buying most of the north of Guernsey.

It is the price of land, the value of land, the cost of money and the desire for people, privately, to maximise the amount of profit they can make out of their sites and, to a degree, I suppose, for the latter, rightly so.

1055 That is why I supported the Housing Committee. I think the only way we are going to build affordability in real terms is supporting the Housing Committee's plans with the use of the land that has been bought over the last couple of years and allowing them to start getting sites out of the ground as quickly as possible.

Thank you.

1060

The Bailiff: Thank you.
Deputy Leadbeater.

Deputy Leadbeater: Thank you, sir.

1065 When the five-year zero-rating period comes to an end on GP11, what do the candidates propose that they will do? Reinstate the previous policy, continue with a zero-rating, or seek to

introduce something akin to section 106 that you see in the UK where developers make a negotiated contribution?

1070 **The Bailiff:** Deputy Inder.

Deputy Inder: Deputy Leadbeater may remember that when I voted for the removal of GP11, what I said is, 'I am only voting for this purely because I want to call the developers' bluff.' That is what I wanted to do.

1075 Right now, when that does come to an end, ultimately it will be a decision by the Committee and review whether there has been success.

In truth, I do not particularly believe in what euphemistically used to be called 'pepper potting' in that mixed development with social housing and private housing, so I am unlikely personally right now to re-implement that as it was previously.

1080 But the challenge is still there. We were told by the private sector that that was the biggest barrier to building, and I am happy to stand corrected, but I have not seen a lot of activity in that area since we dropped it.

The Bailiff: Deputy Inder, you minute is up.

1085 Deputy Ozanne, please.

Deputy Ozanne: Interestingly, I was asking developers that very question earlier this morning, and I understand that the Guernsey Construction Forum had suggested that a contribution fee would have been an appropriate way forward or would be in the future when that time comes to an end. I think we would need to consult various stakeholders to see if that is a viable way forward.

1090 GP11, as Deputy Inder has inferred, was a challenge to see, if we zero-rated that, whether things would move forward. I think, as we found out, that the problems are much more complex than that.

But as I say, the Construction Forum itself is suggesting that a fee should be paid and I would be open to taking that forward.

1095

The Bailiff: Deputy Bury.

Deputy Bury: Thank you, sir.

1100 Could the candidates help me understand why we sometimes see reports of properties being listed, appearing as a result of people putting in planning applications?

The Bailiff: Deputy Ozanne.

1105 **Deputy Ozanne:** I assume, but forgive me if I am wrong, that you might be referring to White Gable and the current issue we have had in Perelle, where people have been listed during the process itself. Forgive me if I have misunderstood, but that is my understanding.

We now have a process that allows for ad hoc listing during a planning process, which we did not have before. That was one of the findings out of White Gable.

1110 It is important that we have an appropriate, timely and effective planning process that looks at how we list buildings. I myself own a listed building, and I know how important it is to ensure that I do work and construction that fits that era. It was built in 1400. But we need to ensure that when we are assessing these applications that we are fully aware of the full application, and that is what happened during White Gable.

1115 Forgive me, that is probably a much more detailed answer you need to that but that is where I am at the moment and that is all I understand.

The Bailiff: Your minute is up, Deputy Ozanne.

Deputy Inder, please.

1120 **Deputy Inder:** Perfectly asked question, Deputy Bury.

I have got the same concerns you have. From what I have seen, the one at the Prévôté was listed at the point that someone thought it was being sold. Les Vardes was listed at the point of someone was being sold. The bunker down at Perelle was listed at the point of 'there might be something that looks like development'. I do not think that is acceptable.

1125 Now, no one, as far as I am concerned, has actually got, effectively, a system grip. We need a policy; we do not need arbitrary decisions of people picking up the paper, deciding, 'Oh, bloomin' heck, I have not seen that site. I had better pop down and then stamp a listing on it.'. That is unacceptable and that is unfair.

1130 I will do something and I will do many things; I will get a grip of that. That is not fair on the people of Guernsey.

The Bailiff: Deputy Rylatt.

Deputy Rylatt: Thank you, sir.

1135 What are the candidates' views on the use of modern methods of construction as a means of delivering new housing and how such approaches should be regulated?

The Bailiff: Deputy Inder.

1140 **Deputy Inder:** I have built a couple of them over my life; in fact, I have built log cabins as part of the self-catering units that the family own.

In truth, I understand structural insulated panels (SIPs), I understand strip footings, I understand rafts, I understand how things are done. But it is not the job of politicians to decide whether something is good or something is bad. That is the job of Building Control.

1145 Simply, anything that gets us out of the ground quickly, I am really happy to see. However, looking at the mess that we appear to have down at the Bouet, we have got to be very careful. Because we did that, we got stuff out on the ground and all I am seeing is windows out of level and iron fixings being used and now leaking.

1150 I have got a general rule on everything; you build it once and you build it well. Potentially build it forever.

I have some concerns, but if Building Control turn up and say, 'Look, this stuff is all finally acceptable', I personally would never build –

1155 **The Bailiff:** Deputy Inder, your minute is up.
Deputy Ozanne, please.

Deputy Inder: Okay, fine. Well, anyway, you get where I am coming from.

1160 **Deputy Ozanne:** I want to embrace modern building technology if and where appropriate, but we have to remember we are an Island and a lot of the new modern technology is not suitable for an Island that has small roads, a ferry terminal that can only bring in ships which can carry certain types of construction material. The length of 5 m is quite restrictive on our roads. I think we have to be realistic in this small jurisdiction.

1165 We can learn from Jersey; I understand that there are new techniques that they have been using, which developers are going over to have a look at. But old bricks and mortar have lasted for a long time for a reason, and I think there are ways that we can also understand how those can be improved.

I think we have got learning from Leale's Yard, where two of the developers went bankrupt. They were going to bring in new modern technologies, but they were not viable.

1170 We have to have an informed, cautious approach. We should be open to change –

The Bailiff: Deputy Ozanne, your minute is up as well.
Deputy Niles.

1175 **Deputy Niles:** Some excellent propositions and some indication of decisive action. Can you give me some ideas of how we get the Guernsey person building again? The enablement of an access to plots on the Island and the enablement of planning to enable Guernsey people to build for themselves.

1180 **The Bailiff:** Deputy Ozanne.

Deputy Ozanne: I think many of them are, but they need training. I have been involved with the institute, the Guernsey Institute, which obviously has extraordinary apprenticeship relationships with Norman Piette and other builders.

1185 But the planning process is perhaps the most sticky, putting aside the professional. As both Deputy Inder and I have committed to, we need to look at how we streamline those processes, make them fit for purpose, do not use a sledgehammer to crack a nut where that has been happening, but ensure that we have got proportionate, fair and objective ways of assessing people's home plans.

1190 The use of dower units has come to the fore recently. That is how people have been developing their homes, and there are changes afoot there, which I very much welcome, where those can be used by non-family members to help alleviate the housing crisis.

I think it is that sort of innovation we need to be looking at more, and I am sure – and I have been told – that the Committee and their staff have been doing so. I look forward to learning more about it.

1195

The Bailiff: Deputy Inder.

Deputy Inder: Thank you for the question, Deputy Niles.

1200 There probably needs to be a mix of solutions. Some of them actually come at the Budget decision; things like, for example, States' loans. That has got very little to do with the DPA.

I think some of the bigger houses, of which I probably own one of them – I have had recently, up until about two years ago, multiple occupancy. I think that is heading in the right direction.

1205 The traditional dower units – the two-thirds, one-third – are now starting to be reused. But there is a modern dower unit as well, which I think the previous DPA allowed greater extensions to be used for living on the backs of properties.

I genuinely believe that if we do not put anything out of the ground in the next three or four years, if we do not provide people hope, that is actually one of the solutions that we really do need to look at as quickly as possible.

1210 I would not go as far as Deputy Goy's pods in the back garden, but there is something in that. Some of the bigger properties could use some of their space better than they are now.

Thank you.

1215 **The Bailiff:** Deputy Inder, your minute is now up.
Deputy Falla.

Deputy Falla: Thank you, sir.

The DPA is often the target of criticism from the community and sometimes from political colleagues, and the past President was even on the receiving end of personal attacks.

1220 How would the candidates deal with this?

The Bailiff: Deputy Inder.

1225 **Deputy Inder:** Well, I think I have got fairly thick skin. I have been the President of SACC, delivered a referendum, delivered Island-wide voting that even the House did not like, let alone the public. I have been the President of Economic Development, taken on the GHA every single day of the week and, of course, voted for Goods and Services Tax. More fool me.

Look, poisoned chalices, line them up. I am not worried about it. (*Laughter*)

1230 **The Bailiff:** Deputy Ozanne.

Deputy Ozanne: I think Deputy Inder and I could do well in a boxing ring together. I too have a thick skin, as many will know.

1235 I have been the subject of a huge amount of hate, both physical, online – when I say physical, through my letterbox – and from people I knew. So, I am used to that.

But I think the question needs to be turned on its head. This is about how we win people over, how we build trust, how we show that it is a ‘we’, our Island, that we are trying to serve.

I hope the open planning meetings and the fact that we want to televise those – and I believe communication will be key and the tone of that communication is key.

1240 How we build trust is a journey that requires a whole set of commitments and a mindset that shows that we can build relationship with an Island that I think has sadly lost its trust in the past in the DPA.

The Bailiff: Deputy Blin.

1245

Deputy Blin: Thank you, sir.

I think there have been very interesting points made so far. I would like to just go back to the focus of the last term. Everybody in this Chamber then said that construction, building was the most important thing. Right up until the last minute, until Leale’s Yard – and by the way, the developers did not go into bankruptcy, it was two of the suppliers.

1250

But my question is this: the GP11 was not stopped; it was suspended. I am hearing here that they are saying, ‘Well, it was a bit of a bluff at the time.’ Will they stand –

The Bailiff: Deputy Blin, your 30 seconds are up. Deputy Blin. The 30 seconds have expired, so there is no question.

1255

Deputy Blin: GP11.

The Bailiff: Next question. Deputy Gollop.

1260

Deputy Gollop: My question is: both candidates mentioned strongly that environmental conservation is at the heart of what they want to achieve, but will they improve or prevent the loss of fields to horticulture and that kind of thing? What will they do to preserve agriculture and traditional dairy and other farming on the Island?

1265

The Bailiff: Deputy Ozanne.

Deputy Ozanne: My understanding – and forgive me if I have got this wrong because I am learning – is that farming does not actually come under the DPA, although we obviously need to work in collaboration with E&I very closely.

1270

I am fully committed, as a woman who lives in Torteval and grew up in The Forest, to ensuring that we do ensure that all our green, biodiverse spaces are protected. That can be in someone’s backyard, as it can be a large piece of National Trust or Société Guernesiaise.

1275 I think the key is to work with the experts and to take timely advice from them but also understanding our own mandate in that process. I believe that farming is a slightly complex one, from what I understood from the Committee Secretary yesterday.

The Bailiff: Deputy Inder.

1280 **Deputy Inder:** The agricultural priority areas will be safe under my presidency. I can tell you that. Actually, I would not mind seeing them expanded. What the DPA tend to do, it seems to think that contiguous is good, as long as they are all connected together, and everything else is bad.

1285 Talking about food security, admittedly, we have not really fed ourselves since, I think, the middle of the 16th century. But if you look along the Braye Road now – and we have had planning for 60 years, you would not know it. The last two fields along the Braye Road were developed within the last five or six years. Personally, I think they should have been protected. I do not think they are useless bits of land. I think you can grow in them. I think you can put a polytunnel in.

I do not think everything has to be a four-acre field, and I do not think every viney in Guernsey is a target for housing.

1290 Some of the post-industrial stuff is already in the housing allocation areas. We are not building anything now; why would we want to expand beyond that? Concentrate on what we have got and stop there. Leave everything else. Concentrate on our areas.

The Bailiff: Deputy Goy.

1295 **Deputy Goy:** Thank you, sir.

How will the candidates address the imbalance in terms of the density of development in the north and south of the Island?

Thank you.

1300 **The Bailiff:** Deputy Inder.

Deputy Inder: Interesting question. I am about as north as I get. Apart from Deputy Kay-Mouat, there is nothing between me and Start(? 11.10.29) Point. Actually, no, there is actually Deputy Kay-Mouat's house between me and Start Point.

1305 But I genuinely do not believe, given the amount that we have bought from Route Militaire all the way through the St Sanders(? 11.10.45), I do not think – I cannot see a time where that is actually all going to get built.

1310 Equally, I am not a child inasmuch as I do not think that, just because there are 10 houses in a field in the Vale, therefore we need to do 10 houses in the middle of Torteval. Torteval and the southern parishes are beautiful parts of our whole Island. We have to accept that there are elements in the north that need regeneration, and I would rather see homes than fields and fields of pampas grass.

1315 **The Bailiff:** Deputy Ozanne.

Deputy Ozanne: I think the local planning brief has got very clear plans for St Sampson's and the harbour areas but we have got local centres, have we not, that we have agreed – in Vazon, St Martin's, parts of The Forest – to try and rebalance some of that.

1320 People have been able to make representations, and we have now got representations of those representations, and there will be a planning inquiry about all that. So, that work has been ongoing for the last four years. That is an issue and a concern that has been taken to heart, and I think steps are in place to look at how we create viable centres.

1325 As I said in my own speech, this is not just about building houses, it is about building community, and it is those community centres that the DPA have been looking to achieve in their last review of the IDP.

The Bailiff: Deputy Gollop. Oh, no, you cannot; you have already asked a question.
Deputy Collins.

1330

Deputy Collins: Thank you, sir.
My question to the candidates is: is the planning appeals process fit for purpose?

The Bailiff: Deputy Ozanne.

1335

Deputy Ozanne: Honest answer? I would need to listen and learn. I do not believe it is swift enough, but I do not understand, if I am honest with you, what the roadblocks to that are.

We are very blessed to have inspectors who we rely on and to share those processes, and I have been talking about the ability to go and see how things are done in the UK to learn from that.

1340 I am someone who is open to learning and challenging, but I do not know the answer to your question, I am afraid, at this point, Deputy Collins, but I am keen to look at it.

The Bailiff: Deputy Inder.

1345

Deputy Inder: Somewhat similar to Deputy Ozanne, inasmuch as there two things England does not do very well. One is planning policy and one is tax policy, and we appear to be at least trying to adopt both of them. They have got some of the most complicated tax policies and planning policies in the world.

1350 But to answer Deputy Collins's question directly, quite clearly that was a loaded question, in a good way. He must have some concerns about the appeals process.

If, indeed, he wants to discuss it relatively quickly, if I win this race, I will talk to him. If I do not win the race, then he can go and talk to Deputy Ozanne. *(Laughter)*

The Bailiff: Deputy Gabriel.

1355

Deputy Gabriel: Would the candidates agree with me that the Committee *for the* Environment & Infrastructure appoints Planning Appeal members and therefore has some control over the planning appeals process, and do they offer a view on that?

1360

The Bailiff: Deputy Inder.

1365 **Deputy Inder:** Yes, I do, but I am going to answer the question slightly differently and I just want to inject. If the DPA is really just an authority that looks at legislation, takes on policy, and does not input any of its own policies as elected Members, there is no point having one. You may as well hand the whole lot to the Planning Inspector and the tsars. There is certainly no point in five Members just sitting there taking grief from the public all day long. You can put your officers up.

1370 I would like to look at that. I would like to talk to the five Members, and I do not know if they will entirely agree with me with some of my environmental policies, but if I can get five Members that agree, 'Look, we want to do this, stop this, start this, review that', there is no reason the elected Members cannot remind officers and inspectors who the elected authority is and tell them that is what we are going to do; assuming it has got, of course, the support of the House.

But I certainly do not believe –

The Bailiff: Minute is up.
Deputy Ozanne next, please.

1375

Deputy Inder: Thank you.

1380 **Deputy Ozanne:** Mea culpa, President of Environment & Infrastructure, you are quite right. I should have remembered that you oversee the tribunals, which now have two lay members, I believe, out of six.

I think that balance, not just being professionals, has been a really positive step. It means that Islanders feel that people are making decisions who understand our Island, but we have the benefit of expertise – often, it is said, from outside the Island, the professionals we bring in – but we have
1385 that good balance.

I am not aware, personally, of appeals that have gone toxic. When I have talked to architects and developers, they have felt the appeals process has been very fair. So, I am not aware of problems and I think that reflects well on what your Committee has done.

1390 **The Bailiff:** Is there any Member who has not asked a question yet who wishes to ask a question to the candidates? Okay, we will go into a second round then. I am going to call you, Deputy Blin, to try and get your question out in 30 seconds, please.

Deputy Blin: Thank you, sir.

1395 Very quick. It was from the candidates, the conviction about the time they will give to the GP11, but also like the GDA. What is the view of the candidates on the support and belief of the importance of the GDA's work, which is also connected to the construction and building on the Islands?

The Bailiff: Deputy Ozanne, please.

1400 **Deputy Ozanne:** Well, of course, I look forward to working with the GDA, particularly on the harbours where I believe they are instrumental, and understanding more of their concerns of how the planning process has both helped and hindered. I am afraid I would need to meet with them to understand more. I do not quite understand the first part of your question, forgive me, but I know
1405 that the immediate need is to work with them on the two harbours in St Sampson and in St Peter Port.

Deputy Inder: I was, in fact, appointed along with Deputy de Sausmarez, eventually, but Mr Watson is the Chair, so I am well-known to him. In my role on Economic Development, I worked
1410 in tandem with that team. We are talking about the Guernsey Development Agency, not the Guernsey Disability Alliance, just to make sure that we are talking about the same thing. I saw Deputy Hausmann Rouxel frowning at me. I knew what I was talking about.

But, in short, I think that they have got some great people there and they have got some great ideas. What worries me is that disconnect where planning does get in the way, the fact that we do
1415 not have a fiscal policy, the fact that we have not made some of the decisions on the harbour. Personally, and I think a lot of it has got to do with STSB, I really wish STSB would step up along with Economic Development and Policy & Resources, and free GDA up completely to let them get on and do what they can on that east coast with the assistance of the DPA.

1420 **The Bailiff:** Deputy Gollop.

Deputy Gollop: There is an interesting Panorama documentary on the UK housing and planning issues. One factor was the authorities have not updated their plans and need. They also have grey zones rather than green. But they all said they had a shortage of skilled planners. Will both
1425 candidates answer if they feel that the planning service may need additional staff? If so, in order to speed up applications, both small and large, will they go to P&R and the wider States to ensure they get the resources in a timely way?

The Bailiff: Deputy Inder.

1430

Deputy Inder: I do not know what the extent of the issue is but almost certainly there were continued complaints about the processes. I have got a memory when something happened 20 years ago when I built – yes, it was this house – the house we are in now. Actually what was in the IDC was in the same position. They had a problem with employing planners. What they did, they sent their plans away and they were all looked at via the UK. We do not always have to employ people and stick another load of people on the books, we can actually put some of our work away to the UK because that has happened before.

1435

But to answer his question directly, until we know where things are getting their back wheel stuck in the mud, I cannot entirely answer the question. If it is just process for process's sake, that does not mean employing people, that just means telling people to streamline and pull their shoelaces up.

1440

Deputy Ozanne: It is true that the planning unit have seen cutbacks in staff. They have not, as I understood it, always replaced staff that have left. However, what they are doing is trying to digitise the process and look at how we can use AI. There is a move to move things online, which will really, I think, speed things up. But it will also, I hope, bring in the efficiencies that we have long been waiting for. There is a digital partner that we are working with, and Deputy Laine has been a very key part of the Committee who will help look at how we use AI to take us into a new era.

1445

So I do not think it is just about throwing more bodies at it, but it is clear that there is going to be an increased workload with the increased number of houses that we are trying to build, and I think we need to be sensitive to that.

1450

The Bailiff: Well, if no one has any questions that they wish to pose to the two candidates, perhaps you would show your appreciation for their efforts. (*Applause*)

1455

Now, voting is, as you know, by way of secret ballot. There are two candidates. Deputy Ozanne, who is proposed by Deputy Burford, seconded by Deputy Laine, and Deputy Inder, who is proposed by Deputy Kazantseva-Miller and seconded by Deputy Curgenvin. Please write one name, if you wish to vote for either of the candidates, on your slip of paper, which will be collected by the Sheriff.

Are there any more voting slips to hand to the Sheriff? Members of the States, I understand there is going to be a procedural motion proposed next.

1460

Procedural – Order of business

Deputy de Sausmarez: Thank you, sir.

I would like to propose a small procedural motion to reorder debate so that the Policy Letter from the Policy & Resources Committee entitled Policy & Resources Committee Representation on the Education Devolution & Investigation & Advisory Committee (EDDIAC), is debated next, please, sir.

1465

The Bailiff: Thank you very much.

I am simply going to put that motion to you, *aux voix*. Those in favour; those against?

1470

Members voted pour.

The Bailiff: I declare that carried and, therefore, Greffier, if you would call that matter, please.

Billet d'État XXVI

POLICY & RESOURCES COMMITTEE

3. Policy & Resources Committee Representation on the Education, Devolution & Delegation Investigation & Advisory Committee – Proposition carried

Article 3.

The States are asked to decide:

Whether, after consideration of the policy letter entitled 'Policy & Resources Committee Representation on the Education Devolution & Delegation Investigation & Advisory Committee', dated 14th October 2025, they are of the opinion:

To amend the membership of the Education Devolution & Delegation Investigation & Advisory Committee such that the Policy & Resources Committee can nominate its own representative, as follows:

"One Member appointed by the Policy & Resources Committee who is a member of the Policy & Resources Committee but not its President."

The States' Greffier: Billet d'État XXVI, Article 3, Policy & Resources Committee, Policy & Resources Committee Representation on the Education Devolution & Investigation Advisory Committee.

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

Deputy de Sausmarez: Thank you, sir, and my commendations to the States' Greffier for pronouncing that better than I did.

This is a very short Policy Letter and it is quite technical in nature. It is really just to slightly vary or amend the wording of a Proposition relating to the Constitution of the EDDIAC, so that instead of being prescriptive to say that it has to be a particular person holding a particular role, it can be any of the other four members. So it still be the case that the President is not eligible but it could be the case that any of the other four members of the Policy & Resources Committee could be appointed to that body.

The reason being, as we said at the start of the term, we do intend to work differently as a Committee and we are still in the process of understanding how best to share the workload and responsibilities and we think there might be stronger rationale for having another Member other than the lead for resources involved.

What I would say is I think the original wording came out of a desire to make sure that those aspects were properly considered and I can give my assurance that any member of P&R that is represented on that body would, of course, be very well across and have due consideration for the aspects that Corporate Services includes, for example, HR, IT, etc.

This is really just to slightly vary the wording so as to enable us to appoint someone who is going to be the best fit for that body.

Thank you.

The Bailiff: Well, I do not see anyone leaping to their feet to debate this single Proposition. In those circumstances, there is nothing to reply to, Deputy de Sausmarez, and I will simply ask the

Greffier to open the voting. Can I just say before he does so, if you have not logged in, you need to log in pretty quickly. Will you now open the voting, Greffier?

There was a recorded vote.

1505

Carried – Pour 33, Contre 0, Ne vote pas 0, Did not vote 0, Absent 7

Pour	Contre	Ne vote pas	Did not vote	Absent
Blin, Chris	None	None	None	Dorrity, David
Burford, Yvonne				Gollop, John
Bury, Tina				Goy, David
Cameron, Andy				Le Tocq, Jonathan
Camp, Haley				Montague, Paul
Collins, Garry				Strachan, Jennifer
Curgenvén, Rob				Van Katwyk, Lee
de Sausmarez, Lindsay				
Falla, Steve				
Gabriel, Adrian				
Hansmann Rouxel, Sarah				
Helyar, Mark				
Hill, Edward				
Humphreys, Rhona				
Inder, Neil				
Kay-Mouat, Bruno				
Kazantseva-Miller, Sasha				
Laine, Marc				
Leadbeater, Marc				
Malik, Munazza				
Matthews, Aidan				
McKenna, Liam				
Niles, Andrew				
Oswald, George				
Ozanne, Jayne				
Parkinson, Charles				
Rochester, Sally				
Rylatt, Tom				
Sloan, Andy				
Snowdon, Alexander				
St Pier, Gavin				
Vermeulen, Simon				
Williams, Steve				

1510 **The Bailiff:** So in respect of the single Proposition on this Policy Letter, they voted in favour 33 Members, no Member voted against, no Member abstained, there were, however, 7 Members who are absent at the vote. Therefore I will declare that carried.

Development & Planning Authority – Deputy Neil Inder elected as President

1515 **The Bailiff:** Let me go back to declare the results of the election of the President of the Development & Planning Authority. Deputy Ozanne, who was proposed by Deputy Burford, seconded by Deputy Laine, got 15 votes. Deputy Inder, who was proposed by Deputy Kazantseva-Miller and seconded by Deputy Curgenvén, got 22 votes. There was one blank paper. Therefore, I will declare Deputy Inder elected. *(Applause)*

ELECTIONS AND APPOINTMENTS

EDUCATION DEVOLUTION & DELEGATION INVESTIGATION & ADVISORY COMMITTEE

**1. Election of the Chair of the
Education Devolution & Delegation Investigation & Advisory Committee –
Election commenced**

Article 1.

The States are asked:

To elect a sitting Member of the States, who shall have completed a minimum of one complete political term as Member of the States of Deliberation and who is not a member of the Policy & Resources Committee nor the Committee for Education, Sport & Culture, as Chair of the Education Devolution & Delegation Investigation & Advisory Committee, in accordance with Rule 16 of The Rules of Procedure of the States of Deliberation and their Committees.

1520 **The Bailiff:** We now move to the next matter, Greffier.

The States' Greffier: Article 1, Election of the Chair of the Education Devolution & Delegation Investigation & Advisory Committee.

1525 **The Bailiff:** Are there any nominations for the Chairmanship?
Deputy Montague.

Deputy Montague: Sir, I would like to nominate Deputy Bury.

1530 **The Bailiff:** Is that nomination seconded?

Deputy de Sausmarez: Yes, sir.

The Bailiff: Thank you very much.

1535 Are there any other nominations for – I do not really understand why it is not called a presidency, but the Chair of what is called EDDIAC? No? Well, we still have some speeches and therefore I am treating it like a presidency and Deputy Montague can speak for up to five minutes about Deputy Bury and then Deputy Bury can speak for up to 10 minutes about herself.
Deputy Montague.

1540 **Deputy Montague:** Thank you very much, sir, for this opportunity.

As you know, we introduced the Assembly to EDDIAC on 3rd September with the Projet. I am glad that so many people have enjoyed saying its full title over the past couple of weeks. We will be very pleased to nominate Deputy Bury. She was one of the only Members of the Assembly in February not to vote in favour of the Policy Letter. Furthermore, when we debated the Ordinance at the end of September, similarly, she did not vote for the Ordinance on that occasion.

1545 For these reasons, I think we can see clearly that Deputy Bury is someone who has very strong opinions about this process and she is fully invested in understanding why it might not work and why it could work. It is for these reasons that I believe she is the outstanding candidate to chair this
1550 Investigation & Advisory Committee.

I have spoken to her on many occasions in my attempts to persuade her of the validity of both the Project and the Ordinance, and I was not wholly successful. But I am hoping that working with Deputy Bury on the EDDIAC, we will make significant progress over the next 12 months.

I do not think there is any need for me to say any more than that and take up more of your time.

1555

The Bailiff: I call on Deputy Bury.

Deputy Bury: Thank you, sir.

I absolutely will not be taking 10 minutes, everybody will be pleased to know.

1560

I think we started with an approach on Friday evening from Deputy Montague and finished with a WhatsApp message yesterday from me with, 'Okay then, happy to give it a crack.' So as Deputy Montague alluded to, and Members will be aware, where we are now is not the starting point that I would have liked us to start from but I do not think that that precludes us getting to the correct destination, which in fact we all agree on and it is just actually this starting point.

1565

I always approach matters of education with caution but I do not believe in just standing on the sidelines throwing stones and criticising. If you have got criticisms, if you do not agree with things, then roll your sleeves up and get involved and see if you cannot shape it in the way that you feel might be best.

1570

That is why I am happy to give it a crack and will do so with my best foot forward and look forward to hopefully working with the rest of the Members to get us to the best place for our students and school settings.

Thank you, sir.

1575

The Bailiff: Well, Members of the States, there is a single candidate for the Chair of the Education Devolution & Delegation Investigation & Advisory Committee. That is Deputy Bury, who is proposed by Deputy Montague and seconded by Deputy de Sausmarez. There still has to be a secret ballot and therefore if you wish to write Deputy Bury's name on a sheet of paper, or not as the case might be, then it is your opportunity to do so.

Are there any more voting slips to hand to the Sheriff? No?

2. Election of Members of the Education Devolution & Delegation Investigation & Advisory Committee – Election commenced

1580

Article 2.

The States are asked:

To elect two sitting Members of the States, one of whom shall have completed a minimum of one complete political term as Member of the States of Deliberation, and both of whom are not members of the Policy & Resources Committee nor the Committee for Education, Sport & Culture, as members of the Education Devolution & Delegation Investigation & Advisory Committee in accordance with Rule 16 of The Rules of Procedure of the States of Deliberation and their Committees.

The Bailiff: Next item, please, Greffier.

1585

The States' Greffier: Article 2, Election of members of the Education Devolution & Delegation Investigation & Advisory Committee.

The Bailiff: I am going to invite the Chair of that Committee, if she wishes to do so, to move any nomination she wishes to make.

1590 **Deputy Bury:** Thank you, sir.
I would to nominate to nominate Deputy Collins and Deputy Camp.

The Bailiff: Are those nominations by Deputy Bury seconded?

1595 **Deputy Montague:** I will second those, sir.
Thank you.

The Bailiff: Deputy Montague.

1600 Are there any other nominations to sit on the Education Devolution & Delegation Investigation
& Advisory Committee? No.

On that basis there is no need to have any speeches from anyone and neither of Deputy Collins nor Deputy Camp are on Policy & Resources Committee or the Education, Sport & Culture Committee and Deputy Collins has served a previous term. Therefore there are two candidates, that is Deputy Collins, proposed by Deputy Bury, seconded by Deputy Montague, and Deputy Camp proposed by Deputy Bury and also seconded by Deputy Montague.

1605 If you wish to support either or both of those candidates, please will you write their name or names on your voting slip. Are there any more voting slips in relation to the election of members of the Education Devolution & Delegation Investigation & Advisory Committee?

**Education Devolution & Delegation Investigation & Advisory Committee –
Deputy Tina Bury elected as Chair**

1610 **The Bailiff:** If all voting slips for the membership of the EDDIAC have been handed in, let me declare the result of the election of the Chair of the Education Devolution & Delegation Investigation & Advisory Committee. Deputy Bury was the sole candidate proposed by Deputy Montague, seconded by Deputy de Sausmarez, and she received 35 votes. There was one spoilt paper and there was one blank paper, but I will declare her duly elected. (*Applause*)

Billet d'État XXV

APPENDIX REPORT

COMMITTEE FOR HOME AFFAIRS

**Independent Monitoring Panel –
2024 Annual Report –
Motion to debate carried**

The States are asked:

To resolve, pursuant to Rule 20 of the Rules of Procedure of the States of Deliberation, to debate the Appendix Report to Billet d'État XXV No 2025 entitled 'Committee for Home Affairs – Independent Monitoring Panel 2024 Annual Report.'

1615 **The Bailiff:** We move on to the motion to debate the Appendix Report relating to the Independent Monitoring Panel 2024 Annual Report. There is a motion to debate from Deputy St Pier, so I will call him to speak on it, please.

Deputy St Pier: Thank you, sir.

1620 I am also grateful to the President of the Committee *for* Home Affairs who has indicated that the Committee is supportive of the motion to debate this report. I do not recall the Independent Monitoring Panel's Annual Report having been debated on prior occasions.

1625 We, of course, receive many annual reports as appendices over the year, a considerable amount of time is invested in preparing them and, of course, I think we should also acknowledge the time which is so often given up by the volunteers who serve on these various panels in the interests of the community. But I think it is also worth acknowledging that, of course, the nature of these reports is people are careful in the language they choose to use and, therefore, the fact that the report does highlight a number of issues that are worthy of comment by the panel, in particular in relation to the lack of support for those leaving prison, I think is worthy of note.

1630 For that reason alone, I think the report is worthy of further scrutiny through a debate. That is the reason for moving the motion, sir, and I hope this part of the process will be relatively short, and I look forward to Members' support.

Thank you, sir.

1635 **The Bailiff:** Deputy Ozanne, do you formally second the motion to debate?

Deputy Ozanne: I do.

The Bailiff: Thank you very much.

1640 I invite the only other person who is entitled to speak at this stage, and that is Deputy Leadbeater as the President of the Committee *for* Home Affairs.

Deputy Leadbeater.

Deputy Leadbeater: Thank you, sir.

1645 As pointed out by Deputy St Pier, the Committee welcomes the opportunity to debate the IMP Annual Report and the excellent work of the panel.

1650 **The Bailiff:** I will simply invite the Greffier – when we have a Proposition up. I will now invite the Greffier to open the voting on the motion to debate the Independent Monitoring Panel 2024 Annual Report.

There was a recorded vote.

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

1655

Pour	Contre	Ne vote pas	Did not vote	Absent
Blin, Chris	None	None	Niles, Andrew	Gollop, John
Burford, Yvonne				Le Tocq, Jonathan
Bury, Tina				Van Katwyk, Lee
Cameron, Andy				
Camp, Haley				
Collins, Garry				
Curgenven, Rob				
de Sausmarez, Lindsay				
Dorrity, David				
Falla, Steve				
Gabriel, Adrian				
Goy, David				
Hansmann Rouxel, Sarah				

Helyar, Mark
Hill, Edward
Humphreys, Rhona
Inder, Neil
Kay-Mouat, Bruno
Kazantseva-Miller, Sasha
Laine, Marc
Leadbeater, Marc
Malik, Munazza
Matthews, Aidan
McKenna, Liam
Montague, Paul
Niles, Andrew
Oswald, George
Ozanne, Jayne
Parkinson, Charles
Rochester, Sally
Rylatt, Tom
Sloan, Andy
Snowdon, Alexander
St Pier, Gavin
Strachan, Jennifer
Vermeulen, Simon
Williams, Steve

1660 **The Bailiff:** So in respect of the motion to debate, the Appendix Report of the Independent Monitoring Panel 2024 Annual Report proposed by Deputy St Pier, seconded by Deputy Ozanne, there voted in favour 36 Members, there voted against no Member, no Member abstained, 4 Members were absent at the vote. Therefore I will declare that carried, which means that there will be a debate on that report with the Proposition to take note of the report later in the meeting.

**Education Devolution & Delegation Investigation & Advisory Committee –
Deputy Haley Camp and Deputy Garry Collins elected as members**

1665 **The Bailiff:** Let me declare the results of the votes for the members of the Education Devolution & Delegation Investigation & Advisory Committee. Deputy Camp received 34 votes, she was proposed by Deputy Bury and seconded by Deputy Montague, and Deputy Collins, who was also proposed by Deputy Bury and seconded by Deputy Montague, received 34 votes. Therefore I would declare both of them duly elected. There was one blank paper. *(Applause)*

LEGISLATION LAID BEFORE THE STATES

**The Sanctions (Implementation of UK Regimes) (Bailiwick of Guernsey) (Amendment –
Global Irregular Migration etc.) Regulations, 2025;
The Health and Safety (Fees) Order, 2025;
The Control of Poisonous Substances (Fees) (Guernsey) Regulations, 2025**

1670 **The Bailiff:** Shall we just mention the items of legislation that are being laid before this meeting please, Greffier?

The States' Greffier: The following items of legislation are laid before the States. The Sanctions (Implementation of UK Regimes) (Bailiwick of Guernsey) (Amendment – Global Irregular Migration

1675 etc.) Regulations, 2025; The Health and Safety (Fees) Order, 2025; The Control of Poisonous Substances (Fees) (Guernsey) Regulations, 2025.

The Bailiff: I will simply note that those three measures are laid before this meeting, there have been no motions to annul any of them but there is an opportunity at the next ordinary meeting should anyone wish to do so.
1680 Next matter, please, Greffier.

LEGISLATION

COMMITTEE FOR HOUSING

2. The Open Market Housing Register (Guernsey) (Amendment) Law, 2025 (Commencement) Ordinance, 2025 – Debate commenced

Article 2.

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Open Market Housing Register (Guernsey) (Amendment) Law, 2025 (Commencement) Ordinance, 2025" and to direct that the same shall have effect as an Ordinance of the States.

The States' Greffier: Billet d'État XXV, Article 2, the Committee for Housing, the Open Market Housing Register (Guernsey) (Amendment) Law, 2025 (Commencement) Ordinance, 2025.
1685

The Bailiff: I am going to call the President of the Committee, Deputy Williams, to make what I understand will be his maiden speech.
Deputy Williams.

1690 **Deputy Williams.** Thank you, sir.

Excuse my hoarse voice, I am slightly suffering from a head cold, which I am hopefully going out of at the moment.

The legislation presented here today will commence a fairer and clearer system for granting inscriptions to Part A of the of the Open Market Register. The title may say 'Open Market' but this is a policy which benefits the whole Island. Even those who can trace their Guernsey roots through
1695 the dustiest corners of the Priaulx library have plenty of reason to be pleased about this policy.

It will facilitate the development of much-needed Local Market housing. It will allow us to preserve dilapidated buildings of cultural and historical value. It will bring in funds for the Treasury, ensuring that all residents share in the value that an Open Market inscription brings. It will deliver
1700 stability and certainty to a portion of our housing market which has historically brought great investment and business opportunities to our Island. In short, it preserves and protects interests in the Open Market, while also ensuring that the Open Market can more directly benefit the whole Island.

Before I go further, sir, I feel I should make a point of clarification. Those with keen ears will note
1705 my accent is not from Torteval, which may lead some to speculate whether I have an interest in this matter. For absolute clarity, I am not an Open Market Resident nor do I have any interests in Open Market properties or any property that is likely to benefit from the policy changes.

Given that this debate is on a subject where financial interests are very much at play, through you, sir, I would like to remind colleagues, particularly those of us who are recent additions to the
1710 Assembly, about rule 17(15), i.e. the duty to declare any interest prior to voting.

Through you, sir, I will ask the forgiveness of those who kindly took the time to attend the Committee's briefing on this subject last week. They will already have heard the details of this legislation, but I think for those who were not present and for the public record, it is important to give clarity.

1715 The history of this legislation bridges political terms. I know there has been some confusion among colleagues about what has happened and when. Our current legislation dates back to 2016. For a number of years, it carried on largely unnoticed. Few people realised there was even a route to have a property inscribed on the register. In 2022, the States debated the Population and Immigration Review. As part of that work, it was recognised that there was a need for a policy which
1720 would refresh the Open Market Part A stock, while also ensuring stability.

The need for this work was further highlighted in the Government Work Plan and its updates over the years. For those curious as to why the current situation is unsatisfactory, over the years there has been a decline in the number of Open Market Part A properties. The number now sits at around 1,500, compared to historic peaks exceeding 1,700 properties. That decline is even starker
1725 when you consider it as a proportion of the overall housing market, where the number of homes has increased significantly over the years. What is more, most properties had been inscribed a long time ago and, as such, were comparatively dated properties, often not in keeping with market demand. While we had legislation that allowed for the inscription of more properties, it was unsatisfactory. There were no clear limits, nor was there guidance on the types of property that
1730 should be inscribed, or powers to make inscriptions in principle where construction or conveyance issues needed to be resolved prior to inscription taking place.

By 2023, the Committee *for the Environment & Infrastructure* had begun work in earnest. Having noted just how unsatisfactory the existing system was, and having taken legal advice, they resolved not to progress any new applications. This legislation currently in force contains the rights to submit
1735 an application to be inscribed, but there are no provisions detailing when those applications should be determined.

Other provisions under the legislation, such as a request to delete an inscription, require the Committee to take action, but the process of accepting and determining applications for new Part A inscriptions is not so prescriptive. At the time decisions were paused, there were no outstanding
1740 applications. Just to be clear, it was a blank slate. A banner was put at the top of the application form making this action clear. Specifically, it read as follows:

Following the States' endorsement of the Population and Immigration Policy Review, the Committee *for the Environment & Infrastructure* is reviewing its Open Market Part A inscription policy and will not be considering applications until the policy is agreed.

That was at the top of the application form and on the website, making it very clear to people.
1745 This is important to note because it means that every application made since that time was made in the knowledge that there was no intention to determine it until the new policy was agreed and commenced. I would not want anyone to be under the impression that any applicant should be surprised by the change in the policy, having been warned in advance.

There will almost certainly be individuals who saw the banner and decided to wait before submitting their applications. They may now have been waiting some time, of course. The transitional provisions do not seek to grandfather existing applications or give them preferential treatment, because applicants were told in advance their application would only be processed once
1750 the new policy was in place.

From 2023 to 2025, there was a period of policy development and consultation. The Committee
1755 *for the Environment & Infrastructure* consulted with a wide range of stakeholders including developers, estate agents, and the Open Market Forum. These groups sometimes represented divergent and competing interests. The policy was drafted to provide, as far as possible, a reasonable balance between these competing interests. Trying to balance these demands as well as exploring ways in which Open Market inscriptions could bring wider benefits is one of the reasons

1760 it took some time to develop the policy. As the policy took shape, it became clear that legislation would need to be amended to bring into effect the desired policy.

In March of this year, a Policy Letter was brought to the States alongside a proposed amending Law. That amending Law was approved by the States and it is the legislation commencing this that I am asking the States to support today.

1765 With the history out of the way, I would like to talk about some of the key benefits this policy will bring before I touch on some of the concerns that have already been raised publicly and privately.

The benefit of greatest interest to the Committee *for* Housing is the power for exceptional circumstance inscriptions to be made. Under the new policy there will be a power that allows for inscriptions to be granted where they would unlock housing development opportunities. We know that at a time when labour, land and materials are expensive the financial viability of some potential housing developments is at risk and I am aware a lot of people are aware of the cost of development and I know some Deputies involve themselves in their own properties and realise how expensive building costs and labour have become.

1775 The cost of housing is high but so is the cost of development. Introducing one or more Open Market inscriptions to the development has the potential to tip the scales on some of these marginal opportunities. This would only be considered where the compelling financial need can be demonstrated and that, of course, necessitates an open book approach and close scrutiny.

In short, we can use a small number of Open Market inscriptions to enable the construction of many more Local Market properties. In parallel to this, there is also the power to transfer inscriptions with much the same effect for new developments. With the supply of housing being the underlying issue at the core of our current housing crisis, this is something we need to press on with. We need to unlock development and remove these kinds of barriers. I want this message to sink in. We have a way to stimulate private sector housing development at no additional cost to the taxpayer and if this Commencement Ordinance is approved we can start taking applications for these kinds of inscription very quickly. The media release explaining how to apply is ready to go.

1790 The exceptional circumstance criteria would also allow for the inscription of properties which have historic and cultural value, where they may otherwise fall derelict and unused. Inscription to the very limited Open Market can bring with it the investment needed to make these properties fit for purpose and preserve their unique qualities. It is just another significant benefit to the Island brought by this policy.

The new policy provides stability for the Open Market, which is of vital importance. Notwithstanding the exceptional circumstance applications, which will be very carefully scrutinised, the new legislation will only allow for three new inscriptions to be made, average per year, that is 15 over the course of five years. This level of control should ensure there is no notable disruption to the existing market, and those in possession of an Open Market property can be assured that the value should not be negatively affected. This fixed number is deliberately set low. It may be that there are grounds to revisit and revise this cap in future, but it would seem prudent to give time for the policy to bed in before any review takes place.

1800 These numbers were obviously discussed at quite a lot of length, and there was a real concern to make sure that we did not upset the Open Market in terms of supply by supplying too many properties. Downsizing transfers are also included in this policy. Those who have been resident in the Open Market for 20 years or more, can apply to transfer their inscription to a smaller property. This is useful because it has the potential to release larger, under-occupied properties to the Local Market, where they can hopefully be more fully occupied. At the same time, it allows those Open Market Residents the opportunity to enjoy their later years in a property of a more manageable size.

1810 I know that we may be debating an amendment relevant to this point and I do not wish to steal the thunder from that debate, but I should note that draft regulations contain the provision to allow for coterminous transfers. That is to say, individuals wishing to transfer can get provisional approval for a transfer without owning both properties at the time of application. This allows for applicants

to convey properties in what is effectively the usual process. They do not need to have capital tied up in owning both properties. The Committee has been advised by Law Officers that this is acceptable under the amending Law as enacted.

1815 Finally, there is the benefit to the Treasury. We know that inscription to Part A of the Open Market brings with it significant financial value. Property values increase significantly, which is why it was felt that the public ought to have more direct benefit from this. Currently, the cost of application and inscription is less than £1,000. Under the new legislation, we will be charging £500,000 for a brand new inscription. Still an amount that should be less than the value of the
1820 increase in the inscription value, ensuring it is still attractive to apply. However, at three inscriptions per year, that is £1.5 million back into the Treasury, it sounds significant. This is the Government awarding a status that has huge financial benefit. I believe it is only right that the whole Island gets to benefit from some of that increase in value.

I would like to touch on some of the points of concern that have been raised in the run-up to debate. Firstly, the transitional provisions, namely the return of any undetermined applications along with application fees and an invitation to reapply. If they believe they meet the new policy criteria, people can then reapply. Those who were at our briefing will have heard an opinion from the Law Officers that this is not retrospective because those applicants were made aware in advance that the applications would not be determined until the new policy was in place. Equally, there
1830 would have been individuals who saw the notice and would have decided to wait until the new policy was implemented. I stress our belief here that not only is this a fair policy, but it is the fairest thing to do to give everyone an equal chance to apply with full knowledge of the eligibility criteria.

Other concerns have been raised about human rights compliance. The legislation has been through internal scrutiny and the scrutiny of lawyers acting on behalf of the Ministry of Justice prior to receiving royal sanction. The Committee are satisfied with this position and with the advice it has received, including advice on human rights compliance.
1835

Sir, through you, I thank the Assembly for bearing with me through my quite long maiden speech and my husky voice. I would like to reiterate the Committee *for Housing's* wholehearted support of this Commencement Ordinance. We may have inherited it but we are committed to delivering it and the benefits it can bring to our housing market. I hope the Assembly will recognise this and support this Proposition.
1840

Thank you. *(Applause)*

The Bailiff: Deputy Sloan, you have submitted an amendment. Do you wish to move that now?
1845

Deputy Sloan: Yes, please, sir.

The Bailiff: Very good.

1850 [Amendment 1](#)

To insert two new propositions as follows:

'1. To amend section 3C of the Open Market Housing Register (Guernsey) (Amendment) Law, 2025 ("the Amendment Law") to the extent necessary to permit a person who owns an Open Market Part A property to make an application to delete from the Register the inscription of that property and inscribe a new property in Part A of the Register for the purpose of down-sizing even if the person does not own both properties at the same time.

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

Deputy Sloan: Sir, I will declare an interest, being an Open Market resident and also being a Committee member of the Open Market Forum, a Committee I joined as a result of this process that commenced some 18 months before.

1855 Sir, Members of the States, this amendment is a simple one but it is an important one. It seeks to make sure that the down-sizing provisions in the Open Market Law actually work in practice for the people they are supposed to help. As Members will know, section 3C of the Amendment Law currently begins with a phrase:

In circumstances where a person owns two dwellings.

1860 That wording may look harmless enough on paper but in practice it renders the down-sizing provision almost unusable.

It assumes that every Open Market resident who wishes to down-size can afford to own two properties at once: both the one they are leaving and the one they are moving to. In reality, that is simply not the case but in the vast majority of Islanders, including those in the Open Market, the value of their current home enables the purchase of the next one.

1865 The result is that the Law, as presently drafted, excludes the very people it is designed to assist. Unless you can afford a bridging loan you simply cannot legally complete a down-size under section 3C. This is not what was intended, it is not what the Open Market community was led to expect. When the Open Market Forum was consulted earlier this year, it made its position very clear. In the words of its Chair, Mr Barry Cash, I quote:

The Forum considered the requirement to own two houses before the transfer could be made and noted it would be very difficult for many Open Market owners to down-size without taking out an expensive bridging loan.

1875 Those concerns were shared by the Forum Committee, of which I am a member, and by many residents who contacted the Committee. We all supported the principle of the legislation, making it easier for Open Market residents to move to smaller homes while staying within the Register, which we warned repeatedly that we believe the mechanics of the Law were flawed. This is not a point of pedantry, it is about the basic operability of the Law and the protection of people's property rights.

1880 At the briefing to Members last week, I asked whether the Law Officer present could confirm that regulations could be drafted to reflect the practice officials described, while remaining consistent with the Law as written. Unfortunately, that assurance was not forthcoming. Instead, we were told about coterminous ownership, meaning both properties are held at the same time, which I am not sure actually happens. What happens when a chain breaks through no fault of the applicant? What happens when completion dates do not align? These are not theoretical issues, they are every-day realities of the housing market. The Law must work in the real world, not just on the drafting table.

1885 Our amendment does not tear up the legislation, it simply adds a small but vital flexibility. It directs that section 3C be amended to permit a person who owns one Open Market Part A property to down-size even if they do not own both properties at the same time. That is it, it leaves everything else intact: the control mechanisms, the registration process, the transfer fee, it just ensures the down-sizing provision can function as intended.

1890 Members may hear it is said that this is unnecessary, that the regulations can fix it. I say, sir, respectfully, that is not good enough; regulations cannot override primary Law. If the Law says you must own two properties, then that is the Law. Unless we change it we are asking people to act outside the Law.

1900 We should be clear, this is a correction, not a challenge. It supports the intent of the Housing Committee's Policy Letter but it ensures that the enabling Law is watertight and workable. It also restores a little trust. Open Market residents have been seeing their rights of flexibility steadily eroded over many years. Making this small and fair change sends an important signal that we do listen when a practical issue is identified and that we want laws to work for everyone.

Members are being asked by Housing to approve a Commencement Ordinance that would bring into force a provision we know cannot be used in its current form; this makes little sense. The amendment allows the Law to proceed but it directs the drafting of a simple corrected Project so

1905 that genuine down-sizers can benefit from the measure. It costs nothing, it changes nothing of substance, but it can assure that this Law can actually achieve what it sets out to do.

Sir, Members, this is a small matter of wording but a significant matter of fairness and good governance. I commend the amendment to the Assembly.

1910 **The Bailiff:** Well, Deputy Sloan, do you think there is a word missing at the end of the first inserted Proposition?

Deputy Sloan: 'Time', yes. I did raise this with the Deputy Greffier.

1915 **The Bailiff:** Are you just inviting us to read in the word 'time'?

Deputy Sloan: Yes, please, sir.

The Bailiff: All right. Deputy Camp, do you formally second this amendment?

1920 **Deputy Camp:** I do.

The Bailiff: Thank you very much.
Deputy Kazantseva-Miller.

1925 **Deputy Kazantseva-Miller:** Thank you, sir.

I wanted to speak early on behalf of the Committee to outline our position. This is effectively a technical amendment but we believe, although it is laid with the best intention, it is not only unnecessary, but it may in fact harm the interests of those that Deputy Sloan seeks to protect.

1930 The concern at the heart of this amendment is the belief that the requirement to own two properties is unfairly burdensome, that it would require the applicants to source funds to purchase a second home, even if that was for a limited period of time rather than fund the purchase through the sale of the original house in the way most people down-sizing would. We do not believe that these concerns are correct, and we have tried to explain them to Deputy Sloan and the Deputies in the briefing we held recently.

1935 There are also two ways to actually interpret this amendment technically. The first interpretation would be a narrow interpretation, that it seeks to allow an application to be made by an individual who does not own the two properties at the time of application. The inscription itself should only take place at the point at which the applicant owned both properties.

1940 However, this is already the position under the legislation as drafted. It is the ownership of both properties that is the requirement for the inscription, not a specific requirement for application. The specific requirements of what is needed during the application process is outlined in section 3C(4) and it includes the following. It is the need:

To be living in the property the inscription of which is to be deleted, have been ordinarily resident in Guernsey for at least 20 years, and have inhabited only properties inscribed in Part A for the whole of the period referred to in paragraph (b).

1945 If it were a requirement that the property to be added needed to be owned as well, I would expect to see it made clear in that section. The conclusion is that, as the Law is drafted, it does not require both properties to be owned at the point of application. If we were to interpret the amendment in the way it is drafted, because it actually specifically prescribes the point of application in their amendment, we believe that existing legislation, as drafted, already provides for that.

1950 The second technical interpretation of the amendment is what Deputy Sloan alluded to in his opening speech. The wide interpretation is that the transfer of inscription should be allowed when the owner does not own the two properties. This, for us, will actually be the more concerning scenario.

1955 The understandable concern behind this is that the applicant must own two properties simultaneously. However, as we have tried to explain through the preparation of this legislation, the Committee has been advised that a coterminous property transaction would be sufficient to meet the requirements of the legislation, provided the sale and the purchase took place as part of one process carried out simultaneously. There would not be any need to tie up capital or source any bridging financing for this.

1960 I understand that the previous Committee *for* E&I also really listened to exactly these concerns expressed by the Open Market Forum and tried to ensure that the enabling Law was providing for the opportunity of the coterminous property transaction. Ensuring that inscription and deletion occur at the point of conveyance is actually a fair and key manner in which we can protect the interests of Open Market residents, otherwise, you could potentially lead to quite dangerous scenarios.

1965 Imagine, for example, a scenario where you are an Open Market owner and you are looking to down-size. You have identified a suitable Local Market property and you are ready to buy it. Under the scenarios outlined under Deputy Sloan's amendment, you would be able to transfer out your Open Market inscriptions to this local new market property before you have actually completed the purchase. What if the property chains fell through? It can happen for many reasons.

1970 That means that your current property is no longer an Open Market property, it is a Local Market, and you can no longer live there, and it has also lost value overnight. This will immediately affect your status because you cannot reside in your own house that has now become a Local Market property.

1975 At the same time, if the inscription was also transferred to this Local Market property that you failed to buy so it becomes Open Market, what would the seller of that property do? Would they give the inscription back or just walk away and say, 'Thank you very much, Deputy Sloan'? (*Laughter*) There are of course all sorts of issues that could occur in a property chain falling apart. The sellers could get cold feet, unforeseen boundaries, structural issues, etc. Allowing for the inscription to transfer at the point of conveyance leaves Open Market residents at risk.

1980 We could of course find ways to account for those difficult scenarios, like the one I have just outlined above, and have all sorts of technical provisions such as reverse transfers, holding inscriptions in abeyance before transfer, issuing Temporary Residents certificates. This would be quite a significant departure and require changes, not only in the Open Market Law, but also in the Population and Immigration Policy.

1985 I should note that the former Committee *for* Home Affairs were consulted during the development of this policy and made it very clear that the Open Market policy should have no impact whatsoever on the existing Population Management Law and policy. This is really not a Pandora's box we want to open. The legislation as drafted enables for a coterminous transaction to take place so that the Open Market resident does not have to source additional or bridging financing.

1990 It is for these reasons that the Housing Committee is really not able to support this Proposition. What I think we do accept is that the specific language about maybe the coterminous transaction is currently not included in primary legislation. This is the kind of guidance we can develop and to make sure that it is clear that coterminous transactions are being allowed. I urge the Assembly to reject this amendment.

Thank you.

The Bailiff: Deputy Leadbeater.

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Deputy Leadbeater: Thank you, sir.

Without really wanting to labour the points that Deputy Kazantseva-Miller has made, I am talking pretty much from a population management point of view here. Deputy Sloan said, 'What happens when the chain breaks?' To paraphrase he said something like, 'We have to prepare for what happens in the real world' and I fully agree.

2005

The inscriptions policy is designed to help Open Market residents down-size smoothly and without risk. A key safeguard requires residents to own both the property they are leaving and the one they are moving to before transferring the inscription. In practical terms, where an individual is looking to down-size, it is understood that the transfer would occur at the point of conveyance. This ensures compliance with the Population Management Law and negates the risk of the Open Market resident transferring the property inscription to a smaller property they intend to purchase, to have the vendor remove it from the market or something else happen and the chain break down.

The proposed amendment would remove this safeguard, creating situations where residents could lose their legal right to live in their own home due to uncertainties in property transactions. It risks leaving people without valid residency if a purchase falls through or a property becomes unexpectedly unavailable. Such cases would probably not be many but it would likely increase complex discretionary Resident Permit applications and create quite a bit of a messy situation for the Population Management Office to have to deal with.

For these reasons, in the same vein as Deputy Kazantseva-Miller, the Committee for Home Affairs advises Members of the Assembly not to support this amendment.

The Bailiff: Deputy Gollop.

Deputy Gollop: I probably should support my President for Home Affairs' advice there.

I am a bit maverick on this because I think what we have not seen is – I will support the amendment in principle, I think – how the amendment would be drafted into legislation. We could then look at whether there are issues, as Deputy Leadbeater has outlined.

I would hope in the unusual and horrific circumstances, really, of the chain breaking down, that the Population Management Office would be able to give temporary licences to overcome the obvious anomaly of somebody not being able to live in their own home because they were in the wrong market and vice versa.

There are some intriguing issues with this because if the person who owns an Open Market Part A property makes an application to delete the inscription on that property and inscribe a new property in Part A of the Register for the purpose of down-sizing, even if the person does not own both properties at the same time, the implication in the phrase 'down-sizing' suggests that the new property might be cheaper. It certainly would be perhaps smaller in size or newer or have less gardens or land in the curtilage.

That is not necessarily clear and there is an implication there that the Open Market Part A property would, in going down to the Local Market – I should not call it 'down' – but into the different market, would therefore be potentially quite a valuable property but perhaps less valuable on the Local Market than the Open Market. Whereas the opposite would occur of course with the property that could be inscribed because once the new property is inscribed, the vendor of the Local Market property might not benefit from that possible price lift but the owner would, to a degree, perhaps.

We have heard the Open Market Forum mention, and I think they are an important part of our financial and social community. In a way the Open Market is almost a movement and it has declined in numbers and it was designed actually to stimulate economic development on the Island and also people who perhaps wanted to be entrepreneurial or self-employed who did not fit easily into the licence categories.

It is not necessarily good for the Island, albeit we have a significant housing crisis, that the numbers of Open Market properties have declined. In the past, I do know the old Housing Authority, Housing Department, used to give compassionate licences to people in this situation. I think we do seem to be a bit defensive in resisting this amendment.

Already we have heard from Deputy Williams, a great opening maiden speech, that he would not necessarily have a problem, if I understood him right, with permission in principle for somebody who came along and said, 'What would happen if I owned Property A and wanted to buy Property

B, what would be the scenario?’ Deputy Kazentseva-Miller has ably talked about the coterminous situation of the deal.

2060 It still implies that the owner of the Open Market property, who may well be an older person, who may well be a couple or older people or have disabilities, it puts a lot on them to be in the situation of being able to effectively become a guaranteed coterminous owner without the bridging loan that we have heard.

2065 I think we run the risk sometimes in the States of listening very carefully to legal advice and bureaucratic advice – I will perhaps have more to say in general debate on that – but not necessarily the views of more commercial entrepreneurial and those stakeholders. We do not want to upset any market or any estate conveyors but I think this amendment at least gives us the opportunity to scrutinise this more.

2070 It has been pointed out that the Scrutiny Panel of Legislation has looked at this, chaired by Deputy Camp who is on Scrutiny. That is true but there were several Members there who actually did not necessarily support every aspect of the policy or the way it has been done. Our role is not to be policy makers or second-guessers or second-Chamber, it is to see if it is in conformity.

I believe that we should give this amendment the benefit of the doubt. Whether I vote for it or abstain, I do not know. I seem to have technical problems in not having my facilitator applicator anyway, so sorry if I miss the boat on it.

2075

The Bailiff: Deputy Camp.

Deputy Camp: Thank you, sir.

2080 It is worth I think reiterating or confirming the reason why I supported Deputy Sloan in bringing forward this amendment. The difficulty that we have is that in primary legislation we have the term ‘owning two dwellings’. The difficulty is that owning two dwellings means it is very clear in Law, you own two dwellings.

2085 I am not convinced that coterminous ownership meets the requirements of owning two dwellings. If it is coterminous, one minute I own one, the next minute I own another but I never owned them both. That is why I have supported this amendment. I think rather than attacking the policy direction, my belief is it supports it and strengthens the procedural application of it going forward.

The Bailiff: Deputy de Sausmarez.

2090

Deputy de Sausmarez: Thank you, sir.

2095 I think Deputy Sloan and Deputy Camp are being quite right in identifying this as an issue that needs to be resolved, but I think hopefully I can provide some assurance to the Assembly that it is in the process very much of being resolved. In fact, Deputy Gollop said he did not think we needed to be defensive about this or anything and, actually, I completely agree with him.

2100 The way to adjust the problem is actually the way that the Committee, I understand, is addressing this very issue: has come from the very specific suggestion of the Open Market Forum. This problem was identified ahead of the primary legislation and for the reasons that Deputy Kazantseva-Miller outlined, it was not possible to put it into primary legislation in a way that would not cause problems, from a population management perspective, in particular.

2105 It was not possible to put that into the primary legislation but what we did make sure was that the primary legislation included the ability for something like regulations to come forward to address it. Perhaps Deputy Williams, when he replies to debate on the amendment, may be able to confirm, but my understanding is that actually regulations to allow the coterminous transaction, as Deputy Camp has just described, have not even been drafted. It is really just a case of the Committee’s approval before they can be enacted.

I know I am the person in this Chamber that was most involved in this issue. I had countless meetings with Open Market Forum members; many meetings. They were part of all the stakeholder

2110 groups and a good number of individual meetings as well. They were absolutely right to identify this problem and we were very keen to make sure that it could be addressed. The whole point about this, or this section, is we wanted to make sure that the barriers to down-sizing were minimised and removed.

2115 We thought it was a really fair point that was being raised. The suggestion about how to tackle it came specifically from the Open Market Forum. We thought, 'Great idea, let us do it that way.' We thought the enabling legislation is primary legislation that enables us to do this and then there will hopefully be the regulations which the Committee can bring forward, and that will provide the solution.

2120 I think the only other thing to bring to Members' attention is the difference between doing something by regulation, which is an agile and quick process compared with amending primary legislation. Apart from the many problems, which Deputy Kazantseva-Miller has outlined in amending the primary legislation, it is also great to draw on resources as well. I am sure many people in this Assembly – if they do not already share my immense frustration at how long it takes to get legislation through the States – will hopefully share my enthusiasm to actually make things as quick and effective as possible.

2125 I think amending the primary legislation as this amendment suggests is the more problematic, the more time-consuming and the more resource-intensive approach. We have got a solution ready to go; I think we should entrust the Committee to crack on with it. Although I completely agree with the sentiment and the motivation underpinning this amendment, I would urge the Assembly to reject it and instead support the Committee bringing forward those regulations as quickly as possible.

2130 Thank you.

The Bailiff: I invite the President to speak on the amendment next, please.
Deputy Williams.

2135 **Deputy Williams:** Thank you, sir.

2140 Still a bit croaky, I am afraid. Before debate closes I think it is useful to stress that in the Committee's view this amendment is either unnecessary or risky, depending on which interpretation you take. I know it is laid with the absolute best of intentions but we are convinced, and we are sure, about the method that we have will achieve the outcome we want in terms of the coterminous arrangement. For that reason, I cannot support the amendment.

2145 Thank you for all the comments that are raised so far and a comment by Deputy de Sausmarez regarding the regulations. Yes, they are drafted, they have not been fully approved yet by the Committee, but they are ready to be assessed. The coterminous area is obviously something that we will home in on very carefully.

We believe we have a route through the legislation as drafted and the supplemental legislation which would address the concerns raised through this Proposition. I know that Deputy Sloan has expressed his concern that any ambiguity could potentially cause issues down the line. To that end, I have spoken with officers and considered advice on the legal position.

2150 I am satisfied the legislation will deliver as intended, that applications can be made in advance, that coterminous transfers will count for the purpose of transferring inscription. If it did not then through you, sir, I can assure the States that I would, having consulted with the Committee, be directing that all reasonable steps be taken to remedy this as soon as practicably possible.

2155 I hope that gives you some assurances of our intention. We want this to work, we want it to be smooth. There were discussions yesterday with Open Market Forum representatives who did not consider it to be a problem in that we have a solution for it. Nonetheless, I do not wish there to be any risk that this amendment leaves Open Market residents in a more vulnerable position. Through you, sir, I ask the Assembly to vote against the amendment.

2160 Thank you.

The Bailiff: Members of the States, I am going to see whether you want to hear from Deputy Sloan as the proposer of the amendment by continuum and then take a vote on Amendment 1. Those in favour; those against. *(Laughter)*

Can we just have a little bit more enthusiasm, please, Members of the States? *(Laughter)*

Members voted Pour.

The Bailiff: Deputy Sloan to reply to the debate on Amendment 1.

Deputy Sloan: Sorry, sir, I was not quite sure if I can speak now on the amendment.

The Bailiff: Yes, okay.

Deputy Sloan: Sir, I thought this was a simple amendment; I will be very quick. I did not get elected to make bad law. Of course, we have not made this Law; I am proposing amending it. It is very rigid and it is very inflexible. I personally, sir, do not believe that one person's example trumps another person's example, so there are examples and scenarios on both sides. The point I made in my speech proposing this amendment remains valid. In listening to debate, it has been very defensive and it is almost like being a dialogue of the deaf.

I am not a lawyer but I was a Director of the GFSC and I understand that primary legislation trumps secondary legislation, secondary legislation trumps regulations, regulations trump guidance. All of those situations and scenarios we have been speaking about can be resolved through regulations and guidance. It does not make the primary Law correct. The primary Law needs to be correct, as outlined by Deputy Camp.

I hear the Committee's concerns about a loophole being created but in the motivation to drive out loopholes, the Law has become inflexible. I do not like to see poor primary legislation and that is the only reason for the amendment. The amendment will work in practice. Like I said, we are not holding anything up. It requests that this be sorted out at a later stage, it does not hold anything else up, so it is in spirit of the legislation which I have agreed in terms of our support for the policy. On that, sir, I will hopefully break, we will have a vote, and have some nice lunch.

Thank you, sir. *(Laughter)*

The Bailiff: Members of the States, it is time to vote on Amendment 1 to the Draft Ordinance proposed by Deputy Sloan, seconded by Deputy Camp, and I will invite the Greffier to open the voting on Amendment 1, please.

There was a recorded vote.

Not Carried – Pour 8, Contre 23, Ne vote pas 4, Did not vote 2, Absent 3

Pour	Contre	Ne vote pas	Did not vote	Absent
Camp, Haley	Blin, Chris	Hill, Edward	Helyar, Mark	Gollop, John
Curgenven, Rob	Burford, Yvonne	Kay-Mouat, Bruno	Niles, Andrew	Le Tocq, Jonathan
Goy, David	Bury, Tina	Snowdon, Alexander		Van Katwyk, Lee
Laine, Marc	Cameron, Andy	Strachan, Jennifer		
Matthews, Aidan	Collins, Garry			
McKenna, Liam	de Sausmarez, Lindsay			
Ozanne, Jayne	Dorrity, David			
Sloan, Andy	Falla, Steve			
	Gabriel, Adrian			
	Hansmann Rouxel, Sarah			
	Humphreys, Rhona			
	Inder, Neil			
	Kazantseva-Miller, Sasha			
	Leadbeater, Marc			

Malik, Munazza
Montague, Paul
Oswald, George
Parkinson, Charles
Rochester, Sally
Rylatt, Tom
St Pier, Gavin
Vermeulen, Simon
Williams, Steve

The Bailiff: So in respect of the amendment proposed by Deputy Sloan and seconded by Deputy Camp: there voted in favour 8 Members; there voted against 23 Members; 4 Members abstained; 3 Members did not participate in the vote. Therefore, I will declare the amendment lost.

2205 When we come back after the luncheon adjournment, Deputy Inder can move to the seat that was vacated by Deputy Burford up here, and Deputy Burford can go and take Deputy Inder's seat, therefore, everyone will be back in the places that they are supposed to be in.

We will now adjourn until 2.30 p.m.

*The Assembly adjourned at 12.33 p.m.
and resumed its sitting at 2.30 p.m.*

**The Open Market Housing Register (Guernsey) (Amendment) Law, 2025 Commencement)
Ordinance, 2025 –
Debate concluded –
Propositon carried**

2210

The Bailiff: I was waiting for an announcement but never mind. Who wants to speak in general debate on the Draft Ordinance?

Deputy Curgenvén.

2215

Deputy Curgenvén: Thank you, sir.

I am surprised to learn today we are presented with what might be the world's most perfect Law, a Law so perfect we, the Assembly, will require little to no legal advice, a Law so perfect no risks have been openly identified. A Law so perfect no funds have been set aside for legal action, for defence or for damages, funds which, let us not forget, would flow from our pockets but not from the taxpayers'.

2220

I have no doubt the last term's E&I had the best intentions in drafting this policy and I know that the Committee *for* Housing is guided by a genuine desire to do the right thing. The legislation before us today, I argue, does retrospectively remove the rights of our citizens. Just a note on that before proceeding, according to a Rule 14 question – and I apologise, I do not know the date I submitted it – the Committee *for* Housing was asked, among other questions:

2225

Has the Committee had sight of legal advice confirming that the Law and its proposed commencement is human rights compliant? Will the Committee share with States' Members, confidentially if need be, this legal advice? If the Committee is unwilling to share this information, why not?

The responses to 13-15 was no. Hopefully the President may wish to concretely, or should we say, answer this question whether the Committee has definitively received written legal advice and knows for a fact that it is human rights compliant.

2230

We must, therefore, consider whether this is good governance. We must consider whether this is in the public interest. We cannot ignore the fact that retrospective legislation almost always breaches human rights and for good reason. We do not tell people today the speed limit for

yesterday has changed. We do not tell taxpayers the 20% tax they pay now is 30% and they owe us the difference. We do not tell our children, after receiving their GCSE results, we were marking their efforts based on different criteria.

We must also ensure we do not legislate with the intent of stopping, hindering or impeding civil proceedings against the state. Not only is it unfair to change the rules because we think we might lose, it is a breach of our international obligations, obligations that I have no doubt Strasbourg would have no hesitancy in upholding.

We know this is relevant because Deputy Williams sitting across says there are various lawsuits related to this very legislation. I am told that passing this Law may well result in legal proceedings that could cost the taxpayer upwards of £200 million. If we consider that through the lens of the 8% return the States claims to earn, that equates to a reoccurring annual loss of £16 million.

So why, some may ask, are we being told this Law must be passed and must be passed today? Because, we were told, the Open Market housing sector will collapse if we do not. Really? In the eight and a half years how many houses have been inscribed? Exactly one and, allegedly, only because related civil servants were friendly with the applicant and enjoyed a skiing trip following the successful application. How many applications are currently pending? Roughly 20. Hardly the mad stampede to turn Local Market properties into Open Market properties or the collapse of the housing market we were told was imminent.

Having debunked the myth of a market collapse, can we discern the real intent behind the Law? We have been told this Law benefits the public purse, that it results in additional revenue stream. Is this true? Is the purpose behind the legislation to create additional revenue for the Government, more money for us? Sounds great, right? Not quite. We cannot conceal an additional revenue stream as a fee. You see, a fee is only lawful if it relates to administrative charges. If it is imposed for the benefit of raising general revenue, then it is attached and, without specific statutory authority, this could be unlawful.

For those acquainted with the Law, this is not theoretical. It is exactly what happened in 1976 when the Home Office tried to charge extra for television licences retrospectively. The Court of Appeal held that the Government cannot use licence fees to raise extra money beyond what Parliament authorised.

It is not the role of Government to bury or to minimise or to paper over issues, which seems to be the tactic, and all too frequently. It is not the role of Deputies to pressure others into backing policy or legislation without facts or evidence or without legal counsel. We all hold equal power in this Assembly: one Member, one vote. We are, each and every one of us, representatives of the people.

We should not, therefore, conceal our purpose, for our purpose, the purpose of Government, is the people's purpose. We have no separate self-interest, no medicine we would unfairly dish out because we would not take it ourselves. We are each in this House to apply these same fundamental principles we would apply to ourselves and apply these standards when the situations are against us, for that is when they matter the most.

Earning the trust of the people who put us in power requires more than singing our praises or avoiding the uncomfortable truths. It requires the occasional disruption, the willingness to speak out for what is right, the willingness to ask questions, to scrutinise, to admit when we have made mistakes.

The brilliance of our democratic system and the Rule of Law is that it can always be changed. Mistakes can be rectified. The genius of our system is that it makes no permanent rule other than the faith and the wisdom of ordinary people to govern themselves because we know, or we should know, that we do not know everything and that at times we will err.

In the name of democracy, let us use this power, let us unite, let us hold off in passing this Law and act in a way that is worthy of the people who have placed their trust, their lives and their futures in our hands.

Thank you, sir.

The Bailiff: Deputy Leadbeater.

Deputy Leadbeater: Thank you, sir.

2290 This has been quite an interesting run-up to this debate with some of the talk that is going on in the background. There are certain Members who say this is not human rights compliant. We have the Committee saying, 'This is human rights compliant' and the Committee say that the lawyers advising the MOJ say it is human rights compliant.

Is it possible to get some confirmation from HMP or HMC as to what the position is because I would like a proper understanding of it, please.

2295

The Bailiff: Would either of you like some time to think about that or are you ready to deal with the question that Deputy Leadbeater has posed now?

2300 **The Procureur:** Sir, thank you. I am happy to try and answer if it assists Members; there may be subsequent questions.

Sir, I am aware that there have been a number of suggestions that the Law is not ECHR compliant, also on social media, and as raised just now in the Assembly. Deputy Curgenvin, who has just spoken, has also mentioned the issue of retrospectivity. Now my understanding is that part of the reason for asserting that the Law may be non-ECHR compliant is because there is an assumption that the Law is retrospective.

2305

If I may tackle those two issues very briefly. Firstly, I do not consider that the Law contains retrospective provisions. There is a transitional provision which was set out by Deputy Williams in his speech, which means that if this Law is commenced – and of course Members have already debated the policy behind this legislation – then once the Law comes into force, those who wish to apply under the new Law can apply under the new Law. Those with any extant applications will be sent the applications back and invited to reapply. That is not a retrospective provision, it is a standard transitional provision that we use in similar form in many types of our legislation, so firstly, I do not consider the Law as retrospective.

2310

Secondly, in terms of ECHR compliance, this is primary legislation that has already been debated by the States. Now there are suggestions that the legislation will interfere with existing rights. That is actually what most primary legislation does and that is the reason it is in primary legislation. Government has debated the legislation, it is wanting to change a policy, perhaps change a Law, and it is doing so expressly by primary legislation.

2315

Just because a matter may interfere with existing rights, may raise ECHR issues, that does not mean that the legislation is inherently unlawful in itself. Furthermore, my understanding is that in terms of the ECHR legislation, Article 6, which guarantees the right to a fair trial, is the Article which has been cited, just for Members' benefit, that is not an absolute right, it is a qualified right. Where Government has expressed an intention to debate policy, pass legislation and Government is content that the legislation is proportionate, achieves the proper aim, that is perfectly proper; that is what Governments are entitled to do.

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2325

In summary, I have gone slightly outside into the generalities because I am aware a lot has been raised outside. No issues have been raised with me directly. I am always happy for issues to be raised with the Law Officers directly; in fact, that may be preferable to on social media. What I would say in addition is that the Legislation Review Panel has obviously considered this issue, as mentioned by Deputy Gollop earlier in debate. My understanding is at the LRP process there were also questions raised whether this legislation was human rights compliant. The Crown Advocate advising did confirm that the legislation is considered by us to be human rights compliant.

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At no stage has legal advice been withheld or not shared, as I believe has also been alleged. I am very happy to say that in our opinion the legislation is human rights compliant and it has followed the proper Scrutiny process. I hope that assists but I am happy to assist if there are further questions.

2335

The Bailiff: Deputy Gollop.

Deputy Gollop: Thank you very much.

2340 I thank His Majesty's Procurer. Indeed I did attend I think the meeting concerned when we were advised by a senior Crown Advocate that the Law, in their legal learned opinion, was not retrospective and it had gone to the United Kingdom Advisory Service, the Ministry of Justice, whatever, and they too had concurred with that and of course, inevitably, learned lawyers, perhaps a bit above my pay grade.

2345 I am not going to speculate on whether any of it is retrospective or not because His Majesty's Procurer is absolutely right, the very nature of legislation and change is that it perhaps would take away or alter some existing rights. Of course, that does not necessarily stop people who feel they have a legitimate grievance seeking judicial review but I think that is not something I would speculate on.

2350 That said, I think I did agree quite a bit with what Deputy Curgenvin has intimated inasmuch as this has been a rather curious history in that a new States, a new mandate, new President of a new Committee actually, Housing, had implemented this. As Deputy de Sausmarez has pointed out, she did extensive political work and heavy lifting in the last term and indeed other Committees were involved as well. Deputy Leadbeater has alluded to Home.

2355 One of the main reasons given for the effective – I will not call it an 'injunction' exactly – but a limbo of the application for licences is a population review and the implications were necessary. I think it has been very important – and here I do agree with the Chief Minister and many Members – that in tackling this we need to give confidence to everybody in the sector, all of the stakeholders in the Open Market, the Local Market, the building community, the land-owning estate and not in
2360 any way say or do anything that could cause market upheavals.

Indeed, this very Law is the nature of stability. Of course, anecdotally, the argument has been made that it could affect certain people who, for example, might have descendants who would not be able to legally occupy a house. We had that debate earlier about somebody who could be in the paradoxical position of changing markets and the chain breaks down, and they would be occupying
2365 their house potentially illegally.

Well this could also apply to descendants whose parents or grandparents might have had a right to occupy locally but they might not. Therefore, an imposition to stop people transitioning in the market could be perceived as unfair, for example. Deputy Curgenvin alluded to one, maybe more than one, that changed status. Well I am not going into the specifics of that but clearly at one point
2370 there was a pathway to change and now that pathway will be changed by the new framework.

Yes, it is good that the States will gain more money, that we have a robust policy and that we do not unnecessarily lose Local Market housing to the Open Market; that clearly is in the public interest. I think the public interest is quite a difficult one to balance because, on the one hand, we do not want to lose high quality, or even medium-quality properties that locals should be entitled
2375 to live in to Open Market, but the Open Market in itself brings us potentially skills, prosperity, enterprise and many other fields.

If it is true that there were applications for potentially 25 possible changes, I do not think that is a particularly high percentage out of 1,500. I do hope that every one of those cases, if they reapply, are taken on their merits. I think possibly something I am not happy with about this Law, although
2380 it goes beyond I think the Commencement Ordinance issues, is the restriction on three properties per annum or 15 over five years because that does not strike me as being particularly flexible.

The explanatory memorandum at the start of the legislation points out the provisions excluded in commencement at this time are concerned with the inscription in the Open Market Housing Register under inserted section 3A, of 'prospective new-build properties' that clearly want more policy and guidelines, but I would like that to come sooner rather than later. Because with the
2385 uncertain political times in the UK and elsewhere, we are potentially missing out on investment in those sectors, digital nomads, people who want brand-new properties in appropriate settings. I would like to see that accelerated and a greater degree of flexibility in the right sites for the right property.

2390 I think this will go through today and perhaps because of my technical issues I might be seeming
to be abstaining from deciding. I think as a senior Member, I suppose, or at least a Member who
has been around a long time, I can see the necessity that Deputy de Sausmarez and Deputy Williams
and others are actually being robust in getting the new legislation in place as soon as possible. It
does not blind me to the arguments that some other Deputies have made, especially
2395 Deputy Curgenvén, but potentially Deputy Sloan, Deputy Camp and others, that there are issues
here that could be seen as threatening people's freedoms and commercial freedoms as well.

I do hope that a very sympathetic approach is taken by Housing to maybe some of these more
challenging cases around the 25 because I am not going down the argument that the legislation is
retrospective. What I would say is that we did place a lacuna, a limbo, for 18 months or more on a
2400 statutory process whereby people could apply but they were told, 'You cannot be considered at this
time.'

I do not think Government should really do that ideally. I think if a process is there it should be
honoured. Yes, they were challenging times with elections and many other pieces of legislation,
Moneyval and so on. Although we are doing exactly the right thing ensuring that we have a proper
2405 route for both the Open and Local Market for this legislation, I do think a degree of sensitivity and
common sense could be applied to perhaps some of those disappointed people who, on the record,
have put in an application and maybe had it returned with their cheque or fee.

I think those people should be considered carefully on their merits, not retrospectively, not
special treatment, but in such a way that we see a degree of fairness and harmony in politics and
2410 we do not hopefully go down any further routes of social media or potential litigation.

Thank you.

The Bailiff: Deputy Kay-Mouat, to make his maiden speech.

2415 **Deputy Kay-Mouat:** This could actually be a very short maiden speech. *(Laughter)* Under Rule
17 I would like to declare a special interest.

The Bailiff: Well on that basis we will not treat that as a maiden speech. *(Laughter)* You should
have declared the interest before voting on the amendment but never mind.

2420 Deputy Camp.

Deputy Camp: Thank you.

I do feel that it is necessary for me to talk on this Proposition. As Chair of the Legislation Review
Panel I do want to clarify that indeed the panel did ask Crown Advocate McLellan directly about
2425 human rights compliance. While written legal advice between the UK Ministry of Justice and the
Law Officers could not be shared, we received verbal assurance that the Proposition is deemed
compliant.

That assurance, given the Crown Advocate's role and the established process by which Royal
Assent is granted, is sufficient for me personally, so I do not share that particular concern around
2430 advice on human rights compliance. However, human rights compliance alone does not make a
Proposition reasonable, and it is reasonableness that I have grappled with over the course of
discussions. It started at the LRP and has filtered through to today.

I want to thank the President of the Committee and the officers involved for the time they have
taken to engage with Deputies ahead of this debate. Their presentation clearly explained the
2435 purpose and intention of the Law, and I do not fundamentally have an issue with that. I was left
feeling that the substantive questions around 'reasonableness' were not fully addressed. Indeed,
that presentation sparked further discussion around legal privilege and transparency of the
Committee process, issues which, if anything, have raised more questions than they have answers,
and that lies at the heart of my ongoing concern.

2440 As a People's Deputy I am part of a legislature, the body that makes Guernsey's Laws, that it is
not a responsibility I or any of us should take lightly. It is not our role simply to be told by

Committees or civil servants what to approve. Legal advice by definition is advice. It is not infallible and there is no obligation to accept it without question.

2445 In this case I did start looking at some of the points that Deputy Curgenvin has raised. Some point to case law such as what I believe to be *Wilkes* or *Congreve*, if we take a look into UK case law, which tests the reasonableness of using fees as a form of taxation. Other questions whether this Proposition lawfully allows pending applications to be cancelled have also been raised. These are serious and credible arguments on both sides.

2450 I find it has become impossible to weigh some of those arguments objectively when under our system we seem to have had this larger issue around openness of sharing legal advice, which to me would be critical to decision making. Despite the Committee's engagement, doubts remain over the proportionality and reasonableness of the sections proposed to be enabled by this Ordinance.

2455 As legislators we must be confident we understand both the purpose and operation of every Law we are asked to pass. Whatever convinced the previous Assembly to approve the Amendment Law in full, that process this time, in my view, has been unnecessarily opaque.

2460 Perhaps some of that uncertainty comes from being one of the newer Deputies and coming to this late, but my integrity tells me to listen to my gut instinct and not to vote something through simply because that is the course the Committee would prefer. This is not about trust, it is about scrutiny, and in this instance I do not believe I have been given the appropriate means to scrutinise effectively. For that reason, I cannot support this Proposition today.

The Bailiff: Members of the States, I am going to remind you of the convention that you do not name civil servants in the course of the speeches you make in this place. If you want to, you can refer to somebody by reference to their job title.

2465 Deputy Blin.

Deputy Blin: Thank you, sir.

2470 Well I actually welcome the Committee's work to modernise the Open Market framework. We have had many conversations about aspects of it and the impact it will have on the economy and other parts and obviously for the Part A inscriptions. It brings greater clarity and flexibility now and confidence, recognising the Open Market, as Deputy Gollop was saying, as well as a genuine contributor to the economy and the vitality of the housing sector.

2475 The inscriptions in principle give the developers certainty and encourages investments. The ability for longstanding residents to down-size while retaining an inscription is also a practical and human step, freeing up larger properties and keeping people within our community. However, alongside these positives there is the note of caution, the caution of the aspects of potential liabilities, with Deputy Curgenvin, but also the ability to transfer inscriptions could in some cases lead to Local Market homes being converted to Open Market status.

2480 While each case will be approved on merit, even limited conversions could tighten the supply and drive the prices higher for local families and properties. The cap of the new inscriptions per year may protect market stability but it also means there is no meaningful new housing capacity being created for local demand. If Local Market properties are lost to Open Market status faster than new Local Market homes are built, then the net housing availability worsens. We have got to be alert to the overall balance between the two markets and ensure that our Housing Strategy remains coherent across the board.

2485 Then of course there is the risk of speculative applications where there is value uplift when inscription becomes the motivation rather than meeting genuine housing or economic needs. We have to ensure strong monitoring of how many Local Market properties are affected and how much new capacity is genuinely being delivered. Again, coming back to the cap, I do remember
2490 Deputy Williams saying that it will be reviewed and looked at, so that was comforting. It is a prudent starting point but I am hoping it will be reviewed regularly to respond to the genuine demand and protect the Local Market's affordability.

As the new fee structure is expected to raise approximately £1.5 million annually, and also may be considered, as some of that income is to support broader housing objectives, otherwise the general revenue, with careful implementation and transparent oversight. I am very much glass half-full. I am trying to see the positive aspects of this, but with caution and vigilance, so we do not end up risking solving one problem while quietly worsening another.

Thank you, sir.

The Bailiff: Deputy Matthews.

Deputy Matthews: Thank you, sir.

Sir, I intend to abstain from this vote. That is because I do not feel I have a direct conflict but I do have a neighbour who is one of the group of applicants who had an application fee returned. I am not Open Market myself, I am Local Market, but out of an abundance of caution I felt it better to abstain from the vote.

Although I was a member of E&I which developed this legislation, and I supported parts of it at the time, I did have some feeling and expressed to that Committee the range of options that were allowed were too narrow. We essentially blocked off most of the routes other than the down-sizing route and my feeling was that there may well be instances where, although there will be a range of reasons why people would want to initiate a swap from just purely for financial gain, others may well have other reasons to want to do so.

These discretionary decisions are really very difficult to implement these days because they set a precedent and are difficult to process. I had hoped that regulations, sir, in future might be able to address some of those and introduce some more exceptional cases. I hope that the new Committee for Housing does address that, but for this vote I felt that, out of an abundance of caution, I would not vote either way.

Thank you, sir.

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

I will just pick up on a couple of issues, if I may. I think the issue of professional legal privilege, my understanding, certainly when I was a member of the relevant Committee we benefited from an awful lot of legal advice. Deputy Camp is quite right, it is advice, and it helps to inform decisions. That is what it is there for. But privilege is there to protect the confidentiality of those conversations. The reason that advice is not shared more widely is because it then risks that privilege being lost. That is why it is not a common thing, to share that legal advice with all Deputies.

It really does need to stay with the smallest relevant number of people that are generally the decision-makers. Certainly, I know that was the case when I was on the relevant Committee and I assume it is the case with the Housing Committee today.

Just to pick up on a point, a couple of points really, Deputy Blin did talk about applications being assessed on their merits. Actually, I think it is really important he comes on to talk about housing need. I think it is really important that we can distinguish between those two things, because it is about applications being assessed on the policy, against the policy.

The policy has been very carefully designed, not just support the Open Market in a few key respects, so improving the quality of Open Market housing stock, better matching supply with demand, in terms of the size and the type of homes and including the price range, making sure that we are better matching supply with demand, so that is a key part of the Open Market aspect. But actually there is a component of this policy which actively supports – actually there is more than one, but there is one main way in which it actively supports new Local Market units as well.

So his concerns about the fact there might actually be that loss to the Local Market is not the case. In fact, under several routes, there is likely to be a net gain to the Local Market. The most obvious one is the transfer route available to developers. I can assure him and other Members that

2545 actually there are developers who are really keen that this legislation goes ahead today or is approved today, because they are keen to get on with this. I met with them on Monday actually and they were asking about it.

2550 There is a requirement that there is a certain proportion of new Local Market units that have to be included for every one Open Market transfer. So that actually catalyses the creation of new Local Market units that possibly would not have been developed otherwise, because as Deputy Williams mentioned in his opening speech, quite often the inclusion of one or more market inscriptions through this transfer policy for developers can be the difference between a development going ahead and not going ahead, because it can make the difference in terms of economic viability. So I hope Deputy Blin can take some assurance from that.

2555 There are other ways as well in which this policy can benefit the Local Market. Obviously in down-sizing for Open Market residents, it releases a larger home on to the Local Market and there is potential, probably, in some of those for them to be subdivided, therefore, again creating a net gain in terms of Local Market accommodation.

2560 There are a few different ways in which this policy does benefit the Local Market as well as the Open Market. Really the whole aim was to make sure that we can get the market working much more efficiently than it has been, because he was quite right to suggest that it had become quite stagnated ahead of this and it needed a number of things being adjusted to make it really effective.

2565 I think there is also an important distinction to make between the right to reply and the right to an inscription. I think sometimes that has been conflated a little bit. Maybe a good analogy to use is if someone is applying for a job. I do not think any of us would sit here and assume that the right to apply for a job is exactly the same thing as the right to have that job. It does have to be assessed against the criteria and the policy sets out the criteria with respect to Open Market properties.

2570 That is important for the reasons that Deputy Blin touched on actually. This policy has been designed to meet housing needs, to make sure that we are supporting the market and it is not just a case of every application should definitely just get an Open Market inscription. We do need to make sure, and the policy is designed to ensure, that we are bringing the right kinds of properties into the market that are going to support the Open Market. I have to say that there is a degree of symbiosis between the Open Market and the Local Market and it is important for the Local Market as well, that the Open Market is working as efficiently and effectively as possible.

2575 Deputy Gollop also raised the issue around someone's child maybe being able to live in a home. Well, that is not a housing issue. This policy very specifically deals with properties, not housing rights. This is where a lot of the conversation originally with the Open Market Forum was, because actually a lot of their concerns centred not on the property issues, but on the residential rights. That is a matter for Home Affairs. It is something that sits within population management. I would suggest to the Assembly that issues like that, which are perfectly legitimate things to consider, should be considered as and when the Committee for Home Affairs review the Population Management Law.

2580 I hope that can provide a bit of assurance on some of those points. My computer has decided to go blank, so I cannot actually remember if there was anything else I was planning to say. But I am delighted to see this legislation commencement come forward and I think there is certainly plenty – I was at the Housing Forum on Monday and they were certain anticipating this with a good deal of positive energy. I think there are people raring for it to take effect.

Thank you.

2590 **The Bailiff:** Deputy St Pier.

Deputy St Pier: Thank you, sir.

2595 Sir, I am supportive of the policy and supportive of the need for the legislation in order to deliver the policy. I do have sympathy with Deputy Gollop's observation that it is unfortunate that applications were capable of being received pending the development of policy and therefore the need, as Deputy Williams said in his opening speech, to make it very clear in the application that

they were not going to be processed until that policy had been developed. I think it is clearly unfortunate. It is not necessarily the way you would wish to design a system. I think that is at the root cause of much of the angst and concern about this.

2600 However, the thing that I think has really caused me to rise to my feet is Deputy Camp's speech as the Chair of the Legislation Review Panel. I think her absence of support, given that role and the level of scrutiny, clearly the Members of that panel are there to provide a higher degree of scrutiny than perhaps the rest of us, certainly doing it at an earlier stage in the process. So I am very keen to have Deputy Williams respond, in particular, to Deputy Camp's comments as made in her speech.

2605 I think the contribution from the Procureur in terms of the observations around the human rights compliance is something that has clearly been helpful to hear the perspective of those who are providing advice, not only to the Committee, but also to the Crown as well. But I think, as I say, particular it was Deputy Camp's comments which have certainly caused me to pause for thought, given her key role in the approval of legislation.

2610

The Bailiff: As no one else is rising to speak, I will turn back to the President, Deputy Williams, to reply to the debate on the Draft Ordinance.

Deputy Williams: Thank you, sir.

2615 Sorry, my throat has not improved. I am still doing my Barry White impersonation (*Laughter*), as a number of people have alluded to.

I appreciate the comments and questions that have been raised in the debate and I will do my best to respond on everybody's points. Firstly, thank you, Deputy Curgenvén. I agree, no law is particularly perfect, obviously. This has been debated long and hard over about three years with a whole range of people. Yes, we have taken legal advice. It has been through the process, in terms of checking on the human rights compliance and the Crown Officers have discussed that already and I think answered those points quite convincingly.

2620 Obviously, it is not retrospective and that has been covered as well, in that we made it very clear to people on the application form and on the website that any applications could be made but would not be determined until the new policy was in place. I also understand regarding the question or point raised about raising the charge over and above an admin fee. We do have primary legislation that allows us to be able to charge for the new inscriptions, which is obviously taking some benefit from the value in the uplift of those properties.

2625 I think I have covered off those points that otherwise were covered by the Crown Officer in their response to you. Deputy Leadbeater asked for the advice. Thank you very much for that.

Deputy Gollop, I agree, it is all about stability in the Open Market. It is very crucial. It had a hiccough a number of years ago. We want this to be a calm market. We want it to be an attractive market. People need clarity on how they apply and what the criteria is. We have set the numbers low at three new inscriptions per annum. That is due to feedback. Some people wanted more, some people wanted less. It is to create stability in the market.

2635 We will obviously keep it under review. It could be reviewed annually. At the moment the view is taken that it is going to be 15 over the first five years. We obviously made it clear that we were not determining those applications and that people were all informed at the time. I think the point is worth remembering that many people may not have applied, having seen the banner. There are a lot of legitimate people out there who may have been interested and just did not because they looked at the application form, they looked at the website and thought, 'Okay, I will wait for the new policy to be in place.' The fairest system is we start fresh.

2640 As regards Deputy Camp's point, specifically; yes, we got written and verbal legal advice. The Committee have received written and verbal legal advice that we are following the Law, the legislation is there, this process is correct, and it is human right complaint. That has been categorically given to the Committee.

2645 Deputy Blin, thank you very much, you welcome the policy. I think it highly unlikely, I cannot imagine a scenario where we actually leak more Local Market out than we actually gain. I think

Deputy de Sausmarez has already raised that point about it will be an enabler of Local Market properties to be provided if occasional inscriptions can be provided into a development to make them more viable. We will, however, be careful in monitoring this and certainly the whole process will be formally annually assessed as well.

Deputy Matthews, it is unfortunate you are considering abstaining. Obviously you are not conflicted there, but that is obviously your point. But, yes, we can look at the exceptional cases criteria. That has all been agreed with a lot of people over a period of time. I think you made the point it is a bit narrow at the moment, focus. Certainly we can look at that as it beds in and just see whether we can refine it.

Deputy de Sausmarez, thank you very much for all your work on this in the past and your comments on it as well. I do not think there were any specific questions there for me, so thank you for that.

Deputy St Pier, you support the policy. You raised the point about responses on Deputy Camp. I hope I have covered that.

If I just finish off, I believe I have addressed the points colleagues have raised or at least indicated where colleagues have ably assisted during the course of debate. Sir, I would ask this Assembly to support the Proposition before us today. Referring back to my opening speech, I want to remind colleagues that this is a policy that is clearer and fairer than what came before it. It also gives the Housing Committee tools to encourage private development and lets the Treasury benefit from Open Market inscription.

It is a policy that benefits the whole Island and I trust that the Assembly will recognise this and give it its support.

Thank you, sir.

The Bailiff: Members of the States, there is a single Proposition, whether you are minded to approve the Draft Commencement Ordinance for the 2025 Law and I will ask the Greffier to open the voting, please.

There was a recorded vote.

Carried – Pour 29, Contre 4, Ne vote pas 4, Did not vote 0, Absent 3

Pour	Contre	Ne vote pas	Did not vote	Absent
Blin, Chris	Camp, Haley	Kay-Mouat, Bruno	None	Gollop, John
Burford, Yvonne	Curgenven, Rob	Matthews, Aidan		Le Tocq, Jonathan
Bury, Tina	Helyar, Mark	Snowdon, Alexander		Van Katwyk, Lee
Cameron, Andy	McKenna, Liam	St Pier, Gavin		
Collins, Garry				
de Sausmarez, Lindsay				
Dorrity, David				
Falla, Steve				
Gabriel, Adrian				
Goy, David				
Hansmann Rouxel, Sarah				
Hill, Edward				
Humphreys, Rhona				
Inder, Neil				
Kazantseva-Miller, Sasha				
Laine, Marc				
Leadbeater, Marc				
Malik, Munazza				
Montague, Paul				
Niles, Andrew				
Oswald, George				
Ozanne, Jayne				
Parkinson, Charles				
Rochester, Sally				

Rylatt, Tom
Sloan, Andy
Strachan, Jennifer
Vermeulen, Simon
Williams, Steve

The Bailiff: So in respect of the Draft Ordinance, there voted in favour 29 Members, 4 Members voted against, 4 Members abstained, 3 Members did not participate in the vote. I will declare the Proposition duly carried.

COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY

3. Contributory Benefit and Contribution Rates for 2026 – Proposition carried as amended

2685

Article 3.

The States are asked to decide:

Whether, after consideration of the Policy Letter entitled 'Contributory Benefit and Contribution Rates for 2026', dated 8th September 2025, they are of the opinion:

- 1. To set the contributions limits and rates as set out in Tables 5, 6 and 7 of the Policy Letter, from 1st January 2026.*
- 2. To set the standard rates of contributory social insurance benefits as set out in Table 8 of the Policy Letter, from 5th January 2026.*
- 3. To set the contribution (co-payment) required to be made by the claimant of care benefit, under the Long-term Care Insurance Scheme, at the rates set out in Table 10 of the Policy Letter, from 5th January 2026 and 6th July 2026.*
- 4. To set the weekly long-term care benefit at the rates set out in Table 11 of the Policy Letter, from 5th January 2026 and 6th July 2026.*
- 5. To set the weekly respite care benefit at the rates set out in Table 12 of the Policy Letter, from 5th January 2026 and 6th July 2026.*
- 6. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.*

The States' Greffier: Article 3, Committee for Employment & Social Security, Contributory benefit and contribution rates for 2026.

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The Bailiff: I will invite the President of that Committee, Deputy Bury, to open the debate, please. Deputy Bury.

Deputy Bury: Thank you, sir.

2695

Hopefully newer Members will now have understood that this is the first of two annual Policy Letters. They are commonly referred to as the Uprating Reports. These are where ESS Committee seek the approval of the Assembly before implementing annual increases to contribution rates and benefits. This Uprating Report, specifically deals with contributions to and benefits funded from the Guernsey Insurance Fund and the Long-Term Care Insurance Fund. These benefits are funded by Social Security contributions.

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To be eligible for these benefits, a person must have paid or been credited a certain number of weekly contributions and possibly meet some other criteria depending on the type of benefit. This is why they are called the contributory benefits. Benefits paid from the Guernsey Insurance Fund are the States' pension and what could broadly be described as sickness, unemployment, parental

and bereavement benefits. The uprating methodology for these benefits was formally agreed by the States in 2023.

The agreed approach is to increase benefit rates by whichever is the higher out of RPIX or RPIX plus one third of the difference between RPIX and the nominal change in median earnings. This is a fairly complicated double-lock policy that we have done our best to explain as simply as we can in the Policy Letter. However, to add a further complication, this year the median earnings figure available is not the one that we would normally use. This is due to well-publicised difficulties with the rolling electronic census and is outside of the Committee's control. Typically the Committee would use the median earnings data relating to the year ending 31st December, the year prior, but on this occasion, the latest available median data is from 30th June 2024, rather than from 31st December 2024.

We can be fairly confident from previous trends that the difference will not be too notable though. However, once up-to-date data is available, the Committee will review and decide whether it is necessary to propose any adjustment to the rates in light of it. As is standard practice, the Committee is proposing to increase contribution limits and allowances by the same percentage that is applied to the rates of the benefits. The Committee is also proposing the next step in a 10-year plan to increase the percentage contribution rates to the Guernsey Insurance Fund.

This plan began in 2022, following a resolution of the States as a safety net measure to secure the long-term financial stability of the Guernsey Insurance Fund, as at the time no firm decision had been made around revenue-raising measures. As the Guernsey Insurance Fund has been in operating deficit since 2009, the Committee feels that it is important to stick to the plan to raise contributions into the Guernsey Insurance Fund until the implementation of the GST-Plus package or any alternative revenue raising measures that might be approved.

Moving on to long-term care. As Members will know, benefits funded from the Long-Term Care Insurance Fund help Islanders over the age of 18 with the cost of residential long-term care or respite care in a private care home, provided that they meet the various eligibility criteria. In February of this year, the States agreed a number of measures to stabilise the provision of long-term residential care and to try to incentivise growth in the market to meet increasing demand. These changes included gradually increasing the co-payment to fully cover the cost of accommodation and living expenses, increasing the sum of the co-payment and benefits paid, so that it fully covers the cost of delivering bed-based care, and introducing a guideline up-rating policy of RPIX plus 1%.

The proposals in this Policy Letter reflect those agreed changes. In fact, all the proposals in the Policy Letter are in line with resolutions of the States. So we are not proposing anything out of the ordinary or going out on a limb, but that is not to say that some consideration has not been given to doing things differently. However, as with the budget experience that most of us have had, there has been very little time to do anything meaningfully different on this occasion. But we do have alternative options to consider going forwards, as is alluded to in the Policy Letter.

So that is it in terms of the substantive proposals from the Committee. However, there is a technical issue that I must raise with Members and those eagle-eyed among you may have spotted that there are different figures in this Uprating Report and the Budget Report for the 2025 and 2026 forecast figures for the contributory funds. The figures in the Budget Report are the correct ones. Thankfully, they have gone in the right direction. I am advised by Treasury colleagues that this is due to a change made at the start of this year that changed the classification of directors from self-employed to employed for their class 1 contributions.

However, various companies had not made the amendments required. Now that this has been spotted, appropriate steps are being taken to rectify the situation with employers. The other very minor change to the figures is around the accounting treatment of maintenance works to Edward T Wheadon House, which have now been recognised as capital works, so therefore have been moved from the forecast and budget administration costs with an appropriate depreciation charge included instead.

Quite honestly, if anyone has any questions on that side of things, I will be deferring to Deputy St Pier, or Treasury colleagues will need to follow up afterwards. But I do welcome debate and questions on any of the Committee proposals.

Thank you, sir.

The Bailiff: There has been an amendment submitted, which is to be proposed by you, Deputy Bury, and seconded by Deputy Ozanne. Do you wish to move that amendment now?

Deputy Bury: Yes, please, sir.

The Bailiff: Right.

[Amendment 1.](#)

At the end of Proposition 5, delete "and 6th July 2026".

Deputy Bury: It really is a very technical amendment. It is deleting a typo. That is all we are doing. We do apologise to Members, but despite the amount of eyes and checks that this Policy Letter has been through, it got missed.

The Bailiff: Deputy Ozanne, do you formally second that amendment?

Deputy Ozanne: I do.

The Bailiff: Thank you very much.

I do not see anyone rising, wishing to debate the amendment. It is time to vote on Amendment 1, which is proposed by Deputy Bury and seconded by Deputy Ozanne, which if approved will remove some words at the end of Proposition 5. I will ask the Greffier to open the voting on that amendment, please.

There was a recorded vote.

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

Pour	Contre	Ne vote pas	Did not vote	Absent
Blin, Chris	None	None	None	Gollop, John
Burford, Yvonne				Le Tocq, Jonathan
Bury, Tina				Van Katwyk, Lee
Cameron, Andy				
Camp, Haley				
Collins, Garry				
Curgenvin, Rob				
de Sausmarez, Lindsay				
Dorrity, David				
Falla, Steve				
Gabriel, Adrian				
Goy, David				
Hansmann Rouxel, Sarah				
Helyar, Mark				
Hill, Edward				
Humphreys, Rhona				
Inder, Neil				
Kay-Mouat, Bruno				
Kazantseva-Miller, Sasha				
Laine, Marc				
Leadbeater, Marc				
Malik, Munazza				
Matthews, Aidan				

McKenna, Liam
 Montague, Paul
 Niles, Andrew
 Oswald, George
 Ozanne, Jayne
 Parkinson, Charles
 Rochester, Sally
 Rylatt, Tom
 Sloan, Andy
 Snowdon, Alexander
 St Pier, Gavin
 Strachan, Jennifer
 Vermeulen, Simon
 Williams, Steve

2785

The Bailiff: So in respect of Amendment 1, proposed by Deputy Bury and seconded by Deputy Ozanne, 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 that carried.

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

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Deputy Gollop.

2795

Deputy Gollop: I wish had more organisation and energy, because I would love to do loads of amendments for this and all the budgets and things but, as Deputy Bury has rightly reminded us, there has not been a long lead-in to this and there are issues. I hate yo-yo government, although sometimes I have been guilty of it, possibly, but I think I sat on all the Social Security Committees, one happily with Deputy de Sausmarez, Deputy Falla and Deputy Bury. I was on three different Committees at different times. I know particularly one Committee, I think one that the then Deputy Michelle Le Clerc was involved with.

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Later Deputy Chief Minister of the day, Alistair Langlois, he worked closely with the then Treasury and Resources – Deputy St Pier will remember – and there was a move not only to tighten welfare and be a bit more managing in things in a broader policy context, but to adopt not exactly a UK approach that we may see next month, with the Rt Hon Rachel Reeves, but in that direction integrating holistically social security issues, welfare payments, and the budget.

2805

I suspect the time has come when we should think about that for future years, so that we are all more informed about what we should or could spend. Although I am generally in the camp of wanting higher benefits and payments, but these are very much contributory payments.

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I think possibly I should point out, I think Jersey is the same as Guernsey here, in that you get a full pension if you have perhaps laboured for 45 years. Whereas in the UK, of course, although the pension is not as generous as either Jersey or Guernsey, Jersey being slightly higher than Guernsey, you only need 35 years of contributions.

2815

Deputy Bury mentioned the double lock in which you are looking at both RPIX and a third of the uplift in median earnings. Because the UK has a triple lock and there are many economists and political activists on all sides of their Chamber, from Labour to Conservative, wonder if that is affordable in the long term. But I think I am right in saying that the difference is that the triple lock not only just looks at inflation, but has the possibility of a general 2.5%, whatever is the higher. But also it will adapt the RPIX depending upon average wages. Now that is not a third of average wages, that is the full amount.

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I think the Policy Letter, States' report, is interesting, but I wonder why do we just go on a formula, because that in itself is a policy. I think the policy has changed a bit over the years and pre-2015 there was perhaps a more generous, if not realistic, approach. If we have a goal of maintaining the relative wealth of the older generation and the competitive nature of the States' pension, albeit we have beaten Jersey in introducing the secondary pension successfully, but that has a very long-term outlook, then I do wonder if we are not deliberately allowing – and I do not think the Policy Letter pulls any punches here – a little bit of a gap to emerge if the Island is fortunate enough to enjoy raising median wages.

2825

Now some people would say we are not necessarily seeing that in every sector. We are in some, but not in others. But in a nutshell, if we have the kind of economic development the States would like and median pay rises then it – unfortunately a consequence of that will be a widening of the gap, even with the social security formula. So we have to take that on board. The other issue that I find challenging is – I would like to know more about this, but it would appear – one Member suggested Jersey had higher social security than us. You cannot quite compare because they have a very different system. But I believe the Isle of Man has higher social security rates. We have to consider whether that is wise or not. We have to balance the social needs with the political needs.

I think we have a curious situation with the long-term care issue, whereby the States voted for, in the last term and has continued in this term, to give a more generous amount to residential nursing homes and Elderly Mentally Infirm (EMI) homes. Now most of us would say that is a very good thing, because we need to stimulate the care sector, maintain it and assume it is robust. But the contributions from the public, both in terms of the initial £10,000 eventually and higher rates, are significant.

There is a curiosity here, a law perhaps of unforeseen consequences, which came out in one of the Budget presentations, interestingly enough, that the more we encourage user-pays principle, rather than a States largesse, it actually means those people in our community who have not got huge incomes in retirement will gain more income support and more welfare, effectively, in order to make their contribution in residential care. I think, although this is a very much mark-time approach, we move forward gradually, and the subsequent report on non-contributory benefits are the same, I would like to see probably more radical thinking in all of these areas within the next year or two.

To work in such a way that we not only narrow the gap between the haves and the have-nots in society, but we do not create the situation where the squeezed middle, middle Guernsey, are those who are paying a disproportionate amount. I think, in that respect, we should actually be a little bit more revolutionary in future.

The Bailiff: Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Sir, I have got no doubt this Policy Letter will go through, because there is not really a lot to not approve, given where we are. But I do want to highlight the complete unsustainability of the situation we are in and also what I may call the fiscal drag that this policy has had on the economy and on employment specifically. I hope Members understand how contributory systems work is that we have basically got the working population, those employed are paying for the contributory benefit, most of which is going into the States' pension.

So you have working families today paying for the retirement of the many, many, many, many, many Guernsey people. The fund, the Guernsey Insurance Fund (GIF) has been in an unsustainable position since 2009. So we know we have had a problem. This is really at the core of some of the inter-generational unfairness that we have got. We have got the working population paying for the pensions and this has been in an unsustainable trajectory since 2009. There have been attempts done to slightly correct the course and that has included, as Deputy Bury mentioned, the Policy Letter that was approved in the absence of the tax debate about continually operating upwards the social security benefits – sorry, the social security contributions since 2022.

So I do not know if Members are fully aware, and I made the same points in the last debate, is that the overall increase in the social security contributions, so employer and employee since the beginning of the last political term until next year, which is the Budget we are approving, would be 1.4%; 1.4% combined increase of social security contributions. So last year we debated, during the Budget, the proposals to increase Income Tax by 2%. Well, social security, because it does not have the universal allowance was a more aggressive tax than Income Tax. What we have had over the last political term and will continue to have is effectively a very significant increase in direct taxation of employment. In addition to that, we also had secondary pensions and so on.

If the trajectory continues without any further changes to our tax system, if we fail to make those changes, the social security contribution rate, by the end of this political term, will increase by a further 0.8%. So those figures, in terms of the cost to employment, but also those additional significant taxes being layered on the working population, which is paying largely, effectively, our States' pension. This is what it is coming from. Some of the other figures, which I think I continue being disappointed to see, is that there seems to be a continuous underperformance of the investment funds in relation to the targets being set.

The investment funds are now under the States Investment Board, but that has been unfortunately a continuous trend. I would really like to see that being reversed. Obviously, the investment funds and the investment returns are not realisable returns, so they do not contribute to the payment of the pensions and the benefits, that is just paper returns anyway. But it is disappointing to see that we have got this continuous underperformance of the funds as well.

I think my ongoing issue in the way our current – it is partly structure of government, partly perhaps we have inherited over the many, many years is – I think there is a real problem that we are making what I would call fiscal or certainly tax and spend decisions through a huge variety of different Policy Letters and debate throughout the year, instead of trying to align them under at least one major debate, which I think should be the Budget debate, in which we can make those decisions. Because, ultimately, all of these things are interrelated.

Deputy Bury and her team cannot go and solve the issues around the contribution benefits and the unsustainability of it, because we have got to take into account all the other issues and how to deal with that. Just to list the number of different debates that we will have throughout the year on what I would call fiscal events are the following.

So today we are debating the Contributory Benefits Policy Letter. Then we are going to have the Budget debate. In the same time, we are going to have the Non-contributory Benefits Policy Letter. We will have a Government Work Plan debate. We will have a Funding Investment Plan debate. We will have probably two tax debates next year. And we will also have a minimum wage debate.

That is seven different policy debates all spread out around the year. All of them are completely interconnected and all of them we are making at different times of the year. I just do not think this is fiscally responsible for us to be governing our Island and deciding on things – because actually the problem is that there is very little that we can do today, there is very little we could amend today to actually change the course of where secondary contributory benefits are going. Which is why we need to align – I really think we need to work together over this political term to align all of this debates and decisions under, let us call it, the Budget, or at least Budget plus another debate.

So my plea, perhaps – I will be approving the Policy Letter, but the issues that – we want to be in a position when we are able to make those decisions, rather than waiting for the big decision that might not ever happen. What if we do not decide on the tax? I do not know. So my plea is more to P&R is to say: please can we work together to try to find ways to align over the course of this political term those decisions?

Last year I brought an amendment in relation to the minimum wage policy, which was trying to start to do a bit of that. So that the decision around the minimum wages would be aligned to the Budget, with the minimum wage to be coming into effect from 1st January.

I really hope the Committee is working on that, to try to slightly change that process and align it with the Budget process. We can move into that direction. I really hope we do, so that we can have those debates and see how all those things align with each other and we can make the decisions in one go.

Thank you.

The Bailiff: Deputy Sloan.

Deputy Sloan: Sir, thank you very much.

It is raining, so we cannot go home just yet, so I thought I would make a small contribution. Just to echo some of the points made by esteemed colleagues, to the point Deputy Gollop made and

Deputy Kazantseva-Miller, about the income transfer from the working poor to the non-working poor and the equity of that. But speaking as a public policy economist, because once upon a time I was one, the issue of contributory benefits is they had an upper-earnings limit. The reason for the upper earnings limit was because you were maxed out on the – it was a contributory principle, you were maxed out on the benefits you could retain.

So it is only fair and rational and reasonable to put in the upper earnings limit, because that limited your contributions to a contributory benefit, because your receipt would be limited. When we introduced Zero-10, we did away with that and it has been onwards and upwards ever since. Obviously our contributions have been increased similarly. So it is not really so much a case of the squeezed middle, Deputy Gollop, it is the squeezed most, quite frankly. If you look at what has happened to the overall burden of taxation and social insurance over the last 15 years, particularly since we introduced Zero-10.

An issue with Zero-10 is that what we did is we loaded on to individual's tax, but we also loaded social insurance contributions on to a TAC [? 3:41:53], which is effectively a tax on jobs, at a time when we made our Income Tax system dependant on that source of income. So it was counterintuitive combination of taxation policies that we put in place. Now I personally believe, if you look at what has happened in Jersey and Guernsey over those 15-year periods and the way Jersey did not introduce that – sorry, did not remove the upper-earnings limit in the same way that we did, if you were to do an econometric test you would see that a probable causal factor to their employment growth and our employment stagnation would have been possibly that text.

I reckon you could do a t-statistic, for those who want to look it up, and you would get a statistic where you could see significant causal factor. I am voting for it, Deputy Bury. I think it is a fair and reasonable job that you have done today and the Committee has done. That double lock and look back policy has that reminiscence of that old Guernsey way, some of the pragmatic compromise. It works for me. I am not suggesting we can do anything better looking at it today. The point I am wanting to make is, is that my overall concerns are the fact that over the last 15 years it is the increasing burden of general taxation, the social insurance contributions we have been loading on to the general population.

This continues that process, without thought, without actually any rationale of actually how far can we take this before the straw breaks the camel's back, as it were. I would like us to understand and give more thought to taxation policy and spending policy about the impact on society of generally passing through without thought a transfer of one person's income to another in future. That was my only point. My point, the pragmatic compromise that it is today, I will be voting for the motion.

The Bailiff: I am going to remind Members of Rule 17(1):

When speaking in the States, a Member shall always address the Presiding Officer and must not address another Member.

Deputy Sloan: My apologies, sir.

The Bailiff: I do not see anyone else leaping to their feet at this point and, therefore, I will turn back to the President, Deputy Bury, to reply to the short debate.

Deputy Bury, please.

Deputy Bury: Thank you, sir.

I am trying to decide whether to respond to everything or to respond to everything under Rule 17(6). I do thank Members for their contributions and I do think that Policy Letters such as this, because they touch so many elements of Government that they do open themselves up to quite a wide conversation. I thank Deputy Gollop for his contribution. His knowledge of this area is probably only second to former Deputy Le Clerc. I think most of the things he touched on do fall outside of

the scope perhaps of this particular Policy Letter and lend themselves to the wider conversation about our revenue-raising measures.

But, as he said, and I am grateful to him for recognising, as I said in my opening, that there has not been a huge amount of time to look at doing this fundamentally differently. However, as alluded to in the Policy Letter, we did have a look at some perhaps alternative inflation measures that might be used. I am grateful to Deputy Ozanne for raising that and bringing it to the Committee's attention. It is something that we will be looking at going forward. It may not result in a reduction of spending, however.

I think when Deputy Gollop was touching on long-term care, again, the matters in this Policy Letter are very much the agreed changes at the start, that were agreed at the start of this year, by the previous Assembly. However, it was very clear within that debate that these are far from the final solution when it comes to long-term care. I think a lot of the commentary that Deputy Gollop was making there will be useful in that upcoming conversation. Moving on to Deputy Kazantseva-Miller. I am not sure that I am fond of the term 'fiscal drag' on the economy, when we are talking about supporting some of the most vulnerable members of our Committee.

However, I do understand the point she is making and the angle she is coming from. That is the nature of her role, but I do think we need to be careful with the language we use. I think her point around intergenerational fairness, while she might have been making it relating to a specific part of this Policy Letter, again, lends itself to the long-term care conversation. We have to be very careful about the money that we are taking from the population now and if it is going to be available for them when they need it.

In terms of the trajectory of increasees, as I stated, that is a 10-year safety net plan. As has been proven, it was actually a very important safety net, because we have, I would say, even though officially on the statute we have agreed the GST-Plus package, we know we are all still in a grey area really, and that safety net measure has proven to be quite important. I think that most recognise that, hopefully. I think we all hope at the start of next year we might reach some final conclusion around revenue-raising measures. That trajectory that Deputy Kazantseva-Miller refers to may stop.

I think she mention something about not amending, that is not strictly true; you can amend this Policy Letter, should you wish. So I just wanted to clear that up. I am aware of Deputy Kazantseva-Miller's views around tying more things closer to the Budget. I think there have been previous conversations about why the Committee do not feel that that would necessarily be helpful or useful. I do wonder whether Members who are currently grappling with the Budget would like an extra seven additional policy matters to consider as part of it. But it is something that, obviously, can be discussed. As Deputy Kazantseva-Miller said, I think that is probably more of a matter for P&R than ESS.

Then just moving on finally to Deputy Sloan. Thank you very much for recognising the pragmatic approach of much of this. I was just slightly concerned about the mention of the upper-earnings limit, it does still exist within our policies. I felt like you were saying it does not. But it does. Perhaps that is one of the dangers of conflating contributory benefits, where we contribute to a fund in order to receive if we need it, and taxation, which are slightly different matters.

But, yes, it was a short debate, so I will keep my summing up short as well. I hope that Members are able to support the Policy Letter.

Thank you, sir.

The Bailiff: Members of the States, there are six Propositions. Proposition 5 has been amended to remove the last few words. Does anyone wish to vote on any of those Propositions differently from the rest? Can I put all six Propositions to you together, is what I am really asking? Okay. In that case, I will invite the Greffier to open the voting on all six Propositions, please.

There was a recorded vote.

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

Pour	Contre	Ne vote pas	Did not vote	Absent
Blin, Chris	None	None	None	Gollop, John
Burford, Yvonne				Le Tocq, Jonathan
Bury, Tina				Van Katwyk, Lee
Cameron, Andy				
Camp, Haley				
Collins, Garry				
Curgenven, Rob				
de Sausmarez, Lindsay				
Dorrity, David				
Falla, Steve				
Gabriel, Adrian				
Goy, David				
Hansmann Rouxel, Sarah				
Helyar, Mark				
Hill, Edward				
Humphreys, Rhona				
Inder, Neil				
Kay-Mouat, Bruno				
Kazantseva-Miller, Sasha				
Laine, Marc				
Leadbeater, Marc				
Malik, Munazza				
Matthews, Aidan				
McKenna, Liam				
Montague, Paul				
Niles, Andrew				
Oswald, George				
Ozanne, Jayne				
Parkinson, Charles				
Rochester, Sally				
Rylatt, Tom				
Sloan, Andy				
Snowdon, Alexander				
St Pier, Gavin				
Strachan, Jennifer				
Vermeulen, Simon				
Williams, Steve				

The Bailiff: So in respect of all six Propositions, there voted in favour 37 Members, no Member voted against, no Member abstained, 3 Members did not participate in the vote. Therefore, I will declare all six Propositions duly carried.

COMMITTEE FOR HOME AFFAIRS

APPENDIX REPORT

Independent Monitoring Panel – 2024 Annual Report – Report noted

The States' Greffier: Motion to debate an Appendix Report, Stage 2, Independent Monitoring Panel 2024 Annual Report.

3045 **The Bailiff:** Now under Rule 20(5), I turn to the President of the Committee concerned, Deputy Leadbeater, to open the debate, please.

Deputy Leadbeater: Thank you, sir.

3050 This report is obviously prepared by the Independent Monitoring Panel. It is owned by the Independent Monitoring Panel and not the Committee for Home Affairs. We welcome debate on this and I will listen with interest to any points or concerns that Members may have in respect of the panel and the wider issues contained within it.

Thank you, sir.

3055 **The Bailiff:** Deputy Humphreys.

3060 **Deputy Humphreys:** Sir, one of the matters that the report raises has concerned me for some time and relates to the opportunities for individuals on release from prison. I have personal experience and consideration that one faces, both as an employer when considering opportunities for these individuals, alongside considering the position of a close family member of mine, who has, indeed, been subject to repeated release and incarceration. The situation that may not have arisen if he had been offered an opportunity appropriate to his age, education and abilities.

3065 I will be happy to discuss those specific circumstances with the Committee if it will be of any help to inform their thinking. But either way, I would like to understand what the Committee might be able to do with regard to these types of people and rehabilitation of offenders in order that they become net contributors rather than takers from our society.

The Bailiff: Deputy Ozanne.

3070 **Deputy Ozanne:** Thank you, sir.

3075 One of the reasons I backed the motion to have this debate is because I was concerned in reading the report, particularly in Appendix 2, about the concerns from prisoners themselves about trying to find accommodation on their release from prison. We know that accommodation on our Island is difficult at the best of times, but for those who have come out of prison, particularly if they have been convicted for either noise nuisance or for sexual offences, it is almost impossible to find somewhere. Their risk of reoffending is therefore very high.

3080 Now we have, I know, with our Prison Service, seen a dramatic reduction in reoffending rates. I think a huge amount of work by both the Prison Service and the Probation Team have shown almost a halving of reoffending, but I would hate to see that move in a different direction, as we have seen in the UK happens when prisoners do not get the support that they need. I am very grateful, and I would like to put it on record, that there is a Christian charity that provides support to prisoners. But I do wonder if this is something, as a States, that we should be taking more ownership of because the risk to our community is great if we are looking at putting people in a place where they may end up reoffending in order just to get accommodation.

3085 I would be very keen to hear, through you, sir, the work that perhaps the Home Affairs Committee are looking at to address this concern raised in the report.

Thank you.

3090 **The Bailiff:** Deputy Gollop.

Deputy Gollop: Thank you, sir.

3095 I very much agree with the compassionate reason given by Deputy Ozanne. I think there is more than one charity with a Christian foundation involved actually and there has, of course, been a café that supports people as well, and food banks. But in particular mentioned in the report and praised is the excellent work done by Caring for Ex-Offenders, which are based in Trinity Church, although; it is not specifically a religious charity. I go along, indeed, to some of their social and other meetings

and it is an excellent organisation that allows integration of people who perhaps have been released into society, mixing with people who have not necessarily been in that situation but can empathise. Indeed, I believe they do have a lot of challenges in finding accommodation and support.

3100 There was recently another documentary in the UK that on the one hand has recognised the significant increase in the number of prisoners. You had a relative Liberal with the Rt Hon Kenneth Clarke and then perhaps the Conservative administration allowed things to get a bit tougher. In the last stages of that Administration and the new Labour Administration there have been attempts to reduce the number of prisoners due to overcrowding. But there has apparently –
3105 I would like to confirm with Home Affairs whether it is true in Guernsey – been a significant decrease in young offenders being incarcerated. That, on the one hand, should be welcomed and praised, but if it is not necessarily leading to a reduction in adults, again, something might be going wrong with the aftercare.

Of course, I am a little bit more on the inside track, as I appreciate the work Home Affairs are doing with the prison. I went round with some of the other Committee members. I remember myself and Deputy Malik, who both sit on the Town Douzaine, were impressed to see the work some people were doing before they were released, for example, mending chairs and things. But Deputy Ozanne implied that Home Affairs works with charities like Caring for Ex-Offenders, well
3115 perhaps we do but actually the grant comes from Employment & Social Security paradoxically enough, precisely because it helps people who have been outside of the loop to maybe reduce benefits and gain gainful employment and transitional opportunities and so on.

I think the report is interesting because it makes the point that is useful for Home Affairs that refurbishment plans throughout the prison have progressed well over the year and the J-Wing shower refurbishment project is nearing completion. But the report also identifies, although it is not
3120 as such a prison report, that the changing nature of the profile of prison residents, inmates, has meant that the increase in the number of people who have done certain offences has increased. So there has been an orientation within the panel.

The point made about staffing levels as well, the report writes:

The prison publishes its population weekly. We have seen a steady rise in the population for sexual offences and that has led to increasing management issues.

3125 They talk about the works dedicated to providing prisoners with access to meaningful work opportunities. I was gratified to see on the television there has been a celebrity chef who taught Chinese cooking to people. The television cameras were there. Nobody seemed afraid or cowed by that. There was positive feedback in a sense that maybe we will see more takeaways in future or something like that. That was good news. I have already mentioned the carpentry and recycling
3130 work jobs and the work that they are doing with the town, and the horticulture. Just on my way in here, I met a lawyer who I remember was at the same garden visit that we had a year or so ago, where they do excellent work in selling, I do not know, onions, courgettes, marrows and all kinds of things.

3135 Prison education has improved. We know from the report that prison-secured funding to install a secure unit, and prisoners dealt with the challenges presented by the population dynamically with young people and the education is praised. Where the report is perhaps potentially controversial, and we have not discussed this at Home, was they have a separate set of paragraphs on women in prison. The argument is made on our report that – the report from the panel rather, research in the
3140 UK suggests that prison sentences may be disproportionate or inappropriate for many women, particularly given their unique needs and circumstances.

Women are more likely to commit non-violent, low-level offences, often linked to poverty, addiction or trauma. Many women in prison are primary caregivers – and maybe men as well – or have experienced abuse, making incarceration especially disruptive for families. Also prisons which
3145 are typically designed for male prisoners often fail to provide the necessary rehabilitative support

for women and community-based alternatives are more effective in addressing the underlying causes of offending and promoting rehabilitation.

Well, of course, that comes back – there have been a lot of academic and philosophical analyses in the UK that maybe women should not be put in prison at all. Well, obviously, that could be seen as a sexist and inappropriate and not necessarily looking to the dangers of society. But I think those paragraphs feed into that. Certainly when people are sentenced, it is not necessarily just the individual, but the community and the family connected with that, that may pay a price.

The report's point in making this is they are concerned to see a rise in the number of females in Guernsey Prison this year. The increase in the number of women has brought to light significant challenges in managing a mixed population and that is right because if Guernsey was not an Island in the sea we would probably have a separate women's prison rather than one together. But the prison governance staff manages it extremely well. But the report does mention female prisoners have overheard male prisoners shouting abuse. Well we do not know, but that was hopefully put.

So the report suggests a need for tailored strategies to adjust to these challenges has become more apparent. The report also talks about electronic monitoring. We have heard from the Governors, in their view, about the pressing need for courts to have access to a wider range of sentencing options. Expanding these options could provide more tailored and effective ways, which is the introduction of electronic monitoring, tagging is mentioned, and again they think that would be particularly appropriate for certain women and young people who are disproportionately affected.

I mention those points because they are right to raise those concerns but they go beyond the scope of this report because they settle into the justice review that Deputy Leadbeater and all of us on the Committee know is proceeding. They also, in a way, suggest to the judiciary of possible issues from their perspective, and that is something that politically we do not want to challenge. We might look at legislation and society but they perhaps hint that they would like to see some evolution of sentencing policy, but that is not particularly germane to what we are doing today.

They also mention the issue of transfers and, as I mentioned, the overcrowding in UK prisons has meant that there have been less transfers, but again they do suggest that resettlement is improving and I believe we should move further with that. But it does rely not just on the right employment opportunities and acceptance by society, but as always we get back to what we were doing this morning about planning. It is essential that emergency and social and affordable housing is also safeguarded appropriately, is available to people who are released into the community. So it is very much an issue that housing and planning have to grapple with.

But I commend the report and I think it will give us all, particularly on Home Affairs, food for thought.

The Bailiff: Deputy Burford.

Deputy Burford: Thank you, sir.

I like my new seat; it is quite nice.

I would just like to pick up on one thing in the report, and in fact it is something that Deputy Gollop touched on, although he suggested that it was not really a matter for Home Affairs. I am not entirely sure if that is true. That is the issue of tagging, and I really just was asking if the President, when he sums up, will explain whether that is something that the Committee is investigating to make available to the courts as a sentencing option.

Thank you.

The Bailiff: Deputy Cameron.

Deputy Cameron: Thank you, sir.

The Independent Monitoring Panel's report confirms that Guernsey Prison continues to perform well under pressure. Staff are managing a more complex and growing population, including more

women and young people, while still delivering strong education and rehabilitation outcomes. That deserves real credit.

3200 But the report also shows that better results and better value for money could be achieved if we focused on resettlement and alternatives to custody. The average cost of a prison place in the UK is around £51,000 a year, but Guernsey's figure will be higher given our size, staff costs and housing pressures. A reasonable local estimate would be about £60,000 per prisoner per year, before counting the wider social costs.

3205 Many prisoners have relevant skills in construction and other sought-after trades that the Island badly needs. Once they are in custody, that productivity is lost. Their families often need income support or social housing. Both are already stretched and when a parent goes in prison the child automatically gains one adverse childhood experience, which increases the likelihood of poorer health, lower education outcomes and future contact with the justice system. Each of those
3210 outcomes carries an additional cost to the taxpayer that often lasts well beyond the original sentence.

So we are not just paying to keep someone inside, we are paying again through benefits, housing, and long-term social costs. As Deputy Gollop and Burford have just stated, for non-violent and non-sexual offences, electronic tagging would make far more sense. It allows people to keep
3215 working, paying tax and supporting their families while still being monitored. Most other jurisdictions introduced this 20 years ago. Sir, through you, could I ask the President of Home Affairs as well when the Committee intends to bring forward proposals for electronic monitoring or other community-based alternatives?

Finally, I want to thank the Governor, the staff and the prisoners themselves for the steady, often
3220 unseen work they do for the community. The partnership between Creative Learning in Prison and Agriculture, Countryside and Land Management Services on repairing and replacing public benches is a genuine example of rehabilitation with public value. Sir, through you, I would suggest that this practical rehabilitation should continue to be supported and expanded. It saves money, builds skills and benefits the whole Island.

3225 I thank Deputies St Pier and Ozanne for bringing the motion forward to debate this.
Thank you.

The Bailiff: Deputy Falla.

3230 **Deputy Falla:** Thank you, sir.

Some of us Members attended the charities and third sector conference over the weekend, which was an excellent event. I have been prompted to stand up because of the mentions of the Caring for Ex-Offenders charity, which I had the opportunity to meet last term when I was on ESS. It really is a great example of how we can gain added value through spending public funds on a service
3235 which we would find it very difficult to replicate within a public sector scenario. The passion and commitment that the people who volunteer for charities like this is really quite astounding, and they are dealing with some of the individuals in our community who are facing the most difficult challenges, and one could argue they brought some of those upon themselves, but they are where they are and they deserve a second chance.

3240 When they come out of prison sometimes there is nowhere for them to go. Going to Caring for Ex-Offenders is providing that, and that if there are any gaps in that provision – I am not aware of any in particular – but this is an opportunity through the commissioning of that service for ESS to talk to them and look with them at how market development could come to play, which is an important part of commissioning. So where there is not a service that meets a need, we can assist
3245 by helping to develop that service, helping to develop the provision with someone who is very fit to address these issues.

So I really just wanted to endorse the work done by that organisation, and I am glad to see it recognised in this report.

Thank you.

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The Bailiff: Deputy St Pier.

Deputy St Pier: Thank you, sir.

3255 I particularly commend Deputy Cameron's speech, which has touched on many of the issues that I was going to address. But just to draw out some of the comments on the report that link back to the two key issues that come out of the report, namely resettlement of offenders, which a number of Members have spoken to, and also the question of electronic tagging.

3260 As the Chair says on page 3 of the report, there is currently no community-based facility offering shelter resources or transitional opportunities for those seeking to reintegrate into society and lead law-abiding productive lives. Many prisoners leave custody with a sense of accomplishment only to feel abandoned upon returning to the community. Then in the report, the more-detailed report on page 8, there is also the reference to that we also want to urge the States of Guernsey to address the ongoing housing crisis, which has been a prominent issue in the media throughout the year.

3265 Now of course that is a reference to the need to ensure that there is accommodation for ex-offenders to move into. I do not think any of us should underestimate the political challenge of meeting that call to arms, which the Independent Monitoring Panel are making, for the States to be seen to 'prioritise' ex-offenders over others in the community who are awaiting accommodation. That is going to require real and determined leadership to overcome the community's objections, as there will be some sections of the community who do object.

3270 Just tying into, although the prison report is not subject to debate itself, there are some comments in there which are particularly pertinent to this issue, in particular in relation to the issue of sexual offences because of course the prison is experiencing an increase in the number of sexual offenders and the comment there in the report is:

We are acutely aware of the not insignificant number of this type of offender that will be approaching the resettlement phase of sentence and are keen to provide assurance to the community regarding additional risk management measures applied to those who have committed offences of a violent and/or sexual nature.

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But the challenge again of being seen to prioritise housing and other needs for that section of the ex-offender community is not insignificant and all of us in this Assembly need to recognise the support which the Committee *for* Home Affairs will need in order to be providing leadership on that particular point.

3280 The other thing of course it raises is the need for additional resources to deliver those gaps in service provision in terms of meeting the needs of ex-offenders as they transition into the community at a time when we know there are very real pressures on spending. This perhaps ties into the comments around electronic monitoring, and again Deputy Cameron has spoken to this. The comments that the panel make that tagging could allow individuals to remain in their
3285 community while being monitored, enabling them to maintain family ties and accommodation, access education and employment opportunities, and engage with rehabilitation programmes without the disruption that incarceration brings.

Of course, importantly, the report goes on to say:

The use of electronic monitoring could also reduce the prison population and provide a more cost-effective means of addressing the lower level of offending.

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Now the reason that I wish to emphasise and draw attention to that point again is for me it should be seen as the flipside of the coin of the challenge about needing to provide additional resources to rehabilitate offenders. The business case for doing that could well be met by the opportunity to reduce costs by keeping offenders out of prison and so again, and I am sure the
3295 President is going to address this in responding to the debate, the plans that the Committee have to progress alternative sentencing including electronic monitoring.

But again I would urge the Committee to progress that at pace as fast as they are able to do so because there is clearly a very real opportunity to produce some savings as a result; not only savings but also, as the report notes, better outcomes for the offenders and for the community. But, importantly, by releasing savings from one area, there is an opportunity to then meet the other gaps which have been identified in this report in terms of resettlement, hence being the flip side of the same coin.

So I am grateful that the States of Deliberation has chosen to spend a little bit of time debating this issue and I look forward to the President's response.

The Bailiff: Deputy Bury.

Deputy Bury: Thank you, sir.

Just quickly because my Committee's part in this has been mentioned several times, it is right that a grant from ESS is given to Guernsey Caring for Ex-Offenders and they do fantastic work, as Deputy Falla mentioned.

I am sure that, as part of the new commissioning process that we all are having presented to us, it is something that could be reviewed and looked at. We are confident that we get really good value for money. It is time-intensive wraparound care work that is intense, it is one-to-one and it is building relationships and trust and it is not just a tick-box exercise. So it does cost money and I wonder if it is something that perhaps we can work with Home Affairs on if it is something that we wish to bolster.

But I also echo the point, the very salient points made by Deputy Cameron and Deputy St Pier that perhaps first we look at spending that money at the other end of the spectrum. That figure, the £50,000 figure was bandied around at the 2020 election about how much it cost to house a prisoner for a year, and I am sure that has increased considerably if you think about that budget for one person and how you could utilise it in a much more meaningful and targeted way.

Now obviously that is an extreme, I am not suggesting that we will be able to get there, but yes, before we consider perhaps spending more money on resettlement, spending it at the prevention end might be more wise. But, yes, so I look forward to possibly discussing that further with Deputy Leadbeater.

I do thank Members for their contributions on this because we often forget that many of the offenders and prisoners that we house were once traumatised children. The aces that Deputy Cameron referred to, they do not disappear when you turn 18. Drugs, alcohol, etc., just become more available to deal with them and that sort of thing, and I think we forget that there is a time in someone's life where we, as a society, sometimes get to the point of just thinking, 'Well, sort yourself out.' But we have not given them any of the tools or any of the support to do that. You do not just magically get those tools when you hit 18.

So it has been a very worthy debate and I look forward to hearing from Deputy Leadbeater and seeing some further work and outcomes from this.

Thank you, sir

The Bailiff: Deputy Collins.

Deputy Collins: Thank you, sir.

I will be very brief because we are almost done today and tomorrow is my birthday, so if we are still here I might have to buy cakes.

When I was a young man in the States my first term, 2012-2016, we used to go annually on a visit to the prison. I do not know if that still happens by Deputies, because I for one would certainly welcome a visit to see the facilities and talk to staff and to really embrace that. I was one of those that every time I was invited I attended and obviously took the opportunity to talk to staff and prisoners and really get to understand the points that have been made about how we can do that. With my Housing hat on, it is certainly on our agenda and to reassure Members it is definitely

something that we are looking to and we are definitely going to pick up arms that we do need to fix that.

Thank you.

The Bailiff: Deputy Hansmann Rouxel.

Deputy Hansmann Rouxel: Thank you, sir.

When looking at the report, I remembered debating a similar annual report back in 2019 and at the time I had my disability champion hat on and spoke about the prevalence of those with disabilities that were caught up in the system.

Since then, there has been a large increase in the understanding of neurodiversity, particularly undiagnosed autism in women and ADHD has more wraparound understanding. Now, there is increased evidence to suggest that there are a number of undiagnosed, and disproportionately undiagnosed, members who are incarcerated. This leads to problems within that person's lifespan, but also would explain the inability or even the higher barriers that those individuals have when trying to access life outside of prison.

So I wonder if the President could advise if there is any work that has been done looking at a diagnosis pathway within the prison to identify those individuals and therefore build better pathways for them to reintegrate into society afterwards. Of course that goes with the prevention side. When the Committee for Home Affairs is looking at the Justice Policy, whether that is a part of that that fits in with the Disability and Inclusion Strategy.

The Bailiff: I am going to call Deputy Oswald to make what I think is his maiden speech.

Deputy Oswald: It is not, sir, I previously had a very short maiden speech, but thank you very much for that, sir, I will welcome a clap afterwards. *(Laughter)*

But I just want to point out on page 6 of the report the reference to young people in prison. It came as a shock to me as President of the HSC to realise that we were incarcerating children and young people in what is essentially an adult prison, and of course the need for this has risen since the declaration of our secure unit under HSC care as being unfit for purpose.

I commend the prison population and the staff in their care for these young people and point out that in the current review of Children's Law we are making special provision for their care in future when they leave prison. But it merges in some way with the previous question, which was raised, as to how we deal with disadvantaged people in prison, particularly when they are in a young age group. So I have not got any particular comments to raise but I just want to make sure that people do know that young people and essentially people of almost a childhood age are incarcerated in an adult prison setting.

Thank you.

The Bailiff: If there is no one else rising to speak in debate on the Appendix Report, I will turn back to the President to reply to the debate.

Deputy Leadbeater please.

Deputy Leadbeater: Thank you, sir; and thank you for everybody for contributing towards this debate.

I do not think I have heard anything here that I do not agree with, and the Committee would back me up on that because we all feel the same way. We do know that we have got some challenges with the way that we treat young people and we know there is a shift in the type of offenders that we have. It used to be the majority of people in our prison were for drug offences. Now the majority of people in our prison are for sexual offences. This has created a lot of problems within the prison.

3400 Sexual offenders, vulnerable prisoners, have to be kept separate, and now on our main wing, J-wing, which is the biggest wing, is now a sexual offenders wing when historically it never was. So that just goes to show the shift in the type of prisoners that our prison has to deal with, and I think they do an exceptional job.

3405 A point that was made by Deputy Collins about Deputies being able to visit the prison right at the start of the term. We discussed this with the Prison Governor and it is something that he is organising. I have mentioned to Deputy Oswald about this as well. I want everybody here to come and have a look at our prison, to come and challenge the officers, challenge the people that are delivering the education, have a look at some of the excellent work that goes on there. I am absolutely totally proud of our prison and our offender management system. It is not perfect, but
3410 if you look at any other jurisdictions, neighbouring jurisdictions – Jersey, Isle of Man, UK – they are jealous of what we do. They are jealous of how we do it. The Lord Chancellor is looking at making all these different changes in the UK to the prison system and how they operate, and a lot of the changes that he is proposing we are already doing. We are ahead of the game.

3415 But people do not understand that. People do not understand that because they have never been to our prison. They have never looked around. So this is something that you were going to have some invites in your inbox. I do not know how we are going to do it because there are quite a lot of us to go down all at once and, bearing in mind it is a secure facility; it is going to be quite tricky to manage. So we will probably do it in separate cohorts, maybe by Committee or whatever that may be, but the officers will be in touch at some point to extend that invitation.

3420 Deputy Humphreys talks about rehabilitation and education. I think we do a really good job in our education, and this is all provided by our officers. It is not provided by ESC. It is all provided by our officers and they do really well and there are some great qualifications that are gained from catering, horticultural, carpentry, GCSEs, etc. There is a great deal of work that goes on.

3425 It could always be improved – of course it could – and we are always striving to improve things. The guys down there, I cannot say the guy's name because I cannot think of his title, but anyway the guy that runs the education down there, he does an excellent job and him and the rest of the senior leadership team work really well together.

3430 Deputy Ozanne talks about one of the main themes; accommodation. Accommodation post-release is always going to be tricky. It is provided at the moment by a mix of different agencies where they can help, and obviously you mentioned Caring for Ex-Offenders. The one thing we cannot do is make prison a pathway to housing, because if we are sending that message, people can quite easily go, 'Okay, well I do not like that guy, I am going to go and give him a whack. I will get a little stretch and I will come out and have a flat. Nice one.' We cannot create that scenario, so we have got to be careful.

3435 But accommodation is really important because, if you want people to get back on their feet, the last thing they want to do is they go into prison, they do all this excellent work, and then when they leave prison, especially if they are on a short-term sentence because sentences below 12 months do not have any post-release supervision, so you are literally out the door and you are on your own. It is different if they are longer sentences, there is supervision and there is more
3440 assistance provided, but we need to build some housing. We cannot do it without housing.

3445 The Prison Governor has identified an area of land just to the south of the prison where, if we have the funds, and if we have the support, we could maybe look to do something so ex-offenders could leave the prison and they could go, as a transitional period, into some sort of facility. We have to think creatively about this, but we have to work with the Housing Committee and with ESS and with P&R. It is going to be a challenging piece of work to be able to get on top of this and not create the scenario where ex-offenders get priority over people that have not gone through the criminal justice system. It is going to be a very difficult balance, but we are not going to do it unless we build some housing.

3450 Deputy Gollop, obviously Vice-President of the Committee *for* Home Affairs, he knows quite a bit about the mandate of the Committee and the work that goes on down the prison. We have had meetings at the prison recently. He was talking about the Caring for Ex-Offenders and also CLIP, the

Creative Learning in Prison charity, provides some excellent work and excellent assistance for us. Somebody mentioned about commissioning. The difference with CLIP is they do not provide a commissioned service as such. They provide assistance for bits of kit or they built the carpentry workshop. They bought the sandblasting kit that can do the work that Deputy Cameron spoke of in association with Agriculture, Countryside and Land Management Services (ACLMS). Brilliant assistance, so we could not do without CLIP. We really could not do without them. So all in favour for more work from CLIP and more support for some of the initiatives that they would like to bring forward.

Deputy Burford mentioned tagging, and that is a common theme running through. Tagging is part of the Justice Framework and a part of the action plan that we are going to be preparing to try and get through some of these crunchy justice pieces. Tagging is right up there. Tagging is one of our priorities. We are going to be looking at sentencing guidelines because the report makes a specific recommendation to the Committee about tagging and we prioritise the review of sentencing this term, and also review of sentencing was highlighted as part of the Justice Framework approved by the Assembly and it is subject to four of the recommendations from the original Justice Review.

We have already directed officers to start some scoping work on the review of sentencing, including the introduction of tagging as a disposal. We already have tagging. We have some electronic tags. We have the system. We have the kit. Currently tagging is used, it was brought in during COVID just to be able to provide the Prison Governor with some options clearly because the pandemic had hit us and we had to be quite agile on how we had to deal with things. When you have got a prison and when you have got a pandemic, it was the right thing to do.

Going forward at the moment we have some sex offenders, for example, that when they are released on temporary licence, when they first come towards the end of their sentence, they are fitted with an electronic tag so the prison can monitor them to ensure they do not go to places where they are not supposed to go. So they can show you the benefits straight away of tagging and we see the benefits. Everybody here that has spoken about tagging has said the same things.

When you put someone in prison it costs a lot of money. You need to look after them and it takes them away from their employment, so they are not contributing to society. It takes them away from their family, and that is quite multifaceted because it takes them away from their family so they are no longer supporting them. There can be a disconnect between the parent and the children. The children could be very young, suddenly one of their parents is taken away from them for a considerable period of time.

We have got a family block at the prison which has proved absolutely amazing, which we are looking to replace. It effectively was two portacabins slammed together, and it is a place for offenders with young children to be able to mix and continue that work, that family relationship with that prisoner. That is something we are looking to try and get some funds for to redevelop in association with CLIP.

So tagging is a priority for this Committee. It is a priority not just to continue using it and to expand it as something for the Prison Governor to use for monitoring ex-offenders, we also want to give it as a disposal for the judiciary. We want more community-based sentences and we want fewer people in prison.

I am going through this but the issues are pretty much all the same that everybody has been raising. Please somebody stand up if I am missing something and I have not covered everything, but it all pretty much comes down to the same issues, which is tagging and accommodation post-release. Those are the important things.

Deputy Bury talks about joint working with ESS and these sorts of areas. Brilliant. This is exactly what I want to hear. It is a really good thing for our Committees because this definitely crosses our mandate as we have already instructed our officers to reach out to HSC because, as part of the justice piece of work, HSC and Home Affairs will need to work together because there is lots that cross our mandate. But certainly the same with ESS as well. So we will be looking to hook up with Deputy Bury and her Committee to discuss the work that we can do.

Obviously the Committees have got their own priorities and there is not going to be a great deal of funding for what we may come up with, but proper dialogue – not everything is going to cost money – we need to get some policies and strategies in place first before we can go forward and try and make some headway.

Deputy Hansmann Rouxel talks about the issues we have got with the disproportionate amount of prisoners with learning disabilities, etc. I know this is an issue. There was a lady that worked for Adult Disability Service that I was talking to quite a few years ago and she said that there was a figure, if you look at it, it was out of every 100 prisoners, X-amount would generally be in that cohort, neurodiverse or with some form of learning disability, but it is not recognised.

I cannot answer a question on how the prison deal with this. I would take this away but I would be very surprised if it is not on the staff's radar in the prison and if the Prison Governor has not got some comment. So what I will do is I will take this one away and I will come back to Deputy Hansmann Rouxel with an answer how they are dealing with this.

It would be remiss of me really, because we have gone off in all directions and because this is the Independent Monitoring Panel's report and it is not our report, these are a team of volunteers, independent volunteers that come and carry out this function for us. They are in the background and nobody is really talking about them as individuals. So I would like to put on record the Committee's thanks for the work that they do, continued thanks for the work they do, and you can read it. They are passionate individuals and they all want what we all want. They all want to see a situation where they go into prison and there are very few people there. The same as the rest of us.

But I would like to put on record, as I say, my thanks to the Independent Panel and also my thanks to Deputy St Pier and Deputy Ozanne for bringing this motion and allowing us to debate these issues. I do not think there is much more for me to say, and I would just like to thank everybody for their contributions.

Thank you very much, sir.

The Bailiff: Well, Members of the States, the Proposition is to take note of the report and I will invite the Greffier to open the voting on that Proposition please.

There was a recorded vote.

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

Pour	Contre	Ne vote pas	Did not vote	Absent
Blin, Chris	None	None	None	Gollop, John
Burford, Yvonne				Le Tocq, Jonathan
Bury, Tina				Van Katwyk, Lee
Cameron, Andy				
Camp, Haley				
Collins, Garry				
Curgenvin, Rob				
de Sausmarez, Lindsay				
Dorrity, David				
Falla, Steve				
Gabriel, Adrian				
Goy, David				
Hansmann Rouxel, Sarah				
Helyar, Mark				
Hill, Edward				
Humphreys, Rhona				
Inder, Neil				
Kay-Mouat, Bruno				
Kazantseva-Miller, Sasha				
Laine, Marc				
Leadbeater, Marc				
Malik, Munazza				
Matthews, Aidan				

McKenna, Liam
Montague, Paul
Niles, Andrew
Oswald, George
Ozanne, Jayne
Parkinson, Charles
Rochester, Sally
Rylatt, Tom
Sloan, Andy
Snowdon, Alexander
St Pier, Gavin
Strachan, Jennifer
Vermeulen, Simon
Williams, Steve

3540 **The Bailiff:** In respect of that Proposition to note the report, there voted in favour 37 Members, no Member voted against, no Member abstained, 3 Members were absent, and therefore I will declare the Proposition carried.

POLICY & RESOURCES COMMITTEE

4. Schedule for Future States' Business – Proposition Carried

Article 4.

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 26th November 2025, they are of the opinion to approve the Schedule.

The Bailiff: Greffier.

3545 **The States' Greffier:** Article 4, Policy & Resources Committee, Schedule for Future States Business.

3550 **The Bailiff:** Deputy de Sausmarez, is there anything to say on this? There have been no amendments that I am aware of.

Deputy de Sausmarez: Nothing at all, sir.

3555 **The Bailiff:** Thank you very much. In the absence of any amendments, then I will ask the Greffier to open the voting on the Schedule for Future States Business for the next Ordinary Meeting.

There was a recorded vote.

Carried – Pour 37, Contre 0, Ne vote pas 1, Did not vote 0, Absent 3

Pour	Contre	Ne vote pas	Did not vote	Absent
Blin, Chris	None	Sloan, Andy	None	Gollop, John
Burford, Yvonne				Le Tocq, Jonathan
Bury, Tina				Van Katwyk, Lee
Cameron, Andy				
Camp, Haley				
Collins, Garry				

Curgenven, Rob
de Sausmarez, Lindsay
Dorrity, David
Falla, Steve
Gabriel, Adrian
Goy, David
Hansmann Rouxel, Sarah
Helyar, Mark
Hill, Edward
Humphreys, Rhona
Inder, Neil
Kay-Mouat, Bruno
Kazantseva-Miller, Sasha
Laine, Marc
Leadbeater, Marc
Malik, Munazza
Matthews, Aidan
McKenna, Liam
Montague, Paul
Niles, Andrew
Oswald, George
Ozanne, Jayne
Parkinson, Charles
Rochester, Sally
Rylatt, Tom
Snowdon, Alexander
St Pier, Gavin
Strachan, Jennifer
Vermeulen, Simon
Williams, Steve

3560

The Bailiff: In respect of the Schedule, there voted in favour 36 Members, no Member voted against, but 1 Member did abstain, and 3 Members did not participate in the vote. But I will still declare the Proposition duly carried.

We will now close the meeting please, Greffier.

3565

The Assembly adjourned at 4.39 p.m.