



OFFICIAL REPORT
OF THE
STATES OF THE
ISLAND OF ALDERNEY

HANSARD

The Court House, Alderney, Wednesday, 13th January 2016

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

Volume 4, No. 1

Present:

Mr Stuart Trought, President

Members

Mr Matt Birmingham

Mr Neil Harvey

Mr Louis Jean

Mr Robert McDowall

Mr Graham McKinley

Mrs Norma Paris

Mr Steve Roberts

Mr Chris Rowley

Mr Francis Simonet

Mr Ian Tugby

The Greffier of the Court

Mr Jonathan Anderson

Business transacted

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States of Alderney

*The States met at 5.30 p.m. in the presence of
Colonel Colin Mason, a representative of
His Excellency the Lieutenant-Governor of the Bailiwick of Guernsey*

[THE PRESIDENT *in the Chair*]

PRAYERS

The Greffier

Billet d'État for Wednesday, 13th January 2016

I. Opening of the States of Alderney Annual Meeting

The Greffier: Good evening, Mr President.

5 This is the Annual General Meeting of the States of Alderney. I will proceed directly with the
Roll Call.

ROLL CALL

The Greffier

The Greffier: Sir, all 10 States' Members are present this evening and with that, Item I, the opening of the States of Alderney Annual Meeting is completed.

The President: Thank you very much indeed, Monsieur Greffier.

Convener's Report of the People's Meeting held on 6th January 2016

10 **The President:** Mr McDowall, as Convener, could you give us the Convener's Report on the
People's Meeting, please.

Mr McDowall: Yes, indeed. Thank you very much.

15 I was the Convener. I was assisted by the Chief Executive and Treasurer. There were six other
States' Members present; Minute Secretary; 17 members of the public and three members of
the media.

The President: Thank you very much, Mr McDowall.

**II. Election Procedure –
Verbal voting –
Item approved**

Item II.

The States of Alderney is asked:

to approve that the following elections should be by verbal vote, otherwise Rule 20 of the Rules of Procedure of the States Alderney, shall come into operation, i.e. voting shall, unless the States otherwise resolves, be carried out by written ballot.

20 **The President:** While you are on your feet, were there any comments on Item II, the election procedure?

Mr McDowall: Yes, the Convener explained the procedure of open/closed voting and the ex-President advised that it has not always been the case for open voting.

25 Thank you.

The President: Thank you very much, Mr McDowall.
Mr Greffier, could you take us to Item II, please.

30 **The Greffier:** Yes, sir.

Item II this evening is Election Procedure. The States of Alderney have been asked to approve that the following elections should be by verbal vote, otherwise Rule 20 of the Rules of Procedure of the States of Alderney shall come into operation, i.e. voting shall unless the States otherwise resolve be carried out by written ballot.

35

The President: Thank you.

Does any Member wish it that this should not be by open vote?

Mr Greffier, the election procedure will be by open vote this evening.

40 **The Greffier:** Thank you, sir.

**III. Appointment of Vice President –
Mr Tugby elected**

Item III.

The States of Alderney is asked to elect a Vice President for 2016.

The President: We move to Item III, please.

The Greffier: Item III this evening is the appointment of the Vice President. The States of Alderney are asked to elect a Vice President for 2016.

45

The President: Thank you very much.

Mr Convener, were there any comments on this Item?

Mr McDowall: Yes, there were no comments on this Item, Mr President.

50

The President: Thank you very much.

Do you have any nominations for this position?

Mr Simonet Yes, Mr President, it gives me particular pleasure this year, for the reasons we all know, to propose Mr Tugby.

55

The President: Thank you very much.
Do we have a seconder for Mr Tugby?

Mr Roberts: Yes, please. I would like to second Mr Tugby.

60

The President: Thank you, Mr Roberts.
Do we have any other nominations for Vice President?
Monsieur Greffier, Mr Tugby is from now on the Vice President. Congratulations, Mr Tugby.

65

Mr Tugby: Thank you.

IV. Appointment of Auditors for 2016 – KPMG Channel Islands Limited appointed

Item IV.

*The States of Alderney is asked:
to appoint KPMG Channel Islands Limited to be the States' Auditors for 2016.*

The President: Could we move to Item IV, please.

The Greffier: Yes, sir.

70 Item IV is the appointment of Auditors. The States of Alderney have been asked to appoint
KPMG Channel Islands Limited to be the States' Auditors for 2016.

The President: Thank you very much.
Mr Convener, were there any comments on this subject?

75

Mr McDowall: There were no comments on this Item either, Mr President.

The President: Thank you very much.
Does any Member wish to speak on this Item?
In that case, we can take that as approved.

80

The Greffier: Thank you, sir.

V. Policy and Finance Committee – Mandate approved

Item V.

*The States of Alderney is asked:
to approve the mandate of the Policy and Finance Committee.*

The President: We move to Item V, please.

85 **The Greffier:** Item V is the Policy and Finance Committee mandate. The States of Alderney are asked to approve the mandate of the Policy and Finance Committee as set out in the Billet.

The President: Thank you very much.

Mr Convener, were there any comments on this, please?

90

Mr McDowall: Yes, Mr President, there were several comments on this one.

First, that it would be beneficial if items that had been changed were shown in bold and that was duly noted.

95 There was a query on one item in the mandate: Emergency Fuel Control (The Energy (Bailiwick of Guernsey) Law 1978). It was asked that that was clarified. I think Mr Harvey is going to clarify that when he proposes the motion.

100 Civil aviation: it was commented that a statement had been issued on the Guernsey Airport website affirming that a new company will take over the supply of aviation fuel, leasing the AEL fuel facilities, which will enable AEL to terminate its duties. The Chief Executive advised that this is not the case.

It was noted that the States of Guernsey would be responsible for Alderney airport and provide the service required. It is an Alderney asset and should be run properly. It was stated, if another company were to take over, the price of AvGas could be increased which could be detrimental to Alderney.

105 A further point was made on postage stamp and coin design approvals and I, as Convener, clarified that process.

Finally, a question was asked on monitoring and controlling establishment numbers – I think by that, the Civil Service numbers. It was queried whether we are getting too staff-heavy. I hope that does not refer to their weight. (*Laughter*) It was clarified that we have no establishment and that we are a Government with a wide mandate of areas to cover and as such should be resourced appropriately.

110

Those were the comments.

The President: Thank you very much.

115 Mr Harvey, would you care to answer those questions and any other comments you may wish to make.

Mr Harvey: I should, sir, and perhaps I might do it as part of proposing that we adopt the mandate.

120 One of the exciting things about this job is you get to explore the highways and byways of legislation and the Emergency Fuel Control (The Energy (Bailiwick of Guernsey) Law 1978) had me on the edge of my seat. (*Laughter*)

125 Basically, Guernsey in 1978, funnily enough, replicated a law passed in the UK which gave the governments in both places the powers to control the supply and prices of fuel in its various forms, including petroleum, oil and electricity in the event of a serious emergency. It was a sensible precaution to take.

130 The relevance to Alderney is that the States of Alderney has the right to annul that legislation here. Indeed should it ever be called into effect, then clearly a States' meeting will have to convened or it would have to be raised at a States' meeting. It is there as a sensible precaution in the event of an extreme shortage or threat to fuel supplies.

I do hope that answers the question that was raised.

135 In proposing this mandate and picking up the points raised by one of the responders at the People's Meeting – a very sensible suggestion that any change should be outlined in red – had we followed that, there would be no red anyway because basically we are adopting the same mandate or proposing to adopt the same mandate as in the past. Having said that, as part of the financial review which will be coming to the States in due course, it will be a requirement – and a

very sensible one – that we have the review of governance, which amongst other things will look at the committee structure, the mandates of the committee and their composition.

140 So, although I think I seem to have said the same thing a year ago, I think this time there is every likelihood that we will have a thorough review of the committee structure during the course of the year, which of course all States' Members will be able to participate in.

So at the moment the mandate is as previously and I commend it to Members.

Thank you.

145 **The President:** Do you have a seconder? Is your Deputy Chairman going to second you?

Mr McDowall: Yes, I am very happy to second.

The President: Thank you very much.

150 Does any Member wish to speak on the mandate of the Policy and Finance Committee?
In that case, Monsieur Greffier, we can take that as approved.

VI. General Services Committee – Mandate approved

Item VI.

The States of Alderney are asked:

to approve the mandate of the General Services Committee.

The President: We move to the next Item, please.

155 **The Greffier:** Item VI this evening is the General Services Committee mandate. The States of Alderney are asked to approve the mandate of the General Services Committee as set out in the Billet.

The President: Thank you.

Mr McDowall, as Convener.

160

Mr McDowall: Yes. Again, there were no comments on this Item, Mr President.

The President: Thank you very much, Mr McDowall.

Mr Tugby, do you wish to propose the mandate?

165

Mr Tugby: Yes, sir. I would like to propose it and ... *[Inaudible]*

The President: Thank you very much.

Does your Deputy Chairman wish to second it?

170

Mrs Parish: I do wish to second it.

The President: Thank you very much indeed.

Does any Member wish to speak on the mandate of the General Services Committee?

175

You can take that as approved please, Monsieur Greffier.

The Greffier: Thank you, sir.

**VII. Building and Development Committee –
Mandate approved**

Item VII.

The States of Alderney is asked:

to approve the mandate of the Building and Development Control Committee.

The President: We move to Item VII.

180

The Greffier: Yes, sir.

Item VII this evening is the Building and Development Control Committee mandate and the States of Alderney are asked to approve the mandate of the Building and Control Committee, as again set out in the Billet.

185

The President: Thank you very much.
Mr McDowall, as Convener.

Mr McDowall: Again, there are no comments on this Item, Mr President.

190

The President: Thank you very much.

Mr Birmingham: Yes, thank you, Mr President.

195

As with the other two mandates, this is exactly the same mandate as previously passed, with no changes.

I recommend it to the House.

The President: Secunder?

200

Mr Rowley: I would like to second.

Mr Simonet: Oh, please do.

Mr Rowley: I would like to second.

205

The President: Thank you, Mr Rowley.

Does any Member wish to speak on the mandate of the Building and Development Committee?

In that case Monsieur Greffier, you can take that as approved.

**VIII. Appointment of Committee Chairmen –
Mr McDowall, Mr Tugby and Mr Birmingham elected**

Item VIII.

The States of Alderney is asked to elect the Chairmen of the following Committees:

1. Policy and Finance Committee

2. General Services Committee

3. Building and Development Control Committee

210

The President: We move to Item VIII.

The Greffier: Item VIII this evening is the appointment of Committee Chairmen.

215 The States of Alderney are asked to elect Chairmen of the following Committees: firstly, the Policy and Finance Committee; secondly, the General Services Committee; and finally, the Building and Development Control Committee.

The President: Thank you very much.

220 We will take these separately for obvious reasons and we will start with the Chairman of the Policy and Finance Committee.

Do we have anybody for proposal? Yes, Mr Birmingham.

Mr Birmingham: Yes. Thank you, Mr President.

225 I would like to propose Mr Harvey to continue in the role as Chairman.

The President: Thank you very much.

Do you have a seconder?

Mr Rowley: Yes, I would like to second.

230

The President: Thank you, Mr Rowley.

Do we have any other nominations for this position?

Mr Roberts: Yes, sir. I would like to propose Mr Robert McDowall, please.

235

The President: Thank you very much.

Do we have a seconder, please?

Mr Simonet: I will second.

240

The President: Thank you. Do we have any other nominations for the position of Chairman of the Policy and Finance Committee? No.

In that case, Monsieur Greffier, if you could put the two Members: Mr Harvey and Mr McDowall to the vote, please.

245

The Greffier: Yes, sir.

In relation to nominations for the position of Chairman of the Policy and Finance Committee: Mr Tugby –

250

The President: I think you will probably find it easier to call them one by one for and then see how many people you have for each one.

The Greffier: Sir, yes, certainly.

A vote was taken and the results were as follows:

FOR MR HARVEY

Mr Birmingham
Mr Harvey
Mr Rowley
Mrs Paris

FOR MR McDOWALL

Mr Tugby
Mr Jean
Mr Simonet
Mr McDowall
Mr Roberts
Mr McKinley

ABSTAINED

None

255

The Greffier: Sir, there are six votes to Mr McDowall.

The President: So Mr McDowall is duly elected as Chairman of the Policy and Finance Committee.

We will now move to number 2. It is the General Services Committee, the Chairman of. Do we have proposer for this position?

260

Mr Simonet: I would like to propose Mr Tugby.

The President: Mr Tugby. Thank you.
Do you have a seconder?

265

Mr Rowley: Yes, I would like to second.

The President: Mr Rowley, thank you.

Do we have any other nominations for Chairman of the General Services Committee? No.

270

In that case, Mr Tugby you are duly elected as Chairman of the General Services Committee. Could you please record that, Monsieur Greffier?

The Greffier: Yes, sir.

275

The President: We now move to section 3 of Item VIII for the Chairman of the Building and Development Control Committee.

Do we have nominations for – ?

Mr Simonet: I would like to propose Mr Birmingham.

280

The President: Mr Birmingham.
Do you have a seconder for this position?

Mr Harvey: I should like to second Mr Birmingham.

285

The President: Thank you very much, Mr Harvey.

Do we have any other nominations for Chairman of the Building and Development Control Committee? We do not.

In that case, congratulations Mr Birmingham. Could you duly record that please, Monsieur Greffier?

290

The Greffier: Yes, sir.

IX. Appointment of Members of the Policy and Finance Committee – All States' Members elected

Item IX.

The States of Alderney is asked to elect the Members of the Policy and Finance Committee

The President: We now move to Item IX.

295

The Greffier: Sir, Item IX this evening is the appointment of Members of the Policy and Finance Committee. The States of Alderney are asked to elect Members of that Committee.

The President: Thank you very much indeed.

Mr McDowall, as Convener, were there any comments on this at the People's Meeting?

300

Mr McDowall: There were no comments on this Item, Mr President.

The President: Thank you very much indeed.

Do I have any nominations for membership of the Policy and Finance Committee?

305

Don't all rush!

Mr Roberts: I believe it was all last year, sir.

Mr McKinley: I was going to say the same. I do not quite understand why we are voting for –

310

The President: Because you have to vote for the Members on there. If somebody wishes to propose that all Members of the States are Members of the Policy –

Mr McKinley: Does it have to be individual?

315

The President: No you can do that, if you want, provided nobody objects to it.

Mr Rowley: Can I propose that it is the same Members as last year i.e. all 10 Members?

320

The President: If you are proposing that it should be all 10 Members of the States and you have a seconder ...

Mr Roberts: I would like to second that.

325

The President: You would like to second that.

Does any States' Member not wish to be a Member of the Policy and Finance Committee?

In which case all 10 Members of the States are Members of the Policy and Finance Committee.

X. Appointment of Committee members of other Committees – Eight Members appointed

Item X.

The States of Alderney is asked to appoint the members of the following committees:

- 1. Members to the General Services Committee*
- 2. Members to the Building and Development Committee*

The President: Could we move to Item X, please.

330

The Greffier: Yes, sir.

Item X this evening is the appointment of Committee members of other Committees. The States of Alderney are asked to appoint the members of the following Committees: firstly, the members to the General Services Committee and, secondly, members to the Building and Development Control Committee.

335

The President: Thank you very much.

Mr McDowall, as Convener, were there any comments on this Item?

340 **Mr McDowall:** Again, there were no comments on this Item, Mr President.

The President: Thank you very much indeed.
We will start with section one: Members to the General Services Committee. Do I have any nominations for Members of the General Service Committee?

345 **Mr Tugby:** Can you propose more than one or ...?

The President: Let's do it one at a time; keep it simple.

350 **Mr Tugby:** Mrs Parish.

The President: Mrs Paris.
Do you have a seconder for Mrs Paris?

355 **Mr Rowley:** I will second Mr Paris.

The President: Thank you very much.
Do we have any other nominations?

360 **Mr Tugby:** Mr Roberts.

The President: Mr Roberts.

Mr McDowall: I will second that.

365 **The President:** Do any other Members ...? Do we have a seconder – sorry – for that one, for Mr Roberts?

Mr McDowall: I will second that.

370 **The President:** You will second that one. Thank you.
Any other nominations?

Mrs Parish: Mr Rowley.

375 **The President:** Mr Rowley.

Mr Tugby: I will second that, sir.

380 **The President:** And that is seconded by Mr Tugby.
Do we have any other nominations?

Mr Tugby: Mr McKinley.

385 **The President:** Mr McKinley.
Do we have a seconder for that?

Mr Birmingham: I will second Mr McKinley.

390 **The President:** A seconder for that: Mr Birmingham.
Do we have any other nominations?

A Member: Are you short on numbers?

The President: No. We have got one, two, three four and we have got a Chairman.
Does anybody who has been nominated not wish to stand? No.

395 In that case, those four Members are duly elected.

We move to section 2, which is the Building and Development Control Committee.

Mr Birmingham.

400 **Mr Birmingham:** Okay. Mr President, if I may, could I propose that the membership of the Building and Development Control Committee stays the same; in which case, may I propose that the existing Members which are Mr Roberts, Mr McDowall, Mr Simonet and Mr Rowley are re-elected to the positions?

The President: You may.

405 Do we have any other nominations for the Building and Development Control Committee as Members?

Do I have a seconder for those put forward by Mr Birmingham?

410 **Mr Tugby:** I will second it, sir.

The President: Second that.

Does any Member wish to speak here? No.

In that case those Members, as detailed by Mr Birmingham, are duly elected as Members of the Building and Development Control Committee.

XI. Other Appointments: Commonwealth Parliamentary Association – Mr Rowley, Mrs Paris and Mr McKinley elected

Item XI.

The States of Alderney is asked:

to elect three Members to sit on the Management Committee in the affairs of the Alderney Branch of the Commonwealth Parliamentary Association (the President being ex-officio Chairman).

415 **The President:** Monsieur Greffier, could you move to Item XI, please.

The Greffier: Thank you, sir.

420 Item XI: Other Appointments, including the Commonwealth Parliamentary Association. The States of Alderney is asked to elect three Members to sit on the Management Committee in the affairs of the Alderney Branch of the Commonwealth Parliamentary Association with yourself being the *ex-officio* Chairman, sir.

The President: Thank you very much.

Mr McDowall, as Convener.

425

Mr McDowall: Yes. Again, there were no comments on this Item, Mr President.

The President: Thank you very much, indeed.

Do we have any nominations to sit upon the Commonwealth Parliamentary Association?

430 Mr Harvey.

Mr Harvey: Sir, if the existing incumbents all agree, I would nominate them to re-stand. That is Mr Rowley, Mrs Paris and Mr McKinley.

435 **The President:** Do you have a seconder for that proposal?

Mr Birmingham: I will second that proposal.

The President: Seconded by Mr Birmingham.

440 Does any other Member wish to stand for the Commonwealth Parliamentary Association?
Does anybody who has been proposed and seconded not wish to stand on that Committee?
Okay.

In which case, Monsieur Greffier, if you would please record that the Commonwealth Parliamentary Association remains as in 2015.

445

The Greffier: Thank you, sir.

XII. Other Appointments: Code of Conduct Panel members – Five persons reconfirmed

Item XII.

Under Part III, Item 23 of the Code of Conduct, The President shall appoint five members of the population on the electoral roll to form the Members' Conduct Review Panel.

At the Policy and Finance Committee meeting of the 18th May 2015 it was resolved unanimously to confirm the appointment of the following persons to the Members' Conduct Review Panel as referred to in Part III of the States Members' Code of Conduct until the 31st December 2015:

- *Mrs Rosemary Hanbury*
- *Mr John Russell*
- *Mrs Helen McGregor*
- *Mrs Pamela Pearson and*
- *Mr Peter Cunningham.*

The States of Alderney is asked to approve that the five persons listed above be reconfirmed as members of the States Members' Code of Conduct Review Panel until the next Annual January Meeting of the States of Alderney.

The President: We move to Item XII, please.

450 **The Greffier:** Item XII is further Other Appointments and the Code of Conduct Panel members. Under Part III, Item 23 of the Code of Conduct, the President shall appoint five members of the population on the electoral roll to form the Members' Conduct Review Panel.

At the Policy and Finance Committee Meeting on 18th May 2015, it was resolved unanimously to confirm the appointment of the following persons to Members' Conduct Review Panel as referred to in Part III of the States' Members' Code of Conduct until 31st December 2015.

455

Those five Members are: Rosemary Hanbury, John Russell, Helen McGregor, Pamela Pearson and Peter Cunningham.

The President: Thank you very much.

460

Mr McDowall, as Convener.

Mr McDowall: Again, there were no comments on this Item, Mr President.

The President: Thank you.

Does any Member wish to speak with regard to the Code of Conduct Panel?

465 In which case, Monsieur Greffier, if you would please record the five Members as approved.

The Greffier: Thank you, sir.

**XIII. States of Alderney Bank Accounts –
Operational arrangements –
Item approved**

Item XIII.

The States is asked to make the following arrangements relating to the operation of the States of Alderney Bank Accounts:

1. To empower the States Treasurer or Assistant States Treasurer (or a nominated Treasury deputy), together with the Chief Executive or a nominated member of his senior staff, to operate the States of Alderney Bank Accounts.

2. To empower the States Treasurer or Assistant States Treasurer (or a nominated Treasury deputy), together with the Chief Executive or a nominated member of his senior staff, to operate the States of Alderney Water Board Bank Accounts.

3. To continue with the above arrangements until such time as amended by Policy & Finance Committee resolution.

The President: We move to Item XIII, please.

470 **The Greffier:** Item XIII this evening is the States of Alderney Bank Accounts.

The States of Alderney have been asked to make the following arrangement relating to the operation of the States of Alderney bank accounts. Firstly, to empower the States' Treasurer or Assistant States' Treasurer or a nominated Treasury deputy together with a Chief Executive or a nominated Member of his senior staff to operate the States of Alderney Bank Accounts.

475 Secondly, to empower the States' Treasurer or Assistant States' Treasurer or a nominated Treasury deputy, together with the Chief Executive or a nominated member of his senior staff, to operate the States of Alderney Water Board Bank Accounts.

And, thirdly, to continue with the above arrangements until such time as amended by the Policy and Finance Committee resolution.

480

The President: Thank you very much.

Mr McDowall, if you would care to rise and give your report as Convener and I then believe you wish to propose this.

485 **Mr McDowall:** Yes, indeed. Thank you, Mr President.

There were no comments on this Item.

This is a procedural change. Hitherto, senior members of the Policy Committee have been signatories to the bank account. Clearly, they change every two years or so and there are administrative problems in this. In most public establishments it is very unusual for politicians to have a cheque signature. This is just bringing it in line with normal practice, so that cheque signatories are restricted to senior members of the establishment.

490

Therefore, I propose this Item.

495 **The President:** Thank you, Mr McDowall.
Mr Roberts, I believe you wish to second this?

Mr Roberts: I do, sir.

500 **The President:** Thank you.
Does any Member of the States wish to comment on Item XIII?
In which case, Monsieur Greffier ... I presume you do not wish to exercise your right to sum
up, do you?

505 **Mr McDowall:** No. Thank you, Mr President.

The President: Okay. In which case, Monsieur Greffier, you can take that as approved.

The Greffier: Thank you, sir.

**XIV. Election of Alderney Representatives to sit in the Guernsey States of Deliberation –
Mr McKinley and Mr Jean elected
and Mr Birmingham and Mr Rowley elected as Alternative Representation**

Item XIV.

*Following the procedure as laid out in the Resolution of the States of Alderney dated
18th October 2006 and the Plebiscite election of 6th December 2014, the States of Alderney is
asked:*

- (a) To elect two Members to sit in the Guernsey States of Deliberation for 2016, and*
- (b) To elect two other Members to sit in the Guernsey States of Deliberation as Alternative
Representatives for 2016.*

510 **The President:** We move to Item XIV, please.

The Greffier: Item XIV this evening is the election of Alderney Representatives to sit in the
Guernsey States of Deliberation. Following the procedure as laid out in the Resolution of the
States of Alderney dated 18th October 2006 and the Plebiscite election of 6th December 2014,
the States of Alderney are asked firstly to elect two Members to sit in the Guernsey States of
515 Deliberation for 2016 and, secondly, to elect two other Members to sit in the Guernsey States of
Deliberation as Alternative Representatives for 2016.

The President: Thank you very much, Monsieur Greffier.
Mr McDowall, as Convener, were there any comments at the People's Meeting?

520 **Mr McDowall:** There were no comments on this Item, Mr President.

The President: Thank you very much.
As is the precedent, the two Members who are currently sitting will continue to sit as they
525 were elected by Plebiscite and the two Members who were elected as secondary Members will
continue to sit, unless any of those Members wishes to stand down.

In which case, Monsieur Greffier, the *status quo* remains with regard to our two Alderney
Representatives to Guernsey and their two deputies.

530 **The Greffier:** Thank you, sir.

**XV. Burundi (Restrictive Measures) (Alderney) Ordinance 2016 –
Item approved**

Item XV.

The States of Alderney is asked:

to approve 'The Burundi (Restrictive Measures) (Alderney) Ordinance, 2016'.

The President: Could we move to Item XV, please.

The Greffier: Certainly, sir.

535 Item XV this evening is the Burundi (Restrictive Measures) (Alderney) Ordinance 2015. A
letter has been received from Mr Harvey in his capacity of Chairman of the Policy and Finance
Committee. The States of Alderney have been asked to approve the Burundi (Restrictive
Measures) (Alderney) Ordinance 2016.

540 **The President:** Thank you very much.
Mr McDowall, as Convener.

Mr McDowall: There were no comments on this Item, Mr President.

545 **The President:** Thank you very much.
Mr Harvey, I believe you wish to propose this.

Mr Harvey: Thank you, sir. I do indeed.

550 This is one of these seemingly routine bits of legislation we are asked to pass. Beneath the
routine lies a pretty ghastly story of intertribal warfare that has gone on for many years and a
president who, unlike our own, is trying to change the constitution so that he can stand almost
indefinitely.

555 Burundi, for those who do not know, is a central African republic adjacent to Rwanda and has
many of the hallmarks of the massacre and genocide seen in Rwanda. In 2005 a civil war was
ended by agreement. The terms of that agreement have now been breached and the president,
who is attempting to cling to power, has rejected all calls for intervention by the African Union
who wish to introduce a peacekeeping force.

So the sanctions, as is usual with these, are aimed at the top people there to affect their
ability to travel and to freeze any funds they may have in the West.

560 Once again, no doubt there will be questions raised as to why we should pass such a piece of
legislation. Burundi will not be quaking in its shoes at the news that Alderney may or may not
have passed this tonight. On the other hand, for all civilised nations this is a chain linking them
all together and it is not a question of whether we sign up to it; it is a question of if we do not
sign up to it, we break a chain and we send frankly an appalling message to the rest of the world.

565 So I do hope that my fellow Members will understand the plight of the poor people of
Burundi – something of 300,000 or 400,000 have been massacred over recent years – and
support the States of Guernsey and the rest of the civilised world in approving this Ordinance.

570 **The President:** Thank you very much, Mr Harvey.
Mr Rowley, I believe you wish to second this.

Mr Rowley: Yes, that is right, sir. I would like to second it, for the same reasons as Mr Harvey.
I have done a bit of research into it and the four people who are targeted are, amongst others,
the Chief of Police and intelligence officers who have consistently worked tirelessly to suppress
any protest or any move towards democracy.

575 So I vote in favour –

The President: Support it and second it? Yes.

Mr Rowley: I support it and I urge everyone else to do the same.

580 **The President:** Thank you very much.
Does any Member wish to speak on Item XV? Mrs Paris.

Mrs Paris: Thank you, sir.

585 As we have heard, Burundi is a very small country and it is on the brink of yet another civil war. As a woman, it is cold comfort to know that the country has universal suffrage, yet only 30% of the members of its national assembly have to be female.

As the rule of law is breaking down there, there are reports of a staggering number of rapes, particularly of women associated with the opposition parties.

590 It is well known that the education and emancipation of women mean that they can use their economic power to improve the lot of their families. This in turn leads to greater prosperity and stability in any country.

Anything that we can do to stop this tragic situation from escalating further, we really must do and I most certainly will vote in favour of the restrictive measures.

595 **The President:** Thank you, Mrs Paris.
Mr McDowall, I believe you wish to rise.

Mr McDowall: Yes, I do, Mr President.

600 My views on these sanctions for these far flung parts of the world are well known. This is quite an interesting one because it was France and Belgium and the US who funded and built up the base originally of the current president who is clinging to power. It is basically unnecessary meddling by the western powers that causes this sort of thing.

So I am going to vote against the sanctions. It is gesture politics.

605 Thank you, Mr President.

The President: Thank you, Mr McDowall.
Does any other Member wish to speak on Item XV? No.
In that case, Mr Harvey would you care to sum up?

610 **Mr Harvey:** I think there is probably nothing further to be said, sir.
Thank you.

The President: Thank you very much.
Monsieur Greffier, can you put Item XV to the vote, please.

615 **The Greffier:** Yes, thank you, sir.

The States of Alderney have been asked to approve the Burundi (Restrictive Measures) (Alderney) Ordinance 2016.

A vote was taken and the results were as follows:

FOR	AGAINST	ABSTAINED
Mr Tugby	Mr McDowall	None
Mr Birmingham	Mr Roberts	
Mr Jean		
Mr Harvey		
Mr Simonet		
Mr Rowley		

Mrs Paris
Mr McKinley

620 **The Greffier:** Sir, that motion is carried.

The President: Thank you very much indeed.

**XVI. Questions and Reports –
Finance Committee report –
Alderney's Financial Relationship with Guernsey**

The President: We move to Item XVI, please.

625 **The Greffier:** Yes, sir.

Item XVI is Questions and Reports. A single report has been received this evening in relation to Alderney's financial relationship with Guernsey. The report has been received from Mr McDowall in his capacity as Chairman of the Finance Committee.

630 **The President:** Thank you very much.

Mr McDowall, would you care to rise and give your report as Convener.

Mr McDowall: Yes. Thank you very much indeed, Mr President.

635 Firstly, let me talk about some of the comments that were raised at the People's Meeting. I did explain the background of the review. I put the figures on the Billet, particularly because there is going to be a public meeting here in Alderney on 1st February, which Mr Alistair Langlois who is Chairman of the Alderney Liaison Group will chair, and I think it is important that people have a context of the figures that we are dealing with.

640 I did observe the costs of running the Island and the contribution that the Island makes. Supplemental to this, there was an exercise done on teasing out what the gaming contributed to the Bailiwick, both from a Guernsey perspective and from an Alderney perspective: directly, indirectly and what is called 'induced', i.e. the ripple effect.

645 This was a reasonably expensive piece of work. It was shared 50/50 between the States of Guernsey and the States of Alderney and it shows that there is a significant revenue contribution made to the Bailiwick by the presence of the Gaming Regulator here. That is an important additional aspect to the contribution that the States of Alderney makes to the Bailiwick.

650 I talked briefly about the transferred services and I did make a couple of observations, but one of the transferred services, the Social Services, does actually include £2.8 million, which is the Guernsey old age pension which is paid to people who have contributed to that through their Social Security payments. That is in fact not a transferred service because it comes directly out of a fund. That clearly needs to be a subject of detailed discussion as to how that is treated in the future, but that currently stands as part of what we see as the average deficit, which is £5 million to £7 million per year, *ex* that, and *ex* the contribution which Alderney makes through the gaming.

655 A couple of interesting points have emerged in terms of the costs of some of the transferred services and indeed, it was observed the cost of education in Alderney compared with Guernsey and the UK. I suspect there is a measure of bloatedness within the Civil Service in Guernsey.

660 I was embarrassed to get some congratulations on the progress of the report – I always find flattery difficult to take – it was a move in the right direction. Corresponding with this, we also hope that by the end of this year we will have better financial reporting in terms of a shadow balance sheet and profit and loss account. It is quite lamentable that these Islands still adhere to

very old fashioned accounting. I do note that in 2012 there was a motion passed in the States of Guernsey to move to modern international accounting standards and I regret to say nothing has been done about it yet. That is not a very good reflection.

665 I think it is also important to say that any change in the financial relationship – and as people will be aware now, the States of Guernsey February Billet was not out when I produced this report, but it is relatively radical. I think Mr Harvey made a very good point that it is phase one of a longer term development –

670 **The President:** Mr McDowall, just for the sake of clarity, are you still giving the Convener's Report or –

Mr McDowall: Yes, I am giving this as the Convener.

675 **The President:** Okay, thank you very much.

Mr McDowall: And that will be ... Obviously, some of these changes will be included in budgets next year and conceivably even some changes to the 1948 Agreement.

So, I guess that sums up what was discussed at the People's Meeting.

680

The President: Thank you very much.

Would you care to stay on your feet and introduce your report?

Mr McDowall: Yes, indeed.

685 I think most Members were at the meeting and I think most of the points that I have raised, I do not want to reiterate. This is open for question. We have a very important debate coming up in the States of Guernsey on the financial relationship and we are certainly looking very much to our two representatives, Mr Jean and Mr McKinley, to fly the flag on that.

690 The important thing was to get at the sense of figures that we are dealing with. The debt: we have teased out the figures. It has taken quite a long time. I have just presented the headline figures. There is a lot more meat behind that.

I open myself to questions from any of the Members.

The President: Thank you very much, Mr McDowall.

695

Mr McDowall: Shall I stay standing?

The President: You can sit down for a minute.

Does any Member have any questions for Mr McDowall on his report?

700

Mrs Paris: I would just like to ask Mr McDowall for clarification on one point in his excellent report.

Mr McDowall: Thank you.

705

Mrs Paris: I know you do not like that!

On page 9 of the Billet, there is a chart which analyses the revenue benefits that the e-gaming industry brings to the Bailiwick. (**Mr McDowall:** Yes, indeed.) It is broken down into various sections. Correct me if I am wrong, but the same chart appears in the front of your economics report which was to the report –

710

Mr McDowall: That is correct.

715 **Mrs Paris:** – that we commissioned on ... I cannot remember which page. However, the figures that you used in your chart are higher than the figures that Frontier Economics have in their chart. I just wondered why.

Mr McDowall: Yes. Thank you, Mrs Paris.
I think you are looking at draft 1. There was a re-examination ... I think the figures originally
720 came to £49 million, I think, rather than £51 million in total.

Mrs Paris: So you are saying there is another –

Mr McDowall: Yes. They needed to review their original figures. I actually had the temerity to
725 go along to a meeting with them and there were some corrections needed. So the figures on here are the correct and final figures.

Mrs Paris: Thank you.

730 **The President:** Thank you very much.
Does any other Member have any questions for Mr McDowall?
Mr Jean.

Mr Jean: Thank you, sir.
735 Would the Chairman agree with me that the States of Alderney, if successful in gaining control over what would then be locally based taxation, would he be able to assure me that no measures would be considered at this time to create new taxes?

Mr McDowall: That is a very interesting question, Mr Jean.
740 Obviously, one cannot say forever, but no, not at this time. Not at this time, certainly.

The President: Thank you.
Mr Jean.

745 **Mr Jean:** Thank you.
Would the Chairman agree with me that the points I have raised over the last three years regarding Congé, Alderney's tax on the sale of property, which is a tax the Guernsey government removed 10 or 12 years ago... Alderney's Government choose to keep Congé tax in place as Alderney received and kept the revenue.

750 Does the Chairman agree with me that, having kept Congé from the time that that decision was taken, Alderney was and is paying more tax than Guernsey and was therefore outside of the Guernsey tax footprint?

Mr McDowall: Again, you raise an interesting point, Mr Jean, because I think one of the
755 drivers behind these changes is that the Alderney economy is not the same as the Guernsey economy. Property tax is a particular tax, which if the proposals go through in Guernsey, we would have control of our property taxes and we have to make those reflective of the economy: perhaps provide incentive in some areas; perhaps tax more in other areas. But I certainly agree with your sentiments on this.

760 I think the key thing is that the tax must reflect the needs of the economy.

The President: Thank you.
Mr Jean, you have another question?

765 **Mr Jean:** I do, sir, if I may?

The President: Yes, please.

770 **Mr Jean:** Does the Chairman agree with me that there is another tax from which Alderney derives revenue, which also takes us outside the Guernsey tax footprint? That tax was put in place to fund the deficit on the commercial key, and that tax is £15 per tonne oil tax.

Mr McDowall: Yes, here I am expressing an entirely personal view, Mr Jean, but I personally like tax structures to be cohesive and certainly taxes like that are rather reactive taxes and have no real rationale behind them.

775 I think the other interesting thing is with the oil price perhaps plunging to as low at \$10 a barrel, so the Standard Chartered Bank analyst said today, 'Clearly things like that look totally out of place.'

The President: Mr Jean, do you have any more questions?

780

Mr Jean: Yes, sir.

Does the Chairman believe, as I do, that we should try to get back within the Guernsey tax footprint and not be in the situation we are in now, where our residents are paying more than Guernsey residents?

785

Mr McDowall: I could not disagree with that comment, Mr Jean.

Mr Jean: I have one more, sir. Thank you, sir.

790 Does the Chairman agree with me that TRP tax needs to be reduced to fit the economy and Alderney businesses here in Alderney – the model, which survives on a much lower footfall with business in Alderney also struggling and stifled by high air costs, air travel and a skeletal flight pattern causing reduced custom?

795 **Mr McDowall:** Mr Jean, I always get nervous when I tend to agree with you too much, (*Laughter*) but I do agree with you on these things and again, it emphasises the point that taxation must fit the needs of our local economy – so, absolutely right.

Mr Jean: And I have one more, if I may?

800

The President: Yes, one more.

Mr Jean: Finally, would the Chairman give me his assurance that in due course this report will be placed as an Item on the Alderney Billet for discussion at both the People's Meeting, giving the public a chance to air their views, and so that the States can vote for or against as they see fit?

805

Thank you, sir. Thank you very much.

Mr McDowall: Well, again, I have to agree with you, I am afraid!

810 Yes, there is the public meeting, as you are aware, on 1st February and yes this is certainly something that should go on the Billet, absolutely, for general debate, because it is prospectively the start of some quite fundamental changes.

Mr Jean: Right.

815 **The President:** Does any other Member have any questions for Mr McDowall?

Mr Roberts: I would just like to congratulate Mr McDowall on all his work on this. It is the first time in 30 years that we have actually got some answers from Guernsey about exactly where we stand and I would like to thank him for it.

820

The President: Thank you, Mr Roberts.

Does any other Member have any questions for Mr McDowall? No.

Right, in that case, that brings us to the end of the Annual General Meeting.

Mr Greffier, if you would please bring the meeting to a close.

PRAYERS

The Greffier

The Assembly adjourned at 6.08 p.m.