



**OFFICIAL REPORT**

**OF THE**

**STATES OF THE**

**ISLAND OF ALDERNEY**

**HANSARD**

**The Court House, Alderney, Wednesday, 14th December 2016**

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

**Volume 4, No. 7**

**Present:**

**Mr Stuart Trought, President**

**Members**

Mr Matthew Birmingham

Mr Neil Harvey

Mr Louis Jean

Mr Robert McDowall

Mr Graham McKinley

Mrs Norma Paris

Mr Steve Roberts

Mr Christopher 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  
His Excellency Vice Admiral Sir Ian Corder KBE, CB,  
Lieutenant-Governor and Commander-in-Chief of the Bailiwick of Guernsey*

[THE PRESIDENT *in the Chair*]

### **PRAYERS**

*The Greffier*

### **ROLL CALL**

*The Greffier*

## Billet d'État for Wednesday, 14th December 2016

### **I. President of the States of Alderney – Administration of Oath of Office**

**The Greffier:** Sir, in accordance with section 28 of the Government of Alderney Law a presidential election was undertaken, and on 1st November 2016 Mr Stuart Trought was declared as President for a term of four years commencing on 1st January 2017.

5 In accordance with section 36 of that Law, Mr Trought is required to swear a further Oath for the term that is about to commence. If you are happy, sir, I will administer that now.

10 **The President:** I, Walter Stuart Trought, do swear by Almighty God that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors according to law, and that I will well and faithfully discharge the duties of the office of President of the States of Alderney, so help me God.

**The Greffier:** Thank you, Mr Trought.

### **Convenor's Report of the People's Meeting held on 7th December 2016**

15 **The Greffier:** Good evening, Mr President.

**The President:** Good evening, Mr Greffier.

**The Greffier:** If you are happy, I understand you would like to receive the Convenor's Report before we move to Item II.

20 **The President:** That is absolutely correct. Would you please proceed with that, Mr Birmingham, as Convenor.

**Mr Birmingham:** Thank you, Mr President.

25 The meeting took place at 1900 hrs on the 7th. I was Convenor. I was assisted by the Chief Executive and the Treasurer. The President was in attendance, there were six States Members excluding myself, the Minute Secretary, 22 members of the public and two members of the press.

Item I we have already dealt with, on which there were no comments.

30 Moving on to Item II – Rules of Procedure, Register of Members’ Interests – there was one comment on this Item, which was: why is this not worldwide for good governance and transparency? I noted the comment.

**The President:** Thank you very much, Mr Birmingham.

**II. Rules of Procedure –  
Register of Members’ Interests –  
Debate commenced**

*Item II.*

*The States is asked:*

*To approve an amendment to the Rules of Procedure for States Meetings Rule 22.(3) as follows:*

*22.(3). The President and all States Members shall, within one month of the commencement of their term of office and by the 31st January in each year thereafter, make and lodge with the Greffier a declaration of all immovable property interests and business interests in Alderney or any other islands within the Bailiwick owned by themselves or their spouse;*

*and that Schedule 1 of the Rules of Procedure be amended accordingly.*

**The President:** Mr McDowall, I believe you wish to propose this Item.

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

Your Excellency, Mr President, ladies and gentlemen, this is a move to acknowledge the new goal of transparency and to extend the declaration of interest to those within the Bailiwick. It had universal support from the P&F.

40 It is a good measure, though it is quite interesting just going through the declaration – we do live in an age of political correctness and I note that one only has to make declarations for one’s spouse, so presumably those in civil marriages and other modern arrangements are not covered by this. We will leave that for another time, I think. But I do support this.

45 There was an observation made about extending this globally. I think that is, frankly, a utopian move. I do not think we are ready for it. First of all, it would not be enforceable, and some jurisdictions would use that as a mechanism for coming back at the Crown Dependencies, in particular on declarations.

Then, finally, we have new EU legislation on data privacy, which in my view may enable people to both restrict the use of that and, more importantly, they will be able to erase it after they have gone – the right to be forgotten, I think it is.

50 So I support this, but there are obstacles in the future which will derail the extension of this. Thank you very much.

**Welcome to HE Lieutenant Governor,  
Vice Admiral Sir Ian Corder KBE, CB and Lady Corder**

**The President:** Thank you very much, Mr McDowall.  
Before we move any further, I would like to give a very belated welcome to His Excellency Sir Ian and Lady Corder for being with us this evening.

**Rules of Procedure –  
Register of Members' Interests –  
Debate concluded; amendment approved**

55 **The President:** Mr Rowley, I believe you wish to second this motion.

**Mr Rowley:** Yes, that is right, sir.  
There is nothing further to add, really, to what Mr McDowall said. It really just fills in a  
60 loophole that was left and dealt with. Thank you.

**The President:** Thank you, Mr Rowley.  
Does any Member wish to speak on Item II?

**Mr Harvey:** Your Excellency, Mr President, ladies and gentlemen, I fully support the  
65 amendment proposed here.

I understand the view of some that it should be extended on a worldwide basis and I would refer them to the law of unintended consequences, to which I think Mr McDowall has alluded. In fact, I looked at the UK MPs' register of interests, which is not extended worldwide in any respect other than foreign travel paid for by third parties. I am sure the new States will look at  
70 this. This is a step along the road; it is never a final resting place with matters of integrity.

My own concern is regarding some of the definitions – for example, 'material interest in companies' – because I suspect they are perhaps slightly too loose and there are many ways of controlling a company other than through its shareholding. But I fully support the proposal of this modest but sensible extension of the register.  
75

**The President:** Thank you, Mr Harvey.

**Mr Jean:** When this Item was raised at P&F I asked about declarations of interest as well regarding the UK and international, and company. I was disappointed. I actually asked twice, but  
80 the response was 'only Bailiwick'. However, I am supportive of Bailiwick interest being declared, but it is clear to me that we must go further. The public have expressed concern about people who might have involvement in companies here that they do not know about, and it is only right that those interests are declared.

I am pleased that we are doing this, but it is only part of it and that is a pity. Instead of  
85 instructing the Law Officers just to do this small part for us, we could have done the whole thing at once. It is a shame and I am disappointed. Having said that, I am supportive.

**The President:** Thank you very much, Mr Jean.  
Does any other Member wish to speak on Item II? Mrs Paris.  
90

**Mrs Paris:** It is a slightly unsatisfactory piece of legislation, I think, and I think it would have been good had it been able to go forward further. I take the point of how difficult it is and I think it would be a case of diminishing returns in what we would find out.

95 I have only one particular point to make, and maybe this is a missed opportunity where we could have looked at it. I think we do need at some point to make very clear specifically who has directorships or shareholdings or material interests in the press here – by which, obviously, I do not mean the *Alderney Press*; I mean the press as the Fourth Estate. Both of our Island publications do an excellent job, but in my opinion there is a very particular and important potential conflict of interest to serve both in the States and to have any material involvement in the media here. I think that is something the new States are going to have to look at very carefully.

**The President:** Thank you very much, Mrs Paris.

105 Does any other Member wish to comment on Item II?

**Mr Roberts:** I would firstly like to thank Mr McDowall for bringing this forward. However, I personally would like this extended to a worldwide declaration. I myself am more than happy to do this. I see no reason why we should not be seen as a fully transparent States and declare all interests, even if they exist in such places as Iceland, Greenland, Poland – or even Cuckooland! (Laughter) I have no interest in Cuckooland. So I believe this is not far reaching enough. We have to put more information down to get a driving licence, and I cannot support this in its current form. The UK has not extended it to worldwide – why not a first, then?

Not supporting, to make my point.

115 **The President:** Thank you very much, Mr Roberts.

Does any other Member wish to speak on Item II? Mr McKinley.

**Mr McKinley:** Very briefly, sir, just to say I support the views of Mr Jean and Mr Roberts, and I think in my view it should be reworded to say ‘Alderney and other islands within the Bailiwick, or any other country worldwide in which the Members may have an interest which is relevant to the States of Alderney which will require resolution by the States of Alderney’.

Thank you.

125 **The President:** Thank you, Mr McKinley.

Does any other Member wish to speak on this?

Mr McDowall, would you care to sum up?

**Mr McDowall:** Yes. I would just like to sum up, Your Excellency, Mr President, ladies and gentleman, by saying beware the laws of unintended consequences. There are lots of opportunities, if we declare worldwide, for other jurisdictions to take a lot of very good pot shots at the Crown Dependencies.

Thank you.

135 **The President:** Thank you very much, Mr McDowall.

Mr Greffier, would you please put Item II to the vote.

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

140 Just prior to the vote, I should put you on notice that there are a few minor typographical errors in the schedule to the declaration of interest, a copy of which has been passed to each of the States Members present and yourself this evening. No comments have been raised in respect of the same. Copies will be available to any member of the public who requires one after this meeting, should they desire.

**The President:** Mr Greffier, for the sake of the record, could you please point out those changes?

145

**The Greffier:** Certainly, sir. In the first line, it states:

In accordance with Rule 22 of the States of Alderney

The words 'Rules of Procedure' have been added to the end of that line.

In section 1, at the end of the first line I have added the word 'on' in the sentence:

(or my spouse or a company in which I have a controlling interest on my own or on

– 'on' being the additional word –

their behalf).

150 In paragraph 3, 'Directorships', I have also added the word 'or' in the second line, which reads:

(or my spouse or a company in which I have a controlling interest on my own or on their behalf)

**The President:** Thank you very much, Mr Greffier. Would you now proceed to the vote, please.

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

The States of Alderney are asked to approve an amendment to the Rules of Procedure for States Meetings Rule 22.(3) as follows: The President and all States Members shall, within one month of the commencement of their term of office and by 31st January in each year thereafter, make and lodge with the Greffier a declaration of all immovable property interests and business interests in Alderney or any other islands within the Bailiwick owned by themselves or their spouse; and that Schedule 1 of the Rules of Procedure be amended accordingly.

160

*A vote was taken and the results were as follows:*

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTAINED</b>
Mr Tugby	Mr Roberts	None
Mr Birmingham		
Mr Jean		
Mr Harvey		
Mr Simonet		
Mr McDowall		
Mr Rowley		
Mrs Paris		
Mr McKinley		

**The Greffier:** Sir, that motion carries.

165 **The President:** Thank you very much indeed.

**III. Building and Development Control (Alderney)  
(Amendment No. 2 and Fees) Ordinance 2016, approved**

*Item III.*

*The States is asked:*

*To approve the Building and Development Control (Alderney) (Amendment No. 2 and Fees) Ordinance, 2016.*

**The President:** We will move to Item III, please.

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

170 Item III this evening is the Building and Development Control (Alderney) (Amendment No. 2 and Fees) Ordinance 2016.

A letter has been received from Mr Birmingham in his capacity as Chairman of the Building and Development Control Committee and the States of Alderney are asked to approve that Ordinance, the Building and Development Control (Alderney) (Amendment No. 2 and Fees) Ordinance 2016.

175

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

Mr Birmingham, as Convenor, would you give me the Convenor's report, please.

**Mr Birmingham:** Thank you.

180

Your Excellency, Mr President and fellow Members, on Item III the comments included: what took so long between ARUP 2014 to implementing the increase in fees in 2016? I, as Convenor, stated there was a timescale for a number of recommendations from the 2014 ARUP review. These have been gradually implemented from June 2015 when the planning officer, Mr John Young, was in place. There have been further procedures to follow from the Law Officers, together with linking into the budget process and timescales, including discussions with the Appointments Committee.

185

The second point: the rates/fees are not that clear on the schedule – can it be simplified? Again, I clarified that the schedule is very similar in structure to the Guernsey schedule and uses the same narrative. I did suggest that it might be possible that a fees guide could be introduced, and I will have discussions with the planning officer in relation to that.

190

On EIAs, a view was stated that the EIA could be abused and an application could be complicated, or the authority abused by the Committee. The Convenor again clarified that the applicant has the right to appeal and the Committee only has certain powers. Specialist skills may also be required, depending on the nature of the project.

195

Finally, flexibility is needed for certain circumstances. The EIA does not include social issues, and these may have more impact than environmental issues. The Convenor stated that under the planning law there is a framework and structure to work to and certain powers that the Committee possesses.

If I may, I will stay on my feet.

200

**The President:** Please do. This is so that Mr Birmingham can propose this Item as the Chairman of BDCC.

**Mr Birmingham:** Thank you, Your Excellency, Mr President, fellow Members.

205

Following last July's States approval of phase 1 of the Land Use Plan and Ordinance which amended the Building and Development Control Law 2002, the Committee have continued their review of legislation following the ARUP planning review and now propose a further change to the Law. The draft Ordinance before you proposes the following changes.



210 Firstly, in relation to the submission of environmental impact assessments and their independent review, section 5 of the Law is amendment to extend the existing power of the Committee to require additional information from the applicant as part of a planning application to include the submission of a statement or report of assessment of environmental impacts and other effects, when requested.

215 If the Committee considers that the environmental effects of a proposed development are significant, they are of such a scale, complexity or nature that is likely to have such effects, then the Committee is also empowered to engage an expert to independently review and evaluate the environmental assessment submitted by the applicant and then make a report to the Committee.

220 The Committee will be empowered to recover reasonable costs of such independent assessment from the applicant, but it is subject to appropriate safeguards, and these include the referral of the request to a third party to ascertain the veracity of the request for the environmental impact assessment.

225 Secondly, we have a table for the increased fees for planning and building applications. The fees were last set on 10th February 2014 and they are due for review. The 2016 budget for planning and building shows an income according to only 15% of the ongoing expenditure of the Planning and Building Services. The present fee levels are extremely low, compared with other jurisdictions, and ARUP recommended that these fees be increased in their 2013-14 report.

230 The increases proposed in the revised fees schedule will apply from 1st January 2017. At first sight, the increases in fees proposed look very substantial compared with those which have been applied in the last three years. However, the majority of applications are still for minor developments, where the new fee levels proposed remain modest and are below those charged in Guernsey and Jersey for similar work. It is expected, however, that in the future, with the repeal of the C-permit system and planning consent running with the land ownership, there may be an increase in larger applications. These incur increased regulatory effort and cost, especially in building control, where we have introduced the industry standard Guernsey Building Control Regulations. Compared with the cost of building, however, the increased fees still propose a minor cost for the overhead for the development.

240 The proposed new fees have been set after discussions with the Finance Committee with the aim of aligning total fee income to approximately 40% of States ongoing expenditure on the planning function. I will say this is a goal, one that I think would be difficult to achieve, but it does align with both the UK standard set out in the November 2010 report from the Department of Communities and Local Government on planning costs and fees, and with consideration given to the 'user pays' principle. For simplicity, the existing fees structure remains unchanged from 2014, other than the introduction of a new category 6 for planning applications applicable to larger development sites. This is a scalable schedule, compared to the one size fits all that was there before.

I place this before the States and I hope that you will support it.

250 **The President:** Thank you, Mr Birmingham.  
Mr Simonet, I believe you wish to second this.

**Mr Simonet:** Yes, Mr President, I am pleased to second this Item and I reserve my right to speak later.

255 **The President:** Thank you.  
Does any Member wish to comment on Item III? Mr Jean.

**Mr Jean:** The first question I would ask: are we also taking the first part of this under Item III? I know we seem to have jumped to 1, but are we taking under item 3 the impact assessments as

260 well? 'Submission of Environmental Impact Assessments (EIA) and their independent review' –  
are we taking that as well at the same time?

**The President:** We are taking this as set out in the Billet.

265 **Mr Jean:** From Item III?

**The President:** From Item III through to the bit where you are asked to approve the Building  
and Development Control (Alderney) (Amendment No. 2 and Fees) Ordinance, 2016.

270 **Mr Jean:** Okay. First of all, I would like to make some remarks on the environmental impact  
assessments. We have been in a period of purdah recommended by our Chairman,  
Mr McDowall. I cannot recall we have had any opportunity to actually discuss the environmental  
275 impact assessments. That is my first point and I think that that is so. There is concern here that  
this may be open to abuse, giving the Building and Development Committee the power to  
commission impact assessments on its own. I do not believe that this is the way to do this.  
Decisions on whether impact assessments are to be levelled at private developments or not  
should not be voted on tonight. I believe that this is something for the new States to discuss in  
280 combination with the possible withdrawal of an item that was placed before the P&F some time  
ago, which I did not agree with, and that was powers to appoint the cost of £50,000 for projects  
by the CEO. That is not his fault, but I do not agree with that and I also do not agree with the  
£25,000 that was voted for consultants, and this is something I feel that –

**The President:** Mr Jean, are we talking about the Items on the Billet?

285 **Mr Jean:** Let's, first of all, just stick to this, okay? Let's go back to this. This is one Item that  
should be deferred, I believe, and brought back to the new States, and I would like to bring a  
simple amendment to that effect, basically saying that it should be deferred and be discussed in  
January with the new States. If you would allow, sir, I believe I have a seconder for that  
290 amendment. It is a very simple amendment.

**The President:** Mr Jean, if you wanted to put an amendment, I would say that you had ample  
time to bring this to my attention before, so why have you brought it at this late stage?

295 **Mr Jean:** Because, sir, I have been extremely busy. Today I have been in the Guernsey States.  
I have not had time. I have had a grandchild born to me and I just have not had time. I am asking  
for a very simple amendment, that I would like this deferred to be discussed by the –

**The President:** If you wanted to bring an amendment, you should have said so straightaway.

300 **Mr Jean:** Well, I am asking if I may, sir. It is a very simple amendment. All it does is defer it  
until January for discussion with the new States at the January States meeting.

**The President:** This is highly irregular.

305 **Mr Jean:** Will you allow it, sir?

**The President:** Because you say you have had no opportunity to discuss this within P&F, I will  
allow you to bring it on this occasion, but do not think that this means that you can bring late  
amendments whenever you may wish. I want to make that very clear.

310 **Mr Jean:** No, I would never wish to abuse any –

**The President:** I want to make it very clear that this is not something that is going to take place regularly.

315 **Mr Jean:** Okay, fine.

**The President:** That said, please place your amendment now.

320 **Mr Birmingham:** Point of information?

**The President:** Yes, go ahead.

325 **Mr Birmingham:** Thank you. What is before us is not a P&F matter. (**A Member:** Quite.) It is a BDCC matter, (**Two Members:** Exactly.) and BDCC have the mandate under what is granted by this States to deal with matters dealing with the BDCC 2002 Law. It is not a P&F matter. I do not have to take anything relating to this to P&F. (**A Member:** Absolutely.) BDCC deal with it; we then bring it to full States.

330 Mr Jean is talking about an opportunity to discuss it. *This* is his opportunity (**A Member:** Exactly.) at *this* States meeting.

**A Member:** Precisely.

335 **Mr Jean:** No, I do not agree with that. I believe that it should have been referred to P&F and I believe that we should have had chance –

340 **The President:** Having listened to your plea and having listened to the point of order made by Mr Birmingham, I am not going to allow you to put this amendment forward. You may discuss it while you are on your feet now and do your best to convince the other people not to vote for this.

**Mr Jean:** Well, then, considering the States has been in a state of purdah for the last month and we have not had a P&F meeting, I make the point that I am much aggrieved by it and that I will be bringing this back to the January States and I think that they should have invited the new States.

345 Okay, that is fine. Thank you for not allowing me to put an amendment after saying I could.

350 **The President:** While you are on your feet you may wish to make some comments about section 2. Whilst you are on your feet, if you want to make comments on section 2, the increased fees, please do so now.

**Mr Jean:** Yes, indeed I do.

355 The raising of planning fees – I am also against this. Every published planning list shows only minor applications. Is this any way to stimulate a community? They are sluggish and in decline. I watch every week – I look at *La Gazette Officiale*. Okay, for anyone who does not look at the *Gazette Officiale* the lists are published in the journal and the *Press* here, and what they basically show is, in the main, only minor applications.

360 Consideration should be given in a time like this to actually reducing the planning fees in an effort to recognise that the economy continues to fail in Alderney. The excuse for doing this comes largely from ARUP: ARUP have recommended an increase in planning fees. And yes, comparisons are drawn with Guernsey and other places, saying that our fees are not as high, but the fact is our economy is not performing as well here and the planning list shows us that: satellite dish, tree to be cut down, garden shed, fence panel, whatever. They are all minor applications almost every week; it is all that we see. We do not see anything of any major

importance. I consider that even raising those fees slightly is against trying to let the economy  
365 here recover and is against any increase in work for the construction industry.

Let us remember that ARUP, when they wrote their original report, were never given sight of  
the Cambridge report, which did talk of a situation at recession and our faltering economy. The  
Cambridge report did not suit this present Committee and that is the reason why we did not see  
this.

370 I am almost at a stage where I will actually have to vote ... If I cannot get amendments and I  
cannot get people to see it, the only way I can do it is to vote against both of these items. I  
would ask that these items are taken separately by recorded vote, because they have a serious  
effect on the Island.

I have my doubts about planning fees full stop, and I was not supportive when they were first  
375 brought to the States when I was here in the 1990s. I said it was the thin end of the wedge and  
that what we would have was basically we would either try to justify or fulfil the costs of the  
Planning Department, which had been very high.

Some of this was raised at the People's Meeting by one or two people who were concerned  
about the costs of ARUP and the cost of various things that were going on. I am concerned at  
380 these charges being levelled against a community that is struggling. We have not put that right  
yet and I will have to vote against each of these items – because I cannot amend the first one  
and because I do not agree with the second one – and I would hope that some of you will join  
me in understanding the difficulties that this community faces.

Thank you, sir, very much.

385

**The President:** Thank you, Mr Jean.

Does any other Member wish to speak on Item III? Mr Rowley? Mrs Paris.

**Mrs Paris:** Just on a broader point about fees, I think we do need to bear in mind that we run  
390 a balanced budget here. That means that the money we receive is the money that we have to  
spend, and any approach which would either reduce fees or not keep them in line with inflation,  
or indeed not to increase them, will inexorably lead to cuts in services.

As we take back more and more control of what we have from Guernsey, we are going to  
have to be very, very mature and careful about this, and although this is not specific to this, I  
395 think we must have it written up there: money in is the same as money out, otherwise trouble.

**The President:** Thank you, Mrs Paris.

Does any other States Member wish to speak on this Item? Please go ahead, Mr Tugby.

400 **Mr Tugby:** Yes, I am very concerned about the environmental impact. I cannot understand  
why we are putting it here, because in the last two buildings I have done I had to have an  
environmental impact assessment done. So, if it was not in the Law, why did I have to do it at  
all? That is why I raise it.

The other thing is the increased fees. We are increasing fees purely to pay for the staff in the  
405 building office. At the end of the day I know we have got to balance the books, but with a small  
amount of building being done in Alderney at the present time, plus only minor projects being  
done, why do we need so many staff? Maybe we should employ part-time staff to oversee  
whether it is suitable to put a fence or anything.

When you consider just a few years ago we spent hundreds of thousands of pounds getting  
410 rid of people because the consultant told us that was what we needed to do, now we seem to be  
increasing them very often. In the private sector, if you are not making enough money you have  
to trim your costs, but unfortunately what governments do is keep putting up the charges  
instead of looking where they could save money.

That is why, I am sorry, I cannot vote for this, even though I would have voted for a small  
415 increase with RPI, but to put them up dramatically is beyond me when we should look at

reducing our costs. When you think that when all the building was going on, we had one person to look at the drawings and run the Butes and inspect foundations in the buildings and everything, and now we have three when there is no building going on, so I have got to query it.

420 No doubt I will get into trouble for criticising again, but I am used to that and I have got broad shoulders.

Thank you, Mr President.

**The President:** Thank you, Mr Tugby.

425 Does any other Member wish to speak on this Item? Mr McKinley.

**Mr McKinley:** Very briefly, sir. We have been able to attend some excellent presentations by ARUP, two of which were held, I believe, last week, and they have gone through the environmental impact assessment very clearly. But I do think that with a matter such as this it rather depends on the size of the project – for instance, the FAB link project, for which I believe the environmental impact assessment has now been agreed that it should be agreed by all the States rather than just by the Building and Development Control Committee. I think that when it comes to any large projects such as that, a similar process should be followed.

430 I would actually say that I do believe this should have been debated at the P&F and we should categorise projects according their size and according to the impact, and I would actually be quite interested to hear from Mr Birmingham the categories of the impact assessments – they may be visual, they may be heritage sites, they may be wildlife, they may be sound, they may be light pollution. Whatever they are, if he could just clarify those.

435 With regard to the charges, I note he said that we are considerably below the charges of Guernsey and Jersey. Yes, we are, but our annual wage is also considerably below that of Guernsey and Jersey, and therefore in no way should there be a comparison. Having said that, I agree entirely with what Mrs Paris has just said, we have to make ends meet, but I think that we should perhaps not be raising the fees to quite such an extent.

440 If I could have clarification on those two points I will then make my decision. I would like to discuss the Policy and Finance and I would like to have some idea of the impact assessments.

445 **The President:** Thank you very much, Mr McKinley.  
Mr McDowall.

**Mr McDowall:** Thank you very much, Mr President, ladies and gentlemen.  
450 I just reiterate what Mr Birmingham said. This has got nothing whatsoever to do with Policy and Finance. This is a BDCC matter. Purdah and Policy and Finance have got nothing to do with it. You really need to get more familiar with your brief, Mr McKinley!

Thank you.

455 **Mr McKinley:** Thank you for the compliment, sir.

**The President:** Thank you, Mr McDowall.

Does any other Member wish to speak on Item III? Is this your right of reply?

460 **Mr Simonet:** It is my right of reply.

**The President:** Can we just wait and see if anybody else wants to speak first?

**Mr Simonet:** I thought everybody was stuck

465 **The President:** Does anybody else want to speak before he exercises his right of reply?  
Mr Simonet.

**Mr Simonet:** Thank you, Mr President. I will be brief.

470 First of all, I have always been part of the building industry on this Island and one should not forget that, throughout this severe recession since 2008, if there is one industry that has kept going it is the building industry, and there is no doubt about that whatsoever.

475 The fees that we are applying the Building Committee has thought long and hard about and has kept the fees for small works down as low as possible and has increased those for major developments. Fees are simply part of a development cost; nothing more, nothing less. We have to balance our books, as others have said here tonight, so I have no doubt whatsoever that this recommendation is the right way to go.

Thank you, Mr President.

480 **The President:** Thank you very much, Mr Simonet.

Mr Birmingham, do you wish to exercise your right of reply?

**Mr Birmingham:** Thank you.

485 In terms of scale of the EIA, to address Mr McKinley's concern, the point is we need the legislative power within the Law to be able to conduct EIAs when we require. Currently, the Law is a little bit unclear on that, because it does say that the Committee has a certain level of power to ask for relevant documentation if it so requests, but this is very much a case of making the case specifically for EIAs, particularly in the situations of large-scale development, whether that be the FAB link as an example, or a marina development as another example. In those  
490 circumstances there are going to be issues perhaps – and I will take a marina development as a good example: there might be specialist advice that may be required in terms of marine work. That might mean that we would need a marine biologist's report, and that would mean perhaps certain levels of cost. At the present moment, that cost would fall on the taxpayer. Excuse me! No, thank you! That should fall on the developer.

495 We are not going to be asking for environmental impact assessments when somebody is replacing a window. On a small-scale house development the likelihood is that there will not be any EIA requested unless something is brought to the attention of the Committee, perhaps maybe as has happened in the past when the proposed development on Longis was brought forward and there were concerns that perhaps there may have been archaeology on the site. At  
500 that point the Committee asked for extra reporting to be undertaken to ascertain whether there was an issue or not.

The Committee need the legal power to be able to do that in the circumstances that are required. You could say we need a schedule of circumstances with a series of trigger pulls at which point, yes, there is going to be an EIA at a certain level or there is going to be an EIA at an  
505 even bigger level; but that is not realistic, because each individual development will have different criteria and different circumstances under which it works. All this does is allow the Committee the ability to engage a larger-scale EIA when it needs to.

Very fundamentally, the amendment also shows that if we ourselves are unclear as to what the scale of that EIA should be, and if we are unsure that we are being perhaps unfair to a  
510 developer by asking too much, we go to an independent assessment – and that person we ask is the development manager in Guernsey. That is the independent check to actually find out whether we are being excessive or not.

So I think this is a very good method. It has a check and balance in there to stop the Committee abusing its power, but it gives the Committee the ability to consider that application  
515 when it comes forward and ask for the relevant paperwork if it needs it.

Mr Jean says he supports low planning fees.

**Mr Jean:** May I raise a point of order?

520 **The President:** If it is a point of order, yes; if it is comment you wish to make –

**Mr Jean:** This Committee has a history of calling for advice –

**The President:** Is this a point of order?

525 **Mr Jean:** Yes, it is a point of order. Mr Birmingham said that advice would be called for. This Committee has a history of calling for advice and ignoring it.

**The President:** That is not a point of order –

530 **Mr Jean:** It is a point of order.

**The President:** – and it will be struck from the record. Thank you.

535 **Mr Birmingham:** Mr Jean said he supported no planning fees – I have yet to find when Mr Jean has supported an increase in anything since he sat on the States; a very populist measure, but I would not say responsible. He seems to think that an extra £50 on, let's say, the cost of a £100,000 development is going to prevent that development going through. Somehow I do not think that is realistic.

540 He mentioned small development and of course he mentioned satellite dishes. Obviously, he is not aware that that is exempt development, so they do not actually require any fees. Perhaps Mr Jean needs to do his homework –

**Mr Jean:** Sir, I have another point of information.

545 **The President:** Mr Jean –

**Mr Birmingham:** – not just on BDCC but the Rules of Procedure of the States as well.

**Mr Jean:** I am entitled to reply to these points.

550

**The President:** Mr Jean, please wait until you are asked to speak – if you are going to be asked to speak at all.

555 **Mr Birmingham:** In terms of the fees, not only did we discuss them very clearly in the BDCC; we did go to the Finance Committee to ascertain their view about how we should be working in the future, and the Finance Committee agreed with our assessment.

As I have said, over the long term a 40% retrieval I think is optimistic, but we do have to increase fees. I myself am not a big fan of increasing fees.

560 In terms of costs, Mr Jean again seems to be thinking that we are massively expanding the BDCC. Actually, that is not the case. What we have done is we have used outside resource over the last two years to bring the planning structure of this Island up to date, and once that is done – and I hope that will be the end of next year – we will be back to a situation where we will no longer be using ARUP as an outside contractor, and by that point the size of the planning function going forward should slim back down slightly; but that is a future decision for future committees.

565

Other than that, I have no other issues apart from to ask for your support for this needed increase in fees.

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

570 **Mr Jean:** you were talking about a point of order. I will draw to your attention, before you stand –

**Mr Jean:** The moment has passed, sir, really.

575 **The President:** Thank you.

Mr Greffier, would you please take that to the vote as set out in the Billet.

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

580 The States of Alderney are asked to approve the Building and Development Control (Alderney) (Amendment No. 2 and Fees) Ordinance, 2016.

*A vote was taken and the results were as follows:*

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTAINED</b>
Mr Birmingham	Mr Tugby	None
Mr Harvey	Mr Jean	
Mr Simonet	Mr Roberts	
Mr McDowall	Mr McKinley	
Mr Rowley		
Mrs Paris		

**The Greffier:** Sir, with 6 votes to 4, that motion carries.

**The President:** Thank you very much, Mr Greffier.

#### **IV. Registration of Buildings and Conservation Areas under the Building and Development Control (Alderney) Law, 2002, approved**

*Item IV.*

*The States is asked:*

*To take note of the list of properties appearing in the States Register of Historic Buildings and Ancient Monuments as required by the Building and Development Control (Alderney) Law, 2002.*

585 **The President:** Could we please move to Item IV.

**The Greffier:** Yes, sir.

Item IV this evening is the Registration of Buildings and Conservation Areas under the Building and Development Control (Alderney) Law, 2002.

590 A letter has been received from Mr Birmingham in his capacity as Chairman of the Building and Development Control Committee and the States of Alderney have been asked to take note of the list of properties appearing in that States Register of Historic Buildings and Ancient Monuments as required by the Building and Development Control (Alderney) Law, 2002.

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

Mr Birmingham, as Convenor.

**Mr Birmingham:** Thank you.

600 Your Excellency, Mr President, the Convenor advised that this register is required under law and that it has to be reviewed every three years by the States. This is a re-adoption of the existing register, as a review is underway through the LUP 2016-17.

Comments on this Item included that the public lavoir is not maintained and needs sorting out. The Convenor noted this comment and stated that it would be passed on to GSC.

Shall I stay on my feet?



605 **The President:** Thank you very much. Mr Birmingham is going to stay on his feet to propose Item IV.

**Mr Birmingham:** Thank you very much.

610 Your Excellency, Mr President, fellow Members, this is a routine housekeeping measure. The Building and Development Control Law has, as part of it, a Register of Historic Buildings and Ancient Monuments. The list was last published in October 2013 and requires updating every three years, so this is a re-adoption of the existing list with no changes.

615 You might ask why we are not making any changes. The reason for this is that, as part of the Land Use Plan process that is ongoing at the moment, one of the strands is in relation to is built heritage, and as part of that there have been a number of submissions to go to the Land Use Plan about sites and buildings that may be required to be put on to the register at a later date. So the plan is that we re-adopt this as it stands at the moment and then, at some point later next year, after the LUP has taken place, we will look at bringing forward an updated buildings and ancient monuments list that may for the first time include items such as the German fortifications.

620 So I put this before the States and hope everybody will support it.

**The President:** Thank you, Mr Birmingham.  
Mr Simonet, I believe you wish to second this.

625 **Mr Simonet:** Yes, I am pleased to second this Item, sir.

**The President:** Thank you.  
Does any Member wish to speak on this Item? Mr Jean?

630 **Mr Jean:** Thank you, no, fine.

**The President:** Does any other Member wish to speak on this Item? Mr Tugby.

635 **Mr Tugby:** One small point. It is just that the States are building up by Sharp's Farm. Is that really necessary to be classed as a listed building? It is a total eyesore!

**The President:** Point of information?

640 **Mr Birmingham:** I would just inform Mr Tugby that GSC next year obviously can apply to have that removed from the Historic Buildings Register, if they so wish.

**The President:** Thank you very much.  
Does any other Member wish to speak on this Item? Please go ahead, Mr Roberts.

645 **Mr Roberts:** It is nice to see our heritage is protected and the value of Alderney is being watched over, and many thanks to Matt for all his work on this. I really do not know how he has found the time with the arrival of ARUP. Matt, I do not know how you do it.

650 However, I would like to see this extended to perhaps more German emplacements, particularly the site of Sylt camp and the surrounding areas, amongst others. This should also have protection. Sylt is the only SS concentration camp in the Channel Islands. This was a site of great suffering for some, and this is part of Alderney's history which must not be forgotten at any cost. You cannot let this history disappear beneath the brambles. This is a European site of immense interest.

655 Thank you.

**The President:** Thank you, Mr Roberts.

**Mr Birmingham:** Point of information?

660 **The President:** Just wait a minute, unless ... Can you do this in your summing up?

**Mr Birmingham:** Yes, I can do.

**The President:** Thank you.  
665 Does any other Member ...? Yes, Mr McKinley.

**Mr McKinley:** Just to say that I understood that Sylt was already a protected site, and that was agreed, actually, at one of the last meetings.

670 **Mr Roberts:** I cannot see it on the list.

**Mr McKinley:** It may not be on the list, but I thought we had agreed it.

**The President:** Thank you very much, Mr McKinley.  
675 Mr McDowall.

**Mr McDowall:** I had the misfortune in the UK to live in a conservation protected area and I used to get these architectural fascists come round (*Laughter*) to tell me what to do with property – a gross intrusion of my own rights. What I would hope here is that if conservation or restrictions are extended to properties, at least the homeowner will have the opportunity to object to that.  
680

**The President:** Thank you, Mr McDowall.  
Does any other Member wish to speak on Item IV? No.  
685 Mr Simonet, do you wish to exercise your right to reply?

**Mr Simonet:** No, thank you.

**The President:** Mr Birmingham, would you care to sum up?  
690

**Mr Birmingham:** Thank you, Mr President.  
Just quickly on the matter of Sylt, Mr McKinley is correct. What we did, I think it was April last year, was BDCC brought forward, or I myself as Chairman brought forward a request to get the view of the States as to whether Lager Sylt should be protected and the agreement of the States was that it should be.  
695

Since that point, obviously, we have gone into the Land Use Plan process. Currently, it is in a sort of slight semi-limbo, in that it is protected under the Land Use Plan as a protected zone, but it does not have any specific protection in terms of a conservation area; but as part of the call for sites that is ongoing at the moment, the Lager Sylt is one of those and what I hope will come out of that, in terms of the discussions, is finding the right way forward for its protection.  
700

One of the issues that we have is that while we have the Land Use Plan on one side and we have conservation areas and conservation zoning on the other, conservation areas really tend to deal more with built environment rather than ... In the case of Sylt, it is an area out in the countryside and so it might require a slightly different approach. For example, in the UK they would use what are called SSSIs, which are sites – appropriately 'SS' in the case of Lager Sylt – of special scientific interest, and what you do is you put a designation on the area specifically in relation to that. What I hope is that the discussions we are having currently with ARUP through  
705

the call for sites process will come up with a more suitable method for its protection. So that is part of the process which will be ongoing all the way through next year.

710 Speaking on behalf of the architectural fascists, there is within the Law the ability for a householder to appeal (**Mr McDowall**: Okay.) a listing on their house or a listing on the register. There are always checks and balances all the way through the Law on this.

**Mr Roberts**: I thank you.

715

**The President**: Mr Roberts, can we have one person speaking at a time, please.

**Mr Birmingham**: Other than that, I have nothing to add.

720

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

**Mr McKinley**: Could I ask a point of clarification, sir, please?

725

**The President**: If you want to bring up a point of order you may do so, but that should be to draw attention to a breach of any of these rules, to correct an inaccurate or misleading statement made by a speaker, or to explain something which you have said before which has been taken incorrectly; otherwise, no.

730

**Mr McKinley**: I only wanted to say that actually something like Lager Sylt is owned by a number of people; it is not just the States.

**The President**: The answer is no.

**Mr McKinley**: Right, sir.

735

**The President**: Thank you.  
Mr Greffier would you please take that to the vote.

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

740

Mainly, the States are being asked to take note of the list, there is no express resolution contained within Item IV. However, I am happy to put it to the vote, if you wish.

**The President**: Is somebody coming in?

745

**The Greffier**: There is no express resolution, sir. Do you want me to put it to the vote?

**The President**: Yes, I think we do want to put it to the vote. Yes, please.

750

**The Greffier**: In that case, sir, the States of Alderney are asked to take note of the list of properties appearing in the States Register of Historic Buildings and Ancient Monuments as required by the Building and Development Control (Alderney) Law, 2002.

*A vote was taken and the results were as follows:*

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTAINED</b>
Mr Tugby	None	None
Mr Birmingham		
Mr Jean		
Mr Harvey		
Mr Simonet		

Mr McDowall  
Mr Rowley  
Mr Roberts  
Mrs Paris  
Mr McKinley

**The Greffier:** Sir, that motion passes.

755 **The President:** Thank you very much indeed.

## V. Annual Reports of States Committees for 2016

*Item V.*

*(i) Annual Report of the Policy and Finance Committee.*

*(ii) Annual Report of the Building and Development Control Committee.*

*(iii) Annual Report of the General Services Committee.*

**The President:** We will move to Item V, please.

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

Just before moving on to Item V, may I remind those members in the public gallery that they are not permitted to use electronic devices during the course of these proceedings.

Item V this evening is Annual Reports of the States Committees for 2016.

765 On 4th May 1977, the States resolved to instruct all committees to prepare an annual report and for that report to be debated at the December States meetings. The three reports are appended thereafter, sir.

### (i) Annual Report of the Policy and Finance Committee

**The President:** What I intend to do, for the sake of clarity, is take these annual reports individually. So, Mr Birmingham, as Convenor, when you rise for the first time, could you please give the Convenor's report on the Policy and Finance Committee.

770

**Mr Birmingham:** Okay, thank you, Mr President.

On the Annual Report of Policy and Finance the following comments were made.

One observed that the Report is very thin and it does not say anything about policy and finance matters that have happened in 2016. I noted the statement.

775 There was a question as to what is happening with the coin contract. The Treasurer clarified that the contract with the new provider has yet to be signed. It is with the Law Officers for drafting and will become in effect from 2017.

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

780 Mr McDowall, would you care to introduce your Report, please.

**Mr McDowall:** Yes, thank you very much indeed.

785 Your Excellency, Mr President, ladies and gentlemen, I just want to make an apology. I see that in the text I said there were four additional special meetings, and I only have down three. The third one – Freudian slip – the Aurigny Budget for 2017, is certainly way beyond our

competence and certainly is in the world of fantasy. So the third item is Aurigny and the fourth is the Alderney Budget for 2017.

790 I want to make some broader philosophical observations. There are some big issues that have arisen over the last two to three years. I have listed the main ones. They are ongoing, there has been a lot of debate on them and there will be a lot of debate in the future.

I think the most important thing is that, first of all, a lot of these are now external events. In other words, these are not local matters, so one has to respond much more to external events and that will inevitably lead to time constraints on addressing some of the issues.

795 The second thing is that I believe States Members in the future must not look upon this as some tiny Ruritanian hideaway, but as part of the real world – people must get used to that, and I am not sure everyone is.

800 The third point I would make is that a lot of these issues will actually require, I think, discussing in much more detail in sub-groups as they come for final decision. There is a lot of complexity here. The pathway is not defined on a lot of them and there are some big challenges for the States over the next four years.

As this is my last meeting and I do like to be a bit of a crystal ball gazer ... I have been quite good on a lot of matters but not very good at crystal ball gazing on the results of the States election here. But I did get Trump right and I got Brexit right, so I suppose I am halfway there. But a couple of points, I think.

805 There will still be more tussle, I think, in the financial relationship with Guernsey. I do not see the service from Aurigny improving and I just hope it does not end up in something like a judicial review. I suspect we will not get all the funding we require for the airport runway and we will have to look at other sources.

Brexit, I believe, will bring the Crown Dependencies much closer to the UK.

810 The FAB link, or F-B Link will take place because the UK and France want it and Alderney is a mere side line in that.

Political administrative governance will really have to be solved, whether it is through external or whether it is through internal sources, because the current States, structure and processes are not equipped, frankly, to take these major decisions.

815 Economic development will continue to be a major issue, probably long after I am dead. I do not intend to die soon, you will be pleased to know!

I am very happy to talk about these, but I think all of them will be subject to a lot of debate in the future and each is probably worthy of a book in itself.

Thank you very much.

820

**The President:** Thank you, Mr McDowall.

Does any Member wish to comment on the Annual Report of the Policy and Finance Committee? Mrs Paris.

825 **Mrs Paris:** Thank you, sir.

Your Excellency, sir, fellow Members, I think 2016 has been a difficult year, and in my opinion it has been mismanaged in some respects; and I think this P&F report reflects this.

830 We are supposed to be looking at a report on what has happened in this last year. It is perfunctory. That is not my word; it is the word of a member of the public at the last People's Meeting. And so I would like to raise the following questions.

835 We have had our successes and areas of work in progress, but why are they only given such a brief mention in passing? To be fair, they are probably better elaborated in Mr McDowall's recent pamphlet 'Keep the best, improve the rest'. However, over time this will be scrap paper – or possibly a manifesto from beyond the political grave. However, for the last nearly 40 years it is here on the Billet at the December States meeting, recorded by *Hansard* that the official record of the annual committee reports and the questions thereon remain to be referred to. Is this not more appropriate?

840 In 2014 and 2015 the P&F report also contained reports from some or all of its subcommittees. Why not this year? There is no report from the Finance Committee. Business Development, since its hostile takeover by the Finance Committee, seems to have sunk without trace. There is no report on tourism, one of the major planks of our economy. Generally speaking, I am not one for conspiracy theories, but does this, combined with a complete absence of meetings of the subcommittee timetabled for next year, give credence to the rumour that tourism is to be privatised?

845 This report seems to me to be mainly an attempt to defend the actual number of P&F meetings called by the Chairman throughout the year. Should this really be its main purpose? They may have coincidentally added up to a respectable number, but several were at short notice and with important items added to the agenda at the last minute. This was said to be in the interests of flexibility, but one person's flexibility is another person's lack of organisation, and it obviously gave the impression of a States buffeted by events, never quite on top of the job, unable even to produce the minutes of its meetings in a timely fashion.

850 Finally, we are very well aware of the levels of dissatisfaction felt by the electorate, and lessons must be learnt about being more transparent both about our activity and in combatting misinformation more robustly. Most of those who were brave enough to stand for re-election paid a harsh price for these perceptions of the electorate and we are losing the combined experience and expertise of two of the last three Chairs of P&F as a result.

855 Isn't this formal Report one of the more obvious opportunities that there is in the year to engage with our electorate? I am afraid I find it beggars belief that it should have been thrown away so lightly by the Committee's current Chairman.

860 **The President:** Thank you, Mrs Paris.  
Mr Jean.

865 **Mr Jean:** I am very disappointed in this Report. What I am going to say is this: I feel let down. Every single States Member who participated in each of these committees and worked for them, whether we agree with their views or not – and sometimes we have disagreed, let's face it ...

870 The point about this is I could not agree more with many of the words said by Mrs Paris. There are whole rafts of information here sadly missing. I do not know how this happened, but it is the worst report I have ever seen. In fact, it just barely makes three-quarters of a page. It is just a travesty.

**The President:** Thank you, Mr Jean.  
Does any other Member wish to comment on Item V(i)? Mr Harvey.

875 **Mr Harvey:** Thank you, Mr President.

Your Excellency, ladies and gentlemen, fellow States Members – last time I shall be able to say that, I am afraid. This report marks the end not just of the year but for its author, Mr McDowall, and myself and others, the end of our term in the States. I had hoped you might end with a bang, but what we have got is rather a whimper.

880 Mr McDowall's path and mine have diverged recently. Mr McDowall decided to leave the ship – I use the term 'leave' rather than 'jump' the ship. As a sailor, I decided to try and stay with it, but the electorate decided I should walk the plank, which is what I shall be ritually doing tonight. The net result is the same: we both ended up in the water.

885 Every States must end with unfinished business. It is a frustration and it is exacerbated by the two-yearly elections, a matter which my colleague Mr Birmingham drew attention to at the last meeting, and I sincerely hope that the new States will take some fairly action to stop this nonsense of two-yearly turnover. It is really not necessary in this modern world.

890 New States Members and the new States – and it is good to see some of the new States Members here in the gallery today – will have many challenges, and I wish them every success in addressing those challenges. Two in particular I would like to just briefly mention.

One is that I think over the last 12 months the relationship with Guernsey has deteriorated, which is very sad because a lot of effort has been put into trying to improve that relationship, and it is reaching a critical point, as Mr McDowall has said, with the financial relationship review.

895 Also, we have seen the growth of pressure groups and lobbyists. These should be listened to, but they should not be allowed to dominate the agenda or to deter the States Members from the priorities they have set for the Island.

900 The new States will have renewed energy and impetus and new ideas, which is excellent and is good and part of the democratic process, but progress here is always as much about perspiration as inspiration and, as has been said before, there is much hard work ahead, and unless the majority, if not all of the States Members engage fully with that, success will be looming.

905 Finally, the States Members need courage – not a word that is often mentioned here. They need the courage of their convictions, of course, but they also need a willingness to be brave enough to change their minds if new facts and circumstances or a greater understanding of the issues leads to a reconsideration of views. They need the courage to withstand the onslaught of opposition in pubs, Victoria Street and even, on occasion, in their own homes, which is part and parcel of life in a very, very small Island with a very ‘interesting’ electorate, shall we say. And finally, they need the courage to recognise the unique position and responsibility of being an elected Member and to withstand the forces, both within and outside Government, who try to dilute or diminish their position.

910 Mr President, fellow Members, thank you for your company over the last four years’ rollercoaster ride. It has been, at times, exciting, frequently frustrating, but never dull. I am proud to have served as an Alderney States Member at a time when politicians are generally considered to be the lowest of the low. Well, I am sorry, but I was proud to be one.

915 I am sorry I am leaving you so soon, but I wish you every success in the future. Thank you.

**The President:** Thank you, Mr Harvey.  
Mr McKinley.

920 **Mr McKinley:** Very briefly, sir, I have to agree with almost all of what Mrs Paris had to say; I will not go over that again.

925 I did think that we could take a leaf perhaps out of Guernsey’s book, where they recently had several days’ debate on the Policy and Resources plan for the next 10, 15, 20 and 25 years. They actually preceded that with the Budget. I thought that was perhaps the wrong way round and that they should have decided the plan first and then decided the Budget later, but all the same I think that we should be going ahead with a clear Policy and Resources plan, a clear economic development plan, and I think that is one of the priorities of the States for the start of next year – to identify the priorities and to work hard to achieve them.

930 With regard to funding, I quite understand exactly what the problem is. I quite understand, I think as Mr McDowall said, about the airport improvements and improvements to our airline. But if we were to work a little harder ... I know there is ongoing work now to ensure that we get a lot more from the FAB link. The FAB link is going to happen, I am sure, but we are all looking for a lot more return and I know there is a lot of work going on in the background to ensure that we do get rather more than the £70,000 mentioned in the option agreement. We should  
935 actually be getting £50 million or £60 million a year perhaps out of it. If we could get that – *(Interjection)* Yes, it is quite possible, and if you have read the figures and understood the work that other people are doing, not States Members, and I know that work is ongoing, we could then perhaps finance our own airline, even perhaps our own ferry service, and indeed improve the airport.

940 **Mr McDowall:** A bit optimistic!

**Mr McKinley:** Yes, I am being optimistic, Mr McDowall, and not pessimistic.  
Thank you very much, sir.

945 **The President:** Thank you, Mr McKinley.  
Does any other Member wish to speak on the Annual Report? Mr Simonet.

**Mr Simonet:** Thank you, Mr President.

I would just like to thank Mr McDowall for his Report. I like to see one that is contained on  
950 one side of a sheet of A4; that delights me. He could, of course, have satisfied many people by  
doing a 25-page report that nobody would have read, but I do not think that would have helped  
the situation at all.

Everybody knows the work that Mr McDowall has done. He has worked tirelessly, he has  
advanced the cause of this Island in no uncertain terms throughout his tenure, and I  
955 congratulate him for it.

**The President:** Thank you, Mr Simonet.  
Mr Birmingham.

960 **Mr Birmingham:** Thank you very much, Mr President.

Firstly, I would just say I have much sympathy with what Mr McKinley said about having a  
clear legislative programme for future States. I think that is very true and I agree completely with  
him on that.

I will just quickly say that obviously some have come to kill Caesar, (*Laughter*) so I suppose it  
965 might be my job to maybe praise him, and this is for both Mr McDowall and Mr Harvey.

Some would assume that absolutely nothing has happened over the last four years. In fact,  
that could not be further from the truth. Many very important pieces of legislation have been  
brought forward and put through P&F, much of it driven by Messrs Harvey and McDowall. Just a  
few examples ... Inheritance Law reform has been hanging around for years: finally done and got  
970 through. The Alderney Foundation, a very important tool for the future of the Island.  
Fundamentally important was the review and revision of the States Pension Fund, which seems  
to have been forgotten in the mists of time – a spiralling pensions deficit which has now been  
dealt with, predominantly thanks to Mr McDowall. And of course I remember back in the dim  
and distant past the days when we did not have an Economic Development Plan to criticise –  
975 well, at least now we have an Economic Development Plan to criticise, and that is a major step  
forward. So I would just like to say thank you to both of them for their hard work as Chairs of  
P&F over the last few years.

**The President:** Thank you, Mr Birmingham.  
980 Does anybody else wish to speak on the Annual Report of P&F? Mr Roberts.

**Mr Roberts:** Yes, please, sir. I would just like to echo Mr Simonet's comments on  
Mr McDowall. He will be sorely missed. The work he has done in saving our pension deficit has  
been enormous. The ideas he has brought to this States are going to be very much missed.  
985 Thank you.

**The President:** Thank you.  
Mr Rowley, do you wish to comment on this item?

990 **Mr Rowley:** No, nothing, really, sir. I would like to echo what Mr Roberts said.



**The President:** So you *would* like to say something, yes? (*Laughter*)

**Mr Rowley:** No, I've said it now, sir, thank you.

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**The President:** Mr Tugby?

**Mr Tugby:** Nothing more, sir.

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**The President:** I think that covers everybody; I do not think I left anybody out there. Mr McDowall, would you wish to exercise your right of reply?

**Mr McDowall:** Just very briefly, Mr President, Your Excellency, ladies and gentlemen, I would like to thank everyone for their comments. Thank you.

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

#### (ii) Annual Report of the Building and Development Control Committee

**The President:** Mr Birmingham, as Convenor, can we move on to the Annual Report of the Building and Development Control Committee, please.

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**Mr Birmingham:** Thank you, Mr President.

The first question was how much has the ARUP report cost so far – I will deal with that in a moment. The Convenor stated that the ARUP review phase 1 has been signed off and has been published in the States of Alderney accounts. Phase 2 is still ongoing with three pieces of work, and costs can be provided for the States Meeting. The Treasurer has since given me details, which have clarified that phase 1 totalled £27,000, as published in the 2014 accounts; phase 2, relating to 2016, totals £86,500, broken down over several phases, which include Economic Strategy, Natural Environment Strategy, Built Environment & Heritage, with some work carried out by other parties, such as the Alderney Society and the Wildlife Trust. In relation to 2017, the final phase is expected to cost £48,000, relating to plan drafting and plan finalisation. I will stress again this is outsourcing, because we do not have the capability within the States to be able to do it ourselves.

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The second part was C-Permits: the BDCC should pass so many builds per year – that is referring to the C-Permit system – and the greenbelt is in danger. I stated that, with the ARUP recommendation of 400 homes over 20 years, we hope to improve the population, housing and economic future of the island. The Housing Report suggested 400 new dwellings to support a population of 3,000. There is already adequate zoned land with the use of the hierarchy system that strengthens the greenbelt areas, and there is a monitoring system within the Housing Strategy itself.

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That is the detail of the report.

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**The President:** Carry on and introduce your Report.

**Mr Birmingham:** Well, the Report is there. I do not intend to go through it point by point. Instead, I would just like to again praise the Caesars again, rather than kill them, and that is the two other Members of the States who are leaving us tonight, who are Mr Simonet and Mr Rowley, whom I have had the pleasure of working with on the Building and Development Control Committee for the last four years.

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1040 The ARUP review, I think most people would agree, was fundamentally important – well, perhaps not Mr Tugby and Mr Jean – for going forward from approving the planning system on the Island.

1045 I can say, quite thankfully, that the idea was entirely Mr Simonet's, and so if you want to blame anyone you can blame him! (*Laughter*) Over the time, we have had some interesting discussions and battles in BDCC in regard to maybe applications. I think it is fair to say we both have strong opinions, but I have always delighted in our little tussles, Mr Simonet, and as I have always said, the way the debate usually goes is I put my points over, you put your points over, we discuss the items, thoroughly thrash out all the issues and then finally decide I was right. I have to say it has been a pleasure working with you.

Likewise, Mr Rowley, your good humour has always been appreciated all the way through.

1050 I wish you, gentlemen, all the best in your political retirements.

**The President:** Thank you.

Does any other Member wish to comment on the Annual Report of the Building and Development Control Committee? Mr Jean.

1055 **Mr Jean:** Your Excellency, sir, I am very grateful that the costs of ARUP, I realise they have been published, but it is good that the questions have been answered.

1060 I want to centre my remarks about my concern, which I have already raised on several occasions, about the C-Permit system and the way that that has been done away with in favour of the private developer. To me, it undoes 40-50 years of work to conserve, protect and try to look after the indigenous population and see to it that those provisions were only kept for them.

1065 The reason I say this is because it is quite clear that things have changed, and they have changed in ways that no one really could have ever seen coming. One of the things is the difficulty in getting the mortgages for the actual land buy, and the second part of it is the fact that the property market is at such a state that it is actually cheaper, rather than buy the plot and go through the bank ... and the bank do actually accept this ... whereas they are not so easy in accepting new build and plot, they will accept to buy an existing property. That is a curious change.

1070 The point about it is that the evidence for doing away with the C-Permit – and it was raised at the People's Meeting with me – was misguided. I am and always have been extremely unhappy about it in favour of the private developer, and I think we will live to rue the day on the activities of this Committee and what they have done, riding this coach and horses through the work of 50 years of successive Building and Development Control Committees.

1075 I draw attention once more – and I know that I have done this before – to the original and first call for sites, which brought forward sites of an acrimonious nature which had previously been dealt with by successive Building and Development Control Committees, including myself and Mr Simonet when both members of the Building and Development Committee in 1991-92.

1080 The point about this, for me, is that this land should not be up for a free-for-all just because of the depressed state of the market and the fact that the young ones cannot raise a mortgage on land and a new build but they can on properties that are costing half the price that they once cost. We have now also, as regards that, plumbed new depths in seeing sale prices of house prices being achieved – for once house £80,000, and for another one sold recently £89,000.

1085 What happens in due course, for me, is that should we get round – and I believe we are getting nearer to it – to dealing with the transport problem and the Island and the economy reflates and perhaps the value comes back to more of a normal level, which ... Let's face it, Guernsey has been enjoying a far better level of ability to sell houses –

**The President:** Mr Jean, could you please restrict your comments –

**Mr Jean:** No, I am just –

1090 **The President:** Could you please restrict your comments to the Report.

**Mr Jean:** Why? This does relate to the Report, what I am saying.

1095 **The President:** Well, please do so.

**Mr Jean:** It relates entirely to the Report.

**The President:** Good.

1100 **Mr Jean:** So the point for me is this: I never believed that that should have been done, and  
later on in time the effect of that decision may be that we will have a disenfranchised local  
element and something will have to be done to reverse this. I believe it should be reversed  
immediately. This work is not satisfactory and I am not at all happy about it; I never was and I  
1105 still find it very hard to come to terms with what you have done, driving this coach and horses  
through 50 years of work.

I thank you. That will do, sir. Those are my remarks.

**The President:** Thank you very much, Mr Jean.

1110 Does any other Member wish to comment on the Annual Report of the Building and  
Development Control Committee? Mr Simonet.

**Mr Simonet:** Thank you, Mr President, just really to take up this issue on the C-Permit  
system. BDCC actually put this forward. We employed ARUP to come to the Island, a  
1115 professional company with a worldwide reputation. When they were here they interviewed all  
the stakeholders, they interviewed all the members of the public who wished to be engaged. It  
was a thorough and complete discussion on the C-Permit system as it was and our ideas to  
change it, and one has to say that the proposal to change the C-Permit system was received and  
welcomed by the overwhelming majority of people on this Island. I think we should remember  
that.

1120 **The President:** Thank you, Mr Simonet.

Does any other Member wish to speak on the Annual Report of the Building and  
Development Control Committee?

Mr Birmingham, do you wish to exercise your right of reply?

1125 **Mr Birmingham:** Yes, thank you, Mr President.

1130 Just a couple of items quickly on the Housing Strategy, following up on what Mr Simonet said.  
The Housing Strategy was fully consulted. It dealt with vast numbers of stakeholders. In terms of  
the responses that we had when we were doing stakeholder workshops, as far as I can  
remember there was no one single person who thought the C-Permit system was functioning  
properly or doing a good job for the Island. I think I can say that a number of previous chairs of  
BDCC all wished they had had the opportunity to get rid of the C-Permit system. To me, it cannot  
1135 make any sense whatsoever in a situation where you have a declining population and collapsing  
economy that you actually try and restrict the building trade in the way the C-Permit system  
works.

1140 At the People's Meeting, Mrs Kneale made a comment that in 20 years' time they will be  
looking back and criticising me for this decision. Well, do you know what: I really hope they are,  
because if it is a case in 20 years' time that we have got this situation where we have got so  
much pressure on building, that means the economy has turned round, and that means the  
population of the Island has gone up and we will have a functioning, sustainable Island. When it  
comes to now, you have to do the measures that are right for now.

I agree with Mr Jean in some areas. Yes, we still have to be careful, we still have to monitor what is happening, and in the future we do still have to look at how we balance our local market. I think that there are a number of ways that we can do that. Firstly, with the Land Use Plan we adopted this year we did, in fact, zone certain areas of land that were specifically and only for the use of local projects, such as the Banquage Scheme. There were at least three areas that were done. The more areas that you can set aside in that way, it allows you to bring forward future policies when the situation turns round. I also believe that there is a massive role in the future for how the AHA might be able to operate in terms of providing housing for the local market. So I disagree totally that it is a land free-for-all that is happening now. You use the Land Use Plan to make sure that you provide for the future. You monitor what is happening closely and then you react as you go along. There is no point setting a C-Permit system in place now for what may happen 25 years from now, because 25 years from now we might not have an Island that is sustainable if you control things in this way.

At the end of the day, houses will only be built when developers can realise a decent profit, and at the present moment the market is not such that that is likely to happen.

It is not good news for those people who are trying to sell their houses that the properties are at the lowest prices, Mr Jean suggested. I would view it slightly differently: that probably means that is two local families that can buy a house who previously would not have been able to. So it is not all downside.

Over a period of time I hope we will see an improvement in the housing market. In the meantime, at least we know that this might help stimulate the construction industry a little to keep them going while things are still not good.

That is my summing up. Thank you.

**The President:** Thank you, Mr Birmingham.

### **(iii) Annual Report of the General Services Committee**

**The President:** We will now move to part (iii), which is the Annual Report of the General Services Committee. I am sorry, Mr Birmingham, but could you rise again, as Convenor.

**Mr Birmingham:** Thank you, Mr President.

Annual Report of the General Services Committee. There was a question relating to the Mouriaux to Platte Saline: when is the outfall going to be done at Fort Doyle? That old chestnut. The Convenor advised that an application has been placed in the call for sites of the LUP for sewage treatments in the Platte Saline area. The Deputy Chairman of GSC clarified that simply extending the outfall is not necessarily the most environmentally friendly solution and the Technical Services Officer is reviewing other options for the treatment of waste in the area, but it is high on the priority list. It has been on the list for eight years, it says here, and we are still looking at it – always the same answer – suggesting that a 25-30 yard extension to the outfall would make a difference. I noted that, as Convenor.

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

Mr Tugby, would you care to introduce your Report?

**Mr Tugby:** Yes, sir. It has been a very difficult last two or three years, basically, because we have had, unfortunately ... I have worked with four different engineers who are technical service managers and each one wants to do things differently. At long last we seem to have settled on one, which is gradually getting things moving. Hopefully it will continue to go that way, in the right direction.

1190 One of the major costs for General Services is the waste disposal, which is going to go up again, I believe, with the charges coming in from Guernsey. We are going to have to look very closely at how we are going to deal with that.

1195 Another item which is the responsibility of General Services is the shipping. Since I have been on the States, I have always wanted the States to look at the possibilities of having their own cargo/passenger ferry, but unfortunately I have not had much support on that one. Nobody is willing to take the gamble, but I have always been one for taking a risk occasionally and it usually pays off, with a bit of luck, so long as you investigate it closely. I hope in the New Year the new Committee, whether I am fortunate enough to end up being chairman of it or not, will look at that again and see if it would be viable. I do not think a passenger ferry on its own would be, but a combined cargo/passenger one just might be and it would be worth looking at, especially with the situation with Aurigny at the moment, because that really is turning into quite a disaster and I cannot see that improving in the next 12 months unless something drastic happens.

1200 I am grateful that the workforce now seems to be getting everything going forward, which has been held up in the past with having so many different people in charge, and hopefully in the future we will move forward even more.

1205 I am grateful for the help from the rest of Committee in the past year and also the Treasurer and the Chief Executive, and hopefully next year we can move forward much faster than we have done.

Thank you very much.

1210 **The President:** Thank you, Mr Tugby.

Does any Member wish to comment on the Annual Report of the General Services Committee?

1215 **Mr Jean:** If I may.

**The President:** Mr Jean.

1220 **Mr Jean:** Your Excellency, sir, Mr Tugby made remarks about the waste disposal and the continuing cost rise. I would hope that we would continue to try and talk to Jersey about whether it is possible for us to dispose there.

The ground maintenance team have done very well and I agree with the remarks here: well done to the team on the Asian hornet crisis ... not crisis, but the nests that were found on the Island. We have got to be vigilant and keep that up; it is very good.

I would also like to ask, if I may, a question, because it states here:

... due to the retirement of the incumbent Pilot has been resolved with the assistance and support of the Guernsey Pilots ...

1225 Does that mean we have found a local pilot? Perhaps you could explain that to me, whether it has been properly resolved, because you know I have taken an interest in that in the past.

1230 I agree with your remarks on getting a ferry, and the right ferry, and if it was a ferry that could carry cargo, that was fast enough to get here in reasonable time, it is certainly something I would look at as well. I freely agree with your remarks: it is long overdue for this Island and it would certainly take the pressure off the situation we are all facing today, which is very difficult. Transports links are everything, and they are going to be the most crucial issue for the new States throughout its next four-year term. I do realise that this States did begin to recognise how serious the issue was becoming, but it is going to be for the next States to actually do something about it, and I hope that in this four-year period we will succeed in some way to take the pressure off the current situation.

1235 Thank you, sir.

**The President:** Thank you, Mr Jean.

Does any other Member wish to comment on the Annual Report of the General Services Committee? Mr Roberts.

1240

**Mr Roberts:** I would just like to agree with Mr Jean and Mr Tugby.

There is just a comment I would like to make here. The establishment of an estate management policy has been needed for some considerable time. While more prominent care is taken with some States-owned properties, others have been badly neglected and have fallen into disrepair. The old St Martin's fire station and adjoining barns are a disgrace, in my view, with the doors hanging off, no windows and leaking roofs. **(A Member: Hear, hear.)** This loss of value to the Island should be halted, as this line will end up as a pile of rubble and worth nothing. Selling this as a leasehold would surely encourage improvement. The eyesore, which is really a disgrace, is what we ourselves are responsible for. If we continue to criticise people with derelict properties, yet fail to get our own house in order ... To this fact I welcome the establishment of a body to protect Alderney's state-owned property.

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I would like to thank Mr Tugby for bringing this forward.

**The President:** Thank you, Mr Roberts.

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Does anybody else wish to speak on this? Mr Rowley, do you want to say something? No. Yes, Mr Simonet.

**Mr Simonet:** Just briefly to follow on what Mr Roberts was saying about the property, of course we have just virtually completed the asset management review, of which I think he should be aware, and that will do precisely what he is asking for.

1260

**Mr Roberts:** Good.

**The President:** Thank you, Mr Simonet.

1265

Does any other Member wish to speak before I call upon ...? Yes, Mr Birmingham.

**Mr Birmingham:** Thank you, Mr President.

I would just like to thank Mr Tugby for all his hard work over the last year and I wish him continued good luck in his continued search for the pot of gold on the Scrambling Course. *(Laughter)*

1270

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

Does any other Member wish to comment on the General Services Committee?

Mr Tugby would you like to sum up, or exercise your right of reply?

1275

**Mr Tugby:** Yes. Mr Jean, thank you for your comments. Yes, we are looking at all the things that you have already asked about. The waste to Jersey and that has been ongoing.

Mr Roberts, property Asset Management Committee. I am sure the Committee has been looking at that and that basically held up ... That is more or less sorted out now and that will be coming back here in the New Year, and hopefully everything will go forward from that.

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**The President:** Thank you very much, Mr Tugby.

**VI. Questions and Reports**

**The President:** Mr Greffier, could we move to Item VI, please.

1285

**The Greffier:** Thank you, sir. Item VI this evening is Questions and Reports and I confirm I have received neither.

**The President:** And neither have I.

**Thanks to retiring States Members;  
Season's good wishes to all**

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**The President:** Before we close, I would just like to give sincere thanks to all the retiring States Members.

Before we close this meeting, I would just like to wish all the States Members and the public a very happy Christmas and a prosperous New Year. Monsieur Greffier, if you would bring this meeting to a close.

1295

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

**PRAYERS**

*The Greffier*

*The Assembly adjourned at 6.56 p.m.*