



OFFICIAL REPORT

OF THE

STATES OF THE

ISLAND OF ALDERNEY

HANSARD

The Court House, Alderney, Wednesday, 14th June 2017

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

Volume 5, No. 5

Present:

Mr Stuart Trought, President

Members

Mr Tony Barnes
Mr Matthew Birmingham
Mr Mike Dean
Mr James Dent
Mr Louis Jean
Mr Graham McKinley
Mrs Norma Paris
Mr Steve Roberts
Mr Alex Snowdon

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 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

Apologies for absence

The President: Apologies have been received from Mr Tugby.

The Greffier: Thank you, sir. With nine Members present we are quorate this evening.

Use of electronic devices

5 **The Greffier:** Prior to moving to the Convener's Report, sir, and opening the meeting, there is a short note in relation to the use of electronic devices within the States Chamber.

I know that you have agreed to allow the use of electronic devices by States Members during the course of this evening's States Meeting. However, States Members should note that no visual or audio recording is permitted at the meeting, no photographs should be taken, no electronic
10 communication should be entered into during the course of the States Meetings, and that includes posting on conventional or social media platforms, and any device you are using should be turned to silent. The use of electronic devices is to be permitted this evening but will be subject to review in due course.

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

Convener's Report of the People's Meeting held on 7th June 2017

The President: Mr Barnes, would you care to give us the Convener's Report, please.

Mr Barnes: Thank you, Mr President, fellow colleagues.

I was Convener at the meeting on 7th June. I was assisted by the States Treasurer and the
20 Interim Chief Executive. There were seven States Members, excluding myself, and we had two apologies from our two gentlemen in Guernsey. Also present was the President, minutes secretary, four press and 58 public.

The President: Thank you very much, Mr Barnes.

Billet d'État for Wednesday, 14th June 2017

I. Building and Development Control (Alderney) (Amendment) Ordinance, 2017 – Item approved

The States is asked:

To approve the Building and Development Control (Alderney) (Amendment) Ordinance, 2017.

25 **The President:** Mr Greffier, would you care to move to Item I, please.

The Greffier: Thank you, sir. Item I this evening is the Building and Development Control (Alderney) (Amendment) Ordinance, 2017.

30 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 the Building and Development Control (Alderney) (Amendment) Ordinance, 2017.

The President: Thank you very much.

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

Mr Barnes: Yes, Mr President. It was requested could the Ordinance be put into some context. Mr Birmingham clarified, stating it was housekeeping in preparation for the Land Use Plan.

The President: Thank you, Mr Barnes.

40 Mr Birmingham, I believe you wish to propose this Item.

Mr Birmingham: Yes, thank you, Mr President, fellow Members.

45 As stated in the submission for this Item, this Ordinance deals with a number of straightforward technical changes to the Building and Development Control Law, 2002 in preparation for the 2017 Land Use Plan Review.

I have the pleasure to announce that the Draft Land Use Plan has now been published on the States website and is available for download. Hard copies will be available for viewing at the States Office and at the Museum very shortly and copies will be available for purchase from the Planning Office from next week.

50 The changes proposed in this Ordinance are mostly minor in nature and relate to the format in which the new Land Use Plan is to be presented, which I believe will greatly improve the usability of the plan itself. The major change in the Ordinance relates to the creation of the power for the BDCC to issue procedural guidance on certain matters – for example, such as environmental impact assessment, divining as to under what circumstances one is or is not required. This will greatly assist the BDCC in the future and will help create clarity for developers on issues where it is currently lacking. Proposed Statutory Guidance in relation to major projects and EIAs is available to be viewed on the States website for consideration in parallel to the Land Use Plan.

I commend the Ordinance to the States.

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

Mr Dean, I believe you wish to second this.

Mr Dean: Yes, Mr President, I second that proposal.

65 **The President:** Thank you, Mr Dean.
Does any Member wish to speak on Item I? Mr Jean.

70 **Mr Jean:** I am concerned about this, particularly because some of the aspects of the work of
the Building and Development Committee last year I was not very happy with. What I want to
know is: is this for the benefit of the advising officers to the Committee or do you mean that the
Committee would give this guidance? That would be fairly important to me as regards whether it
were the planning inspector or the lady in the office doing this work. If it was the Committee, I
think that I would not be entirely happy about it because I am not happy about last year and I am
not happy still about the loss of the C-permit system, and therefore I think I would vote not to give
75 this Committee extra powers.

The President: Thank you, Mr Jean.
Does any other Member wish to speak on this? No other Member wishes to speak on Item I.
Mr Birmingham, would you like to exercise your right to reply?

80 **Mr Birmingham:** Yes, thank you, I would just like to reply to Mr Jean. In the case of the guidance
notes being issued currently, the ones that are on the website, they have been drawn up by ARUP.
We have used them to take professional guidance under consideration.

85 The reason we are issuing the guidance, or the plan is to have the ability to issue guidance, is
to actually provide clarity, and that is clarity not just for the Building and Development Control
Committee and its members – it also gives clarity to the officers when they are making decisions
and also it gives clarity to developers so they know exactly what will and will not be expected of
them when they make an application. Fundamentally that is why it is there. The more information
that is available up front to a developer, the easier it is then to come forward with the right
90 application when they make an application.

Will it allow us to issue further guidance in the future? Yes, it will. I cannot speak for future
committees, about how they would undertake that, but in the Ordinance itself it does say that the
Committee would undertake consultation in relation to any future guidance it would choose to
adopt.

95 I hope that helps clarify for Mr Jean.

The President: Thank you very much, Mr Birmingham.

Mr Jean: It helps

100

The President: Mr Greffier, would you please put this Item to the vote.

A vote was taken and the results were as follows:

FOR	AGAINST	ABSTAINED
Mr Birmingham	Mr Jean	None
Mr Roberts		
Mrs Paris		
Mr McKinley		
Mr Dent		
Mr Snowdon		
Mr Dean		
Mr Barnes		

The Greffier: With 8 votes to 1, sir, the motion passes.

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

**II. Audited Accounts 2016 –
Item approved**

The States is asked to approve:

(a) The States of Alderney 2016 Accounts, and

(b) The States of Alderney Water Board 2016 Financial Statements.

The President: When you are ready, could we move to Item II, please.

The Greffier: Thank you. Item II this evening is the Audited Accounts 2016.

110 A letter has been received from Mr Dent in his capacity of Chairman of the Policy and Finance Committee, and the States of Alderney are asked to approve, firstly, the States of Alderney 2016 Accounts, and secondly, the States of Alderney Water Board 2016 Financial Statements.

The President: Thank you very much.

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

Mr Barnes: Yes, Mr President, there were a number of comments on this Item. The first one was to congratulate the Treasury team for balancing the accounts.

120 A query was raised regarding the interest for 2015-16. The Treasurer clarified that this referred to funds held in the T&R account which had been allowed for in 2015 on an estimated basis but not materialised in 2016; hence there was an adjustment.

It was also noted that the capital expenditure on the harbour showers related to the refurbishment complete and also the Connaught Care Home works on several projects, including the Jubilee Home, i.e. both buildings.

125 A question was raised about e-gambling accounts and Mr Birmingham clarified the issues regarding the success and the work of the Alderney E-Gambling company, and it was noted that the Alderney E-Gambling budget is always published each year.

130 Clarification was sought on the expenditure of £142,000 on the Company Law Review and Mr Dent's statement in the report that there was a review of the objectives. The Convenor stated that with other more urgent issues facing the States at present the Company Law Review will be reviewed at a later date.

135 Clarification was sought on the Review of Governance. The report stated the public wanted a reformed Government and this had been endorsed in the new Members' manifestos. It is now in the hands of a governance subcommittee. The Convenor clarified that the subcommittee is meeting regularly and comprises the four Chairmen of the States Committees plus the President, and will be reporting back to P&F for a public consultation. It was also pointed out that this was being done without expense and so any review could be given to P&F, saving any potential further financial investment.

140 It was also noted that the Connaught Care Home is not directly run by the States due to implications with the Long-Term Care Scheme. The Connaught Board is responsible for running both the Connaught and the Jubilee properties.

Thank you.

The President: Thank you very much, Mr Barnes.

145 Mr Dent, I believe you wish to propose this.

Mr Dent: Mr President, colleagues, yes, thank you.

150 I am pleased to provide these Audited Accounts for 2016. It was a satisfactory year; however, the revenue account was under pressure and we clearly need, this year, to have a greater emphasis on value for money. Recognising this, the rules for tendering and contracting of third parties have this year been tightened. Unless there are sound reasons for doing otherwise, we can

expect that all works will be competitively tendered and require better defined contractual contracts.

155 In 2016 the gaming licence contributions to the capital account was a major source of income, approximately £2 million. This has enabled the States to build a firm capital base to be used to develop our infrastructure. The States now needs to ensure the current capital programme expended with minimum slippages, so that our key assets and infrastructures are fit for purpose.

Deliberations continue on Fab Link and it is important that we invest in advice and we need to ensure that any outcome is the best for the Island.

160 Our transport links are our key economic enablers and we will continue to work with third-party service providers to improve both air and sea links. We will consider financial assistance if we can see economic benefits, but only if risks can be managed.

The President: Mr Dent, we are talking about the Audited Accounts for 2016.

165 **Mr Dent:** Yes, I am just giving it some context, if I may.

The President: You may.

170 **Mr Dent:** Work is urgently needed rehabilitating our runway. We must work closely with Guernsey to ensure that there are no further delays. The airport, as is the breakwater, is a Guernsey responsibility and as such the capital expenditures required should not impinge on States of Alderney finances.

175 We intend also to work with Guernsey to ensure that the services provided by Aurigny work as an economic enabler for the Bailiwick. This change of emphasis is likely to require financial support. Our view is that although Alderney supplied some support last year and has continued to do so this financial year, this should not necessarily be seen as a precedent.

This year the States of Alderney may additionally provide some limited financial support to any company –

180 **The President:** Mr Dent, I am going to remind you again, please, that we are talking about the Audited Accounts for 2016 and their approval, not the programme for next year.

185 **Mr Dent:** Okay. Thank you very much, Mr President. I did wish to put this into some kind of context. I think I have given you some flavour of where we are going and I would say that these are about the Audited Accounts, not the wisdom of spending, and I would commend that the Audited Accounts are passed.

Thank you very much.

190 **The President:** Thank you, Mr Dent.
Mr Barnes, I believe you wish to second this.

Mr Barnes: Yes. Mr President, fellow States Members, in seconding this Billet for the approval of the accounts for both the States and the Water Board for 2016 we should acknowledge the work put in by the Treasury and also by our auditors, KPMG, for their scrutiny.

195 I totally endorse Mr Dent's comments regarding tendering procedures and to ensure we have transparency and cost control for projects in the future.

I second this Billet.

200 **The President:** Thank you, Mr Barnes.
Does any Member wish to speak on Item II, Audited Accounts? Mr Jean.

Mr Jean: I will start by thanking Kerry and her team for all the hard work that they do, but we know that in these accounts last year was a difficult year for the States of Alderney and it shows here in part where money has been brought through from the coin reserve to cover some of what went on. For me, items like the review of the Company Law and the spend on Brexit is still never, to me, satisfactory, a review of company law was shelved because basically it is difficult and it is unusable.

I want to see, and I always wanted to see, a more practical spend. This Island needs a practical spend; it needs less of a theoretical approach. This is no criticism of new Members who have just come to our States, but the last four years have been really frustrating with hypothetical spend after hypothetical spend that have brought little or nothing, no benefit, to ease the suffering and the pain of those in business and in anguish in this Island because of lack of custom. Alderney needs to, for a while, simplify what it does, do things more simply, more practically and less of the theoretical and get something that the public can tangibly see the benefit of and feel the benefit of, and particularly this economy needs that practical spend and it would be wise so to do.

The investment we make in the Water Board is, of course, as usual, very important and very good, and they continue to work seamlessly in their own way and I have a great regard for them.

I cannot impress enough ... and I was pleased to hear what the Chairman, James Dent, said about tendering and obtaining value for money, and I am grateful that he did say it. Although he was slightly stymied, I am grateful to hear it and I think possibly the way to deal with that is to publish it in full outside of the States. For me, getting value for money is very important and we have not had enough of it. We have had some real shocks this year with what we found out. What has been revealed to us about some of the spends on these items has been a shock to all of us and a shock to the public as well.

So, basically my message is a simpler approach to some of these things, a more down-to-earth and practical approach, and let's get some of these things moving and help tourism and help the businesses here in Alderney and let them warm their hands on the fire of progress.

That is really all I have to say, except thank you very much, Kerry, for all that you have done and it is wonderful to have Adrian with us as well as our temporary CEO. I am very grateful to those two. Thank you very much.

The President: Thank you, Mr Jean.

Does any other Member wish to speak on the Audited Accounts for 2016? Mr Snowdon.

Mr Snowdon: Thank you. Mr President, fellow colleagues, I do shadow Mr Jean's comments. I think, as a new States Member, it is a bit concerning about what happened last year, but it is last year and I think we need to move on and particularly get value for this year. We do need to learn from what happened last year and it must not happen again this year because we have got to get value for money in what we spend, so I would just like to add that comment. Thank you.

The President: Thank you, Mr Snowdon.

Does any other Member wish to speak on the Audited Accounts for 2016? Mr Birmingham.

Mr Birmingham: Thank you. Mr President, fellow Members, firstly I would like to add my thanks to the Treasurer and her team for their hard work in preparation for this year's accounts. No doubt the new format that is FRS102 compliant has been a sharp learning curve for everyone.

I only wish to make comment on one issue and it will be no surprise to the longer-serving States Members that it concerns the Water Board's finances. The financial situation of States Water has greatly improved from 10 years ago. We have moved from a structural deficit and a crumbling infrastructure to a greatly improved distribution system and an operating surplus and much credit must be given to the Water Board team, particularly over the last 18 months where they have worked tremendously well with the AEL engineers in making significant improvements to the Island's utilities and infrastructure. But in financial terms we still have not gone far enough and I

255 note with concern that the 2016 surplus has reduced from 2015 by almost £30,000. This is the
wrong direction of travel. Distribution upgrades are still being funded by granted funding from
AGCC profits, not from operational surpluses created by the Water Board. This is not a sustainable
position. Distribution upgrade of the sort now being undertaken needs to be considered as
operation and maintenance cost and so needs to be funded out of the operational revenue
260 generated by the Board itself, and in order to do this we must increase water rates until the
revenue surplus is adequate to achieve this purpose. In my view, that surplus probably needs to
be in the region of £150,000 per annum. Let's not forget that the Treasurer's Report warns that
the States are already undercharging for administrative function that it provides in relation to the
Water Board's management. The issue is simple and it must be dealt with. It is completely wrong
265 to leave the costs of this operation to future generations just because politicians will not grasp the
nettle because of short-term populism.

I would propose that a full audit is undertaken of the hidden costs of the Water Board
operation and that a long-term strategy is put in place to ensure the long-term sustainability of
Water Board funding, particularly in relation to the level of surplus that is operationally prudent
for the Water Board to make going forward. That will allow for a properly structured series of
270 water rate increases that will finally deal with this issue and place the Water Board on a secure
footing for the future.

The President: Thank you, Mr Birmingham.

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

275

Mrs Paris: Thank you. Mr President, fellow States Members, through my entire time on the
States the accounts have been presented in the most immaculate way – and thank you to the
Treasury department for that – and there is always slippage on the capital account and there are
always remarks about capital slippage and how we never manage to spend our entire agreed
280 capital budget from one year to the next. And 2016 has been no exception to that. There are
several reasons, I think, for this – which I may not get through: firstly, because the States often
revisit their decisions; secondly, our procurement procedures are very long and complex and
Guernsey is involved in quite a lot of them; third is how small our Civil Service is and therefore
how difficult it is sometimes to balance all of these projects that we are trying to do; and fourthly,
285 the difficulties we encounter when we do outsource work on a small Island where the issues of
people's qualifications, personality differences and availability all add into the mix of what
sometimes can be a perfect storm.

We know that a lot of our infrastructure needs modernising, looking after or replacing, and as
Mr Birmingham has said, we have done a great deal with the Water Board and several other
290 things. I am hoping that this year the good work will continue.

The President: Thank you, Mrs Paris.

Does any other Member wish to speak on the Audited Accounts 2016?

Mr Dent, would you care to exercise your right to reply?

295

Mr Dent: I just want to remind Members that we are voting for the auditing and not voting on
the wisdom of the spending.

I would also like to thank Kerry and all of her staff because at times the workload has been high
and they have probably had a more difficult than usual year.

300

The President: Thank you very much, Mr Dent.

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

The Greffier: Thank you, sir. Would you like one or two votes?

305

The President: I think we will take that as one vote and if it fails we will go back and take it as two.

310 **The Greffier:** Thank you, sir. In that case, the States of Alderney are asked to approve firstly, the States of Alderney 2016 Accounts, and secondly the States of Alderney Water Board 2016 Financial Statements.

A vote was taken and the results were as follows:

FOR	AGAINST	ABSTAINED
Mr Birmingham	None	None
Mr Jean		
Mr Roberts		
Mrs Paris		
Mr McKinley		
Mr Dent		
Mr Snowdon		
Mr Dean		
Mr Barnes		

The Greffier: Sir, that motion passes.

The President: Thank you very much indeed.

III. Wire transfers legislation – Item approved

The States is asked:

To approve the Transfer of Funds (Alderney) Ordinance, 2017, which will also repeal the Transfer of Funds (Alderney) Ordinance, 2007.

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

The Greffier: Thank you, sir. Item III this evening is Wire Transfers Legislation.

320 A letter has been received from Mr Dent in his capacity as Chairman of the Policy and Finance Committee, and the States of Alderney are asked to approve the Transfer of Funds (Alderney) Ordinance, 2017, which will also repeal the Transfer of Funds (Alderney) Ordinance, 2007.

The President: Thank you very much.
Mr Barnes, as Convener, would you care to ...

325 **Mr Barnes:** Mr President, there were no comments on this Item.

The President: Thank you very much indeed.
Mr Dent, I believe you wish to propose this Item.

330 **Mr Barnes:** Mr President, colleagues, I do indeed, thank you.

At 10.20 a.m. on Tuesday, 30th May the members of P&F were emailed a briefing paper on wire transfer problems and asked to provide comments by 11 a.m. the same day – some 40 minutes later. This is, in my view, simply unacceptable.

In summary, the briefing paper we received stated:

Before 26th June the UK government needs to be satisfied that we can continue the derogations it issued a decade ago so that the Bailiwick can continue to take advantage of reduced information requirements for wire transfer between it and the UK.

335 Second:

The UK will only continue its derogation if the European Commission is content that our legislation has the same rules as the EU wire transfer regulation for which the transposition period ends on 26th June.

The third point was:

This situation is nothing to do with Brexit or a result of any negative view of the UK or the Dependencies. It is the result of an anti-money laundering, combatting the financing of terrorism (AML/CFT) staff shortage within the EC.

The fourth point was:

Her Majesty's Treasury is moving forward presuming the acceptability to the now prepared changes to its money-laundering regulations which will specify that wire transfers between the Channel Islands and the UK will be treated as domestic transfers, i.e. subject to reduce information requirements.

Fifthly, it was noted:

It is consequently important for the appropriate legislation to be in place and in practice by 26th June throughout the Bailiwick.

The seventh point was:

The existing UK derogations can then continue and Her Majesty's Treasury will not have to revise its regulations to remove one or more of the Bailiwick islands from the reference to the Channel Islands.

340 The last point was:

Accordingly, the Law Officers' Chambers are moving forward draft legislation for Guernsey, Alderney and Sark.

The briefing paper concluded by saying:

It is hoped that the legislation for Guernsey and Alderney will be laid on 14th June and that the Sark legislation will be laid on 22nd June.

345 And so it is now 14th June. Clearly the legislation is important and it is only because (1) it is uncontroversial, (2) it is being replicated in both Guernsey and Sark, (3) because I am against terrorism and money-laundering, and (4) I really do not want our banking processes to be halted on 26th June that I believe we simply must pass this Ordinance. I will, however, repeat that short-notice actions such as this are not welcome. We need time for scrutiny. Asking us to legislate within minimum scrutiny is a very dangerous anti-democratic precedent.

Thank you.

350 **The President:** Thank you, Mr Dent.

Mr Barnes, I believe you wish to second this.

355 **Mr Barnes:** Yes. Mr President, fellow colleagues, there is nothing I can add to the proposer of the Billet, as it is obviously vitally important it is in place to ensure the updated process on wire transfers. As Mr Dent said, money laundering etc., is vitally important and I understand that Guernsey has approved this as of yesterday.

The President: Thank you very much, Mr Barnes.

Does any Member wish to speak on Item III? No Member wishes to speak on Item III.

360 In that case, Mr Greffier, you can take Item III as approved.

**IV. Capital Funding (Revised) for refurbishment of the Nunnery –
Item approved**

The States is asked:

To approve capital expenditure of up to £280,000 for the refurbishment of the Nunnery, or such lower negotiated figure, to be confirmed at the States Meeting, following receipt of the independent report.

The President: We will move to Item IV.

The Greffier: Item IV this evening is the Capital Funding (Revised) for the refurbishment of the Nunnery.

365 A letter has been received jointly from Mr Dent in his capacity as the Chairman of the Policy and Finance Committee and Mrs Paris in her capacity as Chairman of the General Services Committee, and the States of Alderney are being asked to approve capital expenditure of up to £280,000 for the refurbishment of the Nunnery, or such lower negotiated figure to be confirmed at the States Meeting following receipt of an independent report.

370

The President: Thank you very much.

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

Mr Barnes: Yes, Mr President, there were some comments on this Item.

375 The comments received were: was there a conflict of interest with Members voting on the Nunnery? This was clarified by the Chief Executive, who explained the procedure regarding conflicts of interest.

380 It was noted that the revised capital funding request is an unusual situation, having already agreed the contractor for the works and the tenant for the property. The funding issue is for further debate upon receipt of additional advice regarding the extent of the works required.

It was also asked could heritage funding be sought before Brexit comes into effect. Mr Paris clarified that this project had been in progress for two years and heritage funding had initially been explored in the past but unfortunately it was not considered viable.

385 It was confirmed that the contractor for the Nunnery works could not sue the States if funding was not secured, as neither party has entered into any formal agreement at this stage.

Thank you.

The President: Thank you very much.

Mrs Paris, I believe you wish to propose Item IV.

390

Mrs Paris: I wish to propose an amendment.

The President: You propose Item IV first, and then we do the amendment.

395 **Mrs Paris:** Okay, yes, I do, sir.

The President: Mr Dent, I believe you wish to second Item IV.

Mr Dent: I do.

400

The President: Would you care to rise, please, when you second it.

Mr Dent: Do you want me to?

405 **The President:** No, as long as you second it.

Mr Dent: I wish to second it. I will reserve my right to speak.

410 **The President:** Of course. We are going to go on to the amendment in a minute.
I have received an amendment with regard to Item IV. Mrs Paris, I believe you wish to propose your amendment.

Mrs Paris: I do, sir. Do you want me to read it out?

415 **The President:** Please go ahead and introduce it how you want.

Mrs Paris: Capital Funding (Revised) for the refurbishment of the Nunnery. I propose the deletion of the Proposition and its substitution as follows:

Delete the Proposition and substitute as follows:

The States of Alderney is asked to approve the capital expenditure of up to (a) £235,000 for the refurbishment of the Nunnery building, including sufficient works to ensure it is wind and watertight; and (b) £45,000 for additional works to ensure the complete refurbishment of the roof, if necessary.

420 **The President:** Thank you, Mrs Paris. Do you wish to say anything else on the matter?

Mrs Paris: I do.

The President: Please go ahead.

425 **Mrs Paris:** Thank you.

Right, so, Mr President, fellow States Members, back to the Nunnery, hopefully soon to become the jewel in our heritage crown.

430 We are here again because, whilst we voted last month to appoint a building contractor and to give a lease on the premises to the Alderney Wildlife Trust on behalf of the Alderney Bird Observatory, we chose not to vote any funds to make anything actually happen. Having said that, I fully appreciate the desire of my colleagues to be certain we are obtaining value for money. It was felt that a substantial reduction could be achieved from the rejected budget figure for building work at the Nunnery. Indeed, the general feeling was that this could be best achieved by looking at the amount of work we are prepared to have done on the roof. I am sure everyone will
435 acknowledge that without a wind and weatherproof roof no internal work is secure.

So, to recap, we know that the building has not be reroofed since about the 1980s and that two years ago Hamon Architects said the roof is close to its serviceable life and may become expensive to maintain in the next five years. Furthermore, we do have the funds available to do the roof in its entirety now and this may not be the case in the foreseeable future. Who knows
440 what will happen once Guernsey eyes up our underspent capital budget during the negotiations with regard to changes in the financial relationship? Challenges have already been made.

445 However, several of my colleagues have quite understandably voiced their feelings that patching work will be sufficient for the time being and thus felt uncomfortable voting for the full sum last month. In order to break this logjam as quickly as possible, an objective report from the States of Guernsey Property Services was commissioned to advise us what we should do. This is being circulated to all of you. In summary, their report suggests that whilst there is some merit in doing the job properly now – in other words, we do the whole roof – it is their considered opinion that the roof may have several years of life left in it, albeit some work does need to be done on it now. There will also be some smaller savings to be made elsewhere when we have had time to

450 assimilate the report in its entirety, although as with any old house there might be some nasty surprises too. It will also be possible to revisit exactly how the project will be managed.

To put this into perspective, we are now being asked to consider spending £23,789 to do patch repairs instead of the £68,400 required to do the whole roof, an immediate saving of just more than £44,000. So, result. However, I think it is only fair to point out that to save that money right
455 now will probably cost us nearly twice as much as that when we have to do the patching and then pay to have the roof done in its entirety in about 10 years' time. Of course we may not have the funds to do it in 10 years' time anyway. The old adage 'buy cheap, buy twice' does spring to mind. But let's face it, for a long time the States' track record in the case of maintenance has not been very good. We only have to look at Fort Tourgis and the old Connaught and they make you realise
460 how little success numerous States have achieved whilst wavering between the policies of make do and mend or being pennywise and pound foolish, or just ignoring the problem altogether. Look at the church to realise how expensive it is to fix years of neglect. This new States could so easily do better.

My personal view, as before, is that if a job is worth doing it is worth doing well. However, I do
465 understand the views of everybody else – not everyone, but some of our colleagues – and hence the amendment to the Proposition we are voting on. The amendment reduces the total budget from £280,000 to £235,000 and, for the avoidance of doubt, this includes all the preliminary work at the current costings, so this is a saving of £45,000 for a spend of £235,000. The second part of the amendment still gives us the flexibility to access the balance of the previous budget, i.e. up to
470 the total sum of £280,000, should it become apparent that more work than is now anticipated is actually needed on the roof.

Finally, I would just like to put this into a wider context. We really cannot afford to dither. We stand to lose the confidence of both the Bird Observatory and the Wildlife Trust, who will be taking the lease on behalf of the Alderney Bird Observatory. The cost to our economy of losing this
475 economic enabler will far outweigh any savings we may choose to make on the work at the Nunnery. Can I just remind you there are three million birdwatchers in the UK alone, most of whom are enthusiastic travellers to places which are far more difficult to get to than we are. Our Bird Observatory is the first new one in the UK for 40 years. It has become the subject of immense interest. Just for one example, eight million people watched the Bird Observatory on *Countryfile*
480 alone and in their first year of operation the Bird Observatory has ringed 13,000 birds, more than any other UK observatory has ever ringed in any year.

And there is some very recent good news too: Dame Mary Perkins of Specsavers and Simon Barnes, a well-known journalist and author, have both agreed to be patrons of our Bird
485 Observatory. As Simon Barnes has said, Alderney is one of those rare special places, and he is right: Alderney is a heart-wrenchingly beautiful place and we should be glad and proud to be able to look after it well and share our good fortune with the rest of the world.

I commend the amended Proposition to you all.

The President: Thank you, Mrs Paris.

490 Mr Dent, I believe you wish to second this Item.

Mr Snowdon: Mr President, a point of correction.

The President: Point of order?

495

Mr Snowdon: If that is okay.

The President: Yes, provided it is in line with points of order.

500 **Mr Snowdon:** Yes, thank you, sir, just a point of order I would like to bring up. I think the report that was done by Guernsey ... I think it is important that we realise it is actually for the whole

building. It is a detailed report about that whole building, not just the roof, and I think it emphasises the roof quite a lot. This goes into the whole building, this report. Thank you.

505 **The President:** Thank you, Mr Snowdon.

Mrs Paris: May I answer that now, or shall I answer it later?

The President: You will answer it later, if you would.
510 Right, Mr Dent, would you care to second this amendment?

Mr Dent: Mr President, colleagues, I would very much like to second it. I hope this amendment will reassure those Members who at our last meeting were concerned that we might not get value for money. We are giving Members the option of approving or not approving the most intensive
515 part of the works: the roof. Our independent surveyor can see merit in both options – doing all the works now, which will save us the costs and administrative difficulties of a second tender, or deferring the works for a number of years, which would, at least for the moment, save us about £45,000.

I shall be supporting both elements, largely because I do not want to have the operation of the
520 Bird Observatory interrupted in 10 years' time. As we are not short of funds in our capital account and as we are short in our revenue accounts, it would be better to ensure future maintenance costs are as low as they can reasonably be made.

Thank you.

525 **The President:** Now, would any Member like to speak on the amendment? If the amendment goes through, we will then debate the main Item as amended, so just be clear about what you are speaking on here. Would any Member like to speak about the amendment?

Mr Jean: I would.

530 **The President:** Mr Jean, please.

Mr Jean: I am fascinated by this amendment. I do not know if anybody else has got copies of it – have you got copies of it? (**A Member:** Yes.) Yes. This amendment seems to me to be having
535 your cake and eating it. Basically it takes the money out and the same amendment puts the money back.

We have learnt one lesson out of this report from the Guernsey Building and Maintaining Services – Mr Major makes some interesting points. Slates can blow out of a new roof, they can blow out of a roof that is in good order and 20 or 30 years old, tight – two slates missing from a
540 storm, but a good tight roof with some work needed round the dormers, the report seems to indicate, and some work around the chimneys. The report also points out that that roof itself could actually last 60 years, so it could do another 20 or 30 years; it is quite possible. It needs a tightening from the back and the front. I have looked at it and it seems to me to be sound. Now, of course, slates, as the report says, can blow out on a new roof or an old one, so we have got a
545 decision to make.

But this amendment ... I am not happy about this. This is having your cake and eating it: put it in, take it out, we will have it back, we will have it both ways. No, not for the amendment, and I reserve my right to speak on the main Proposition.

550 **The President:** You will have that; everybody will be able to speak to the Proposition.

Mr Jean: Thank you very much.

The President: Does any other Member wish to speak on the amendment? Mr Snowdon.

555

Mr Snowdon: Thank you, Mr President.

I think the amendment is quite misleading because it just seems to be all about the roof when it is not all about the roof at all, so I am not quite sure why this has not been looked at a bit more closely about the whole situation with the Nunnery and where public money can be saved. It is not just about the roof; it is a lot of other things as well, according to this report from Guernsey that we have got.

560

Thank you.

The President: Thank you, Mr Snowdon.

565

Does any other Member ...? Mr Barnes, this is on the amendment, yes?

Mr Barnes: On the amendment, yes, sir. I was going to ask can the Chair of General Services give us a guarantee that the potential savings listed in the June report from Mr Major in Guernsey will be implemented where possible, and also that the capital expenditure in part (b) be approved by the General Services Committee before it is commenced.

570

Thank you.

The President: Thank you very much.

Does any other Member wish to speak on the amendment?

575

Mr McKinley: Mr President, fellow States Members, I really just want to ask a couple of questions on the amendment, rather than make a statement on it.

As I understand it, the £235,000 in the first amendment includes, I think, £40,000 for project management fees, so the actual cost of the work is £195,000. That work, I believe, would include scaffolding, which has to go up to repair the guttering and the drains and some holes in the roof, and I believe also to put some new chimneys in for the new boilers. The main work, I think, that has to be done there is work on three boilers, some work on the electricity, some work on the water supply and some work on the emergency escape exits. There is also some work to be done on the small building on the right as you go in – not the actual Victorian building itself, the small building on the right where the tiles are in a very bad condition and the roof is clearly looking very bad. So that £195,000 will therefore cover that.

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585

My question then goes on to the £45,000 for additional works. Who is going to determine that those additional works are required? At the moment we have put in £235,000 and £45,000, which is back to the £280,000 that we were talking about before. The £45,000: as Mr Barnes has asked, is that going to come to us for additional approval, or are we saying if it is decided that additional work needs to be done on the roof, that £45,000 is there for them? I would say, clearly: who will make the decision? Who will oversee the work to ensure that those decisions are the correct decisions? I assume the tender clerks or the works officer will be doing that.

590

I would just be grateful for those answers. Thank you very much.

595

The President: Thank you, Mr McKinley.

Does any other Member wish to speak on the amendment? Do you wish to speak? (**Mr Dean:** Yes.) Please go ahead, Mr Dean.

600

Mr Dean: Mr President, fellow States Members, I am a little bemused, actually. Do we actually have that in writing from the builder that he can actually do this for £195,000 now? Thank you.

The President: Thank you, Mr Dean.

Does any other Member wish to speak on the amendment? No, no other Member wishes to speak on the amendment.

605

Mr Dent, you reserved your right to reply. Do you wish to reply with regard to the amendment?

Mr Dent: The only thing I would like to say with regard to the amendment is that I think we have the opportunity of voting in two parts, do we? Can I ask you, Mr President?

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The President: I can confirm the vote will be taken in two parts.

Mr Dent: Therefore we have the ability to vote for the reduced sum or the full sum and I think that should be borne in mind when we vote on whether to accept this amendment or not.

615

Thank you.

The President: Thank you, Mr Dent.

Mrs Paris, would you like to exercise your right to reply?

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Mrs Paris: I would, sir. I would like to answer the questions that have been raised.

To begin with Mr Snowdon's questions, yes, it is not entirely the roof and I did actually say in my speech there will be some other savings to be made elsewhere when we have time to assimilate the report in its entirety. Because it has been done quite quickly and it has only been circulated quite recently, I do not think there is any doubt that some other savings can be made but it did appear at the last meeting that the main concerns were about the roof and I think it would be fair to say that the main savings will be made on the roof, which is why I have concentrated upon it.

625

Mr Jean: having one's cake and eating it – I only wish it were true! Property Asset Management Group ended up in General Services' lap in January and has been a hot potato ever since. I think I would rather describe it as a hot potato than a piece of cake! However, I would just correct you on one thing: that the roof is already maybe 60 years old, it is not that it might have another 60 years to go. I think most opinion is that at the most we will get another 10 years out of it.

630

Now all of your questions, Mr McKinley. Yes, you are quite right. I will go through it again, if you wish. From £280,000 as the total budget, the budget will drop to £235,000, which includes the preliminary works, which hopefully we can shave some costs off as well, and the £235,000 will include mending such parts of the roof as will not wait. You are quite right, it is round the dormers and round the chimneys, and of course it is always a possibility with an old house that as you strip and try and sort that, the repair amount that you have to do will expand. Our own technical service officer will be keeping a very, very close eye on this.

635

In answer to your question, no, we have not approached the builder yet. We have already reduced his original quotation down considerably by negotiation and changing some of the specification. I see no reason why further negotiations should not be made. I think it would be quite wrong of us to involve him in even more work until we actually have a figure of money that we can say we have got available. To produce a tender for a medium-size company for a job as big as this requires a lot of work and costs money to do. I think it is quite unreasonable that we should keep going back, when we really have not made up our own minds, asking them to do extra work. I do not think it casts us in a good light at all.

640

I think Mr Barnes asked something else, but I am afraid I did not get it written down properly, so if it is –

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Mr Barnes: Do you want me to re-ask it?

The President: Yes, if you would repeat your question so the Chairman can answer it.

655

Mrs Paris: Thank you.

Mr Barnes: The question was: can we have a guarantee that the potential savings listed in the June 2017 report will be implemented where possible, and also that the capital expenditure in part (b) be approved by the General Services Committee before being spent?

660

The President: Thank you, Mr Barnes.

Mrs Paris: Thank you very much. I think it would be my view that should we, by some unfortunate means, end up needing that extra £45,000, it should come before P&F, and that yes, as much as can be done as possible to reduce the total figure will be done and all efforts will be made.

665

Mr Barnes: Thank you.

The President: Thank you very much, Mrs Paris.
Mr Greffier, could you please take the vote on the amendment to Item IV.

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The Greffier: Thank you, sir.

The vote on the amendment, for clarity, reads: 'We propose the deletion of the Proposition and its substitution as follows: The States of Alderney is asked to approve the capital expenditure of up to (a) £235,000 for the refurbishment of the Nunnery building, including sufficient works to ensure it is wind and watertight; and (b) £45,000 for the additional works to ensure the complete refurbishment of the roof, if necessary.'

675

Mr McKinley: Mr President, may I ask a question: I thought we were going to take these votes separately.

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Mr Jean: Yes, so did I.

The President: What we are talking about at the moment is the amendment. This is what is causing the confusion. The votes will be taken separately if the amendment is successful –

685

Mr McKinley: Oh, fine. Thank you very much, sir.

The President: – and then it goes through to the main Item, and then they will be taken separately.

690

Mr Roberts: Will we be allowed to speak on the main Item?

The President: Of course you will.

695

Mr Roberts: Thank you.

Mr McKinley: Thank you, sir.

A vote was taken and the results were as follows:

FOR	AGAINST	ABSTAINED
Mr Birmingham	Mr Jean	None
Mr Roberts	Mr Snowdon	
Mrs Paris	Mr Dean	
Mr McKinley		
Mr Dent		
Mr Barnes		

700 **The Greffier:** With 6 votes to 3, that amendment passes, sir.

The President: Thank you very much.

We will now proceed to Item IV as amended by the successful amendment. Item IV has been proposed by Mrs Paris and seconded by Mr Dent. The amendment has now been made. Does any
705 Member wish to speak on Item IV as amended?

Mr Jean: Yes, I do.

The President: Mr Jean.

710

Mr Jean: Dear! I just do not know what to say about this. There is really very little point in speaking now, but I am going to speak.

I am going to say this to you: it is obvious that this Item, in the rush to get this to the Billet, was written before the report came in. We now have an amendment with an assurance that you are
715 going to try to look to implement and use the work of the ... but there is no point in my asking for that now, really actually asking again that you use the technical services officer from Guernsey, Mr Major. That is what I really want, that this should not be in this Billet this month, tonight, now, and the reason it should not be here is because my belief is it should have come out, away, and the whole thing should be considered again, properly constructed with the new information and
720 the report from the Guernsey technical officer, which is where we should have gone in the first place. It is actually quite probable that this should have had to go out to tender again. However, here we are, piecemeal, galloping along, shoving this in without waiting for the report. I am just ... Is it any way to do business? Can I do business like this? Can I believe it? And I cannot do anything about it now because this amendment is thus. Bah!

725

The President: Thank you, Mr Jean.

Does any other Member wish to speak to Item IV as amended? Mr Dean.

Mr Dean: Mr President, fellow States Members, at the last States Meeting Mrs Paris and
730 Mr Dent jointly proposed that we approve the sum of £280,000 to renovate the Nunnery for its future use and we were unable to come to a decision. Some of us felt the amount was astronomical and certain items did not require replacing.

We now have a revision and we now have an independent report done by the States of Guernsey surveyors, which I would like to see made public. The new report absolutely confirms
735 we were totally right in thinking that Mr Fulford appeared to have over-specified the work needed in his dilapidation report and the subsequent scope of works. I am sure the builder will be impressed to learn he has lost £95,000. In fact, 'over-specified' is putting it mildly because the new report totally undermines the credibility of both Mr Fulford's report and subsequently the request put forward for funding. The new report lists an incredible 20 areas where Mr Fulford
740 grossly overestimated the amount of work that needed to be done. I could give numerous examples – but let's not talk about the roof because everybody else is talking about the roof. Mr Fulford suggests an entire brick archway is removed and replaced. The independent report

745 states only one brick is damaged and that needs to be replaced. As the Guernsey States surveyor is a civil servant, I am sure we can trust that his findings are accurate. Mr Fulford, on the other hand, is a businessman and is very clearly intent on maximising his returns.

750 For me, we have no alternative now but to cancel Mr Fulford's appointment as the project manager. This is clearly exploitation. His report and scope of works is now clearly unusable. If we were to continue with this project as it stands we would be laying ourselves open to accusations from the public of at best mismanagement and at worst corruption. I therefore believe we need to start again with this. We need to start again with this. We need a new full heritage report, we need full specifications of work, a detailed cost assessment that we can then approve or not approve and a fit-for-purpose scope of works. This fit-for-purpose scope of works now is no longer fit for purpose, so I do agree with Mr Jean. And now we have none of those that are fit for purpose, as far as I am concerned.

755 But before we start again – and I appeal to my fellow colleagues to look at it properly – we must be absolutely clear what the Nunnery is going to be used for. In this independent report it suggests we are not fully informed of what the objectives are. The report states that during the survey various new objectives were identified and it suggests these new objectives should be taken into account on what works should or should not be done. The new report goes on to suggest that alternative uses should be planned into the renovation work in case the ABO fail with its business plans. Surely we can all see this is totally the wrong way to go about it.

760 We are spending huge amounts of public money. I have listened to everybody tonight saying public money has to be spent wisely, and to spend public money wisely I want to vote on something when I have got a final figure and I know what we are going to spend. This is so open ended.

765 The report highlights some issues with the covenant. They are not clear either. Surely we can see normal proper due diligence has not been followed with this project so far. Before we allocate States money we have to have a proper case put forward and I have yet to see a proper case that now stacks up.

770 In conclusion, I propose we start afresh with a full heritage survey, a new detailed scope of works and a full costings breakdown so we know exactly what we are voting for and what we are spending public money on. That way we will get the best possible value for money. This way is not the best possible value for money. I urge my fellow States Members to support me in demanding that we follow the universally accepted proper procedures and not the confused rushed approach that certain Members are adopting. I quote: 'It is important to progress this matter apace.' For me, that is not a professional way to do things.

775 Thank you.

The President: Thank you, Mr Dean.

780 Does any other Member wish to speak on Item IV as amended? Mr Dent, you have proposed this. You have a right to reply at the end but you cannot speak at the moment when other Members wish to speak.

Mr Snowdon.

785 **Mr Snowdon:** I am not really going to go on, because I think the points have been covered by Mr Dean and Louis Jean.

790 We have got the report from Guernsey which highlights how we can save substantial funds on the Nunnery, so why aren't we looking into this report in detail? Instead, we have got a proposal here and we do not really know ... You are asking for money and you do not really know what you are asking for, to be honest. It just needs to be started from fresh, from the very start, with the Guernsey report, and then hopefully you will get, potentially, backing from everyone on it. But at the moment it is a total mess. It is just crazy.

Thank you.

795 **The President:** Thank you, Mr Snowdon.
Does any other Member wish to speak on Item IV? Mr Roberts, you were indicating you did.

Mr Roberts: Yes, please.

800 The Nunnery again. Family history here, Louis. Myself and Mr Jean share family history with this unique building. Our great-great grandfather, Henry Rowe Buckingham, lived there and farmed from this very building in the 1800s and I would love to tell you the story tonight but I will not be allowed.

805 Since our last meeting we have commissioned a further report from an unconnected source that really does not concur with the work needed from the previous engagee. Item 2, the condemned roof, could last 10 years. Item 46, the ceilings, look fine. Item 56, ironmongery, does not need replacement. Item 39, the cooker, should stay; it is a feature. Items 9, 13, 20, 21,22, 32, 76, 127 state savings can be made. This draws some concern. Take this as a whole. The States will have very red faces should we not make very substantial savings on this high-end figure. It is no good mending your boots if they do not need mending – give them a polish.

810 Firstly, a high-priced job means a high-priced fee, so it would be cheaper to employ someone full-time to do these jobs with us, saving money in mind and paid no extra for whatever custom project. We have a large project looming this year, so we need somebody States employed to do this job. It would be far, far cheaper in the long run to get rid of the outside money train. What profit a man should he gain the world and lose his soul?

815 I believe that this job has come as a job too far and that millions may be saved in the future from change, so this is a good thing that Members have now moved and questioned our old way of doing things. I believe that the Guernsey points-based system that we use for quotes should be dropped, leaving a more competitive market tailored for Alderney: we are not Guernsey, we are Alderney. I asked for this at the last States Meeting, so a welcome change is on the way, I hope, and is long overdue. When you reach the end of your rope, tie a knot in it, hang on it.

820 Now, on a positive change, the ABO want to get on with the job. The ABO can offer much to Alderney: niche tourism from millions of birders whose very hobby drives them to where they holiday. A rare bird is spotted and hundreds flock to observe it, so the market does exist and has its own potential that could create substantial extra numbers coming to the Island, depending on when and if Guernsey sort out the remains of Aurigny and start again. The RSPB should open the ABO, giving massive publicity for Alderney, featuring in their widespread magazines. The opportunity for extra visitors is there, but I am surprised and disappointed that tourism have not taken up this plan as they should, for I rate this very highly.

830 I also do feel that it will not impact on local guesthouses. Indeed, to the contrary, these niche visitors will add an overspill, which will require extra accommodation as well.

To conclude, I support this and I feel confident that with all the States working together we can make these very large savings on this very large spend and I urge you all to think of this opportunity. To encourage our tourist trade, vote for this, as this may very well be the ABO's last-chance saloon. There is an old saying: use it or lose it.

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

Does any other Member wish to speak on this Item? (*Interjection by Mrs Paris*) You have the right to reply at the end. Mr McKinley.

840 **Mr McKinley:** Mr President, fellow States Members, very briefly, I think the timing of this is very important. We are about to enter three months, allegedly, of good summer weather – that is the time we should be looking at the Nunnery. We cannot really wait another year. All the points that my friend Mr Roberts has just made regarding attracting birdwatchers and making Alderney the unique place ... It is unique as it is, but this indeed would make it even more so.

845 To echo some of the comments made by Mrs Paris earlier on, we have failed on the old Connaught, we have failed on Fort Tourgis – we do not want to fail on this at all. This is a unique building.

850 Actually, the £275,000 which we were talking about, I believe, at the last debate, has now come down to £240,000 ... it has actually come down to £195,000 actual work costs. I think we should be looking at the project management costs. I would agree entirely with what Mr Dean has said about who oversees this and I think that perhaps we should look at that as a possibility. But I do think we should be voting this in tonight as a matter of importance given the weather, given the timing, given the fact we are about to enter the holiday season. This is very important for Alderney and we should be working on it.

855 Thank you, sir.

The President: Thank you very much, Mr McKinley.

Does any other Member wish to speak on Item IV as amended? Mr Birmingham? Any other Member wish to speak on this Item as amended, who has not already spoken?

860 Mr Dent, do you wish to exercise your right to reply?

Mr Dent: Yes, Mr President, thank you, colleagues.

865 I want us to stop shooting ourselves in the foot. In the midst of this project we may not all agree, but the Bird Observatory is going to be very beneficial for Alderney. In order to get things done, we sometimes have to compromise. I am going to compromise; I have had to compromise all my life.

870 Last month, some of my colleagues seemed to say the money might be better spent on the swimming pool. Let me just say this: this expenditure has nothing to do with the swimming pool. We have enough money in our capital account to pay for both projects but we need Guernsey's separate permission for both of them. Guernsey has said not a penny more for the swimming pool and I am now being asked to try and cajole Guernsey into changing their mind. Well, please, today make my job just that little bit easier. Tell Guernsey that we care about our economy and vote this economic driver through. By doing this we can at least show Guernsey we care just as much about our economy as we care about our social well-being.

875 Please, let's get on with it. Thank you, Mr President.

The President: Thank you, Mr Dent.

Mrs Paris, do you wish to exercise your right of reply?

880 **Mrs Paris:** If I may, sir, thank you.

I take issue that this project is being rushed through – we are nearly at its second birthday, actually. I think unfortunately there are some personality issues which have shown up quite obviously in who was involved in the early days of the project. I do not wish to say more than that.

885 It is not open ended. We have given a figure for the work to be done, a reduced figure. I agree that most of that saving is to do with the roof but it has been made perfectly clear that there will be other possibilities for savings as well.

890 I also take issue that we are not clear about our objectives. I think the report suggests that, but I do not have any criticism of the report, given the speed and the efficiency with which it was done for us because we said we needed it so urgently. But I think a few details of one or two things did get lost in the translation. In my opinion, our objectives for this are very clear: we need to renovate urgently, before it sinks into an even worse state, a very old and important building, the renovation of which certainly on the outside should give more than a nod to its heritage status. The internal revamp is simply to make clean, safe, basic accommodation of a field centre nature. I know it is quite difficult because conflating those two together you would think we have to have something special inside and out. We are not talking about that. Also, in the interests of looking forward, in the unlikely event that the Alderney Bird Observatory failed at some point in time, we

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do not want to do anything to the house which would make it difficult to find another use for it – i.e. probably, and unfortunately, to rent out on the private local market, which would of course compromise public access to the building, but nevertheless that was taken into account.

900 We have done the best we can in the short time that has been available between these two States Meetings precisely for the reasons that Mr Roberts and Mr McKinley have put forward. We have the summer. This is the best time to do outside building work. We have a bird warden whom we all think is doing an absolutely magnificent job, but he cannot get on with the part of, or most of, the business plan to really put us on the map with the Bird Observatory until this renovation
905 work is done. It is urgent both to look after the house and to look after the Bird Observatory.

I would hope that the reassurances that everybody has been given, that we are still looking to see what other reductions can be made in price and to look again at how the project is managed, would be sufficient for everyone to feel comfortable with this. There is no question that should the balance of the money be voted through in case we need it for the roof, that will go back
910 probably firstly to General Services but in my view should then go to P&F.

I would just like to point out that this has been in front of the new P&F, i.e. since January of the new States it has been in front of P&F twice, once in March and once in April. In March it was voted through 8-2 and in April it was voted through 8-8, so please remember that you have actually already looked at this and voted for it. So I would really say to you can we please vote for
915 these amendments again and secure the Bird Observatory and our tourism industry.

Thank you.

The President: Thank you, Mrs Paris.

Mr Greffier, I would like you to call the vote on this separately and I would like you, for clarity,
920 to read out exactly what the Members are voting for on each occasion.

The Greffier: Thank you, sir. Firstly, the States of Alderney are asked to approve the capital expenditure of up to (a) £235,000 for the refurbishment of the Nunnery building, including sufficient works to ensure it is wind and watertight.

A vote was taken and the results were as follows:

FOR	AGAINST	ABSTAINED
Mr Birmingham	Mr Snowdon	None
Mr Jean	Mr Dean	
Mr Roberts		
Mrs Paris		
Mr McKinley		
Mr Dent		
Mr Barnes		

925 **The Greffier:** With 7 votes to 2, that passes, sir.

The President: Thank you.

The Greffier: Secondly, the States of Alderney are asked to approve the capital expenditure of
930 £45,000 for additional works to ensure the complete refurbishment of the roof, if necessary.

A vote was taken and the results were as follows:

FOR	AGAINST	ABSTAINED
Mr Birmingham	Mr Jean	None
Mr Roberts	Mr Snowdon	
Mrs Paris	Mr Dean	
Mr McKinley		
Mr Dent		
Mr Barnes		

The Greffier: Sir, that is 6 votes to 3. That passes, sir.

The President: Thank you very much.

V. Questions and Reports – Questions

935 **The President:** We now move to Item IV, please, Mr Greffier.

The Greffier: Item V, sir?

The President: Yes, it is a misprint in here – there are two Items IV. This is Item V.

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The Greffier: Sir, Item V this evening is Questions and Reports.

The President: Thank you.

Mr Barnes, as Convener, were there any comments on this section?

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Mr Barnes: Mr President, there was a comment. The report entitled 'Activity of the Policy & Finance Committee during 2017' will be presented by the Chairman. It was stated that having no report on the Billet was not transparent and the public cannot make comment or seek clarification on the report at the People's Meeting. Mr Dent clarified that he wanted to submit the report as closely as possible to the date of the States Meeting in order for the information to be up to date and accurate. This is following all procedures.

950

Thank you.

The President: Thank you very much indeed.

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Mr Dent, I believe you have a question for Mr Birmingham, the Chairman of BDCC.

Mr Dent: I do indeed, thank you very much. Do you want me to read the question out?

The President: Yes, please.

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Mr Dent: The question is: can the Chairman of BDCC clarify in what circumstances he claimed the States of Alderney are required to obtain planning permission for States-owned developments on property they own themselves or on property owned by others that they may have obtained wayleave rights over; whether the States of Alderney ought to be required always to obtain planning permission for their sponsored developments, and if so, what sanctions might be required if the States of Alderney failed to obtain permission but went ahead anyway with a development, and if not, how the public interest might erstwhile be protected from a States-

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sponsored development not conforming to planning guidelines; and whether any changes to the existing procedures in regard to these matters are currently being proposed. Thank you.

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The President: Thank you very much.
Mr Birmingham, would you care to reply.

Mr Birmingham: Thank you, Mr President, fellow Members.

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Thank you for your question, Mr Dent. I have to say that this is a rather confused situation and I will try to explain from my knowledge of previous attempts by the States to make planning applications to itself and advice that has been given to the BDCC by the Law Officers in the time that I have been on the Committee.

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Firstly, I will start with the Law. Section 67 of the Building and Development Control Law, 2002 reads:

States not bound by certain provisions of this Law.
67. (1) Nothing in Parts II,

– which is the section that deals with the general control of development –

III

– which is additional control of development –

and VIII

– which is, interestingly, entitled ‘Cliff paths, caravans and camping’ –

of this Law shall apply –

(a) to the States, or

(b) to any servant or agent of the States when acting for or on behalf of the States within the course of his employment or agency.

That section goes on further to say:

(2) The provisions of any Land Use Plan for the time being in force under Part IV of this Law

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– which deals with Land Use Plans and preliminary declarations –

shall not apply in relation to –

(a) any development carried out, or

(b) any use of land (being a use not constituting development), by the States, or by any public utility company, for the purposes of the provision of public utility services; and accordingly, notwithstanding the provisions of section 7(1)(h) ... the use or development may be carried out, irrespective of the provisions of the Land Use Plan.

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So, that is the Law but what does it mean? Well, it means that the States do not have to make a planning application or have a planning application considered, which is under Part II; it is not bound by the provisions of the designated area of the green belt – that is Part III; and is not bound by the provisions of the Land Use Plan, which is Part IV. So, essentially, this gives the States the power to do what it likes, where it likes, when it likes. This is a very important power as it enables the States to act in the public interest in circumstances when it needs to, but it is also a power that has to be operated responsibly to maintain public trust.

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That would all seem relatively straightforward, I will accept: it isn't, because in 2008 the States introduced the Exempt Development Ordinance, which lists what is exempt and what is not exempt development by the States. Unfortunately, that contradicts section 67 of the Law. Also in 2008, the General Services Committee made a resolution to abide by the Planning Law. In the view of the Law Officers this means that they have made a public expectation that they should make

1000 planning applications. This might have been a well-meaning approach by the GSC at the time, but the problem is that the GSC continually makes planning applications that, if made by any other applicant, would be refused – or they make no application at all, contrary to the Committee’s own resolution.

1005 An example of that would be the west part of the corporation quarry, which is now or has been used for waste tipping. There was no examination of the potential hazards associated with that and a safety fence was erected without permission in the designated area. These actions were contrary to the Land Use Plan and illegal under Part III of the Law, so if the application had been made it would have been refused by the BDCC, except of course under section 67 of the Law the States are exempt. As you can see, it is not a straightforward situation.

1010 The remediation of the campsite suffered similar problems. Some work, such as the warden’s accommodation, was viewed to be illegal under the terms of the BDCC Law but would have been permissible under section 67 of the Law. Other issues around the Island, such as dumping of buildings waste at the east end of Braye Bay and Mannez Quarry for green waste or other issues.

1015 At the time when the GSC made the resolution I do not think it fully considered the potential difficulties that might crop up with this approach. I think it was a well-meaning attempt but it did not really take into consideration the complications that it might create under the Law. Also, the application of the resolution has been erratic as personnel changes over the Committee and within the States itself have meant that States Members and officers may not now be aware of the decisions necessarily made by previous Committees on those issues.

1020 So that is where we sit with where the States are in relation to actual planning applications. You went on to ask should the States of Alderney be required to obtain planning permission. Well, this is obviously my own personal opinion but yes, I think the answer is they certainly should but only in certain circumstances and you have to have sensible exemptions where it is in the public interest for the States to act quickly and undertake actions. That might be in an area such as the requirement for a quick fix to public utilities. But in other areas – perhaps, let’s say, States housing – there should be no reason why the States should not apply for planning in the same way as any other member of the public would.

1025 In terms of exemptions, in fact exemptions already exist and are listed within the 2007 Exempt Development Ordinance, but due to how the 2002 Law is worded, these exemptions actually fall foul of Part III of the Law relating to development in a designated area. So again it is not quite as simple as you would like it to be.

1030 The BDCC identified this problem with States-related development in the designated area when we realised there was conflict between the Land Use Plan and the BDCC Law, particularly in relation to the renovation works at the campsite about four years ago. The designated area zonings made certain types of development allowable in relation to specific zones in the designated area such as the public utilities zone or the recreation zone, but the underlying Law, including the eponymous section 12, made those allowable developments still actually contrary to the Law.

1040 So this complication has caused quite a number of problems relating to other proposed developments over time. One was the marina proposal at the easterly end of Braye Bay, which partly dealt with designated areas, so it fell foul of these allowable zonings, and also the Committee were aware that it would have potentially caused difficulties with any proposed airport extension.

1045 So, one of the important aims of the current Land Use Plan process is to try to deal with that problem, and as part of that process the BDCC are looking at an amending ordinance for public consultation in parallel to the Land Use Plan, which will propose amendments to Part III of the Law. It is also anticipated that a review of permitted development rights, which is the rights that would be exempt from the requirement for an application, would subsequently be made further down the line once the Land Use Plan has been adopted. Hopefully then it will be possible to issue clear guidance to particularly General Services, who deal with the maintenance of States

1050 properties, letting them know when there is a requirement and there is not a requirement to make a planning application.

In terms of his question about what sanctions should be put on if you fail to conform to the regulations, well, to be honest with you, really the States should actually follow best practice. There should not really be a set of circumstances where the BDCC are required to take the States itself to court, or the GSC, for failure to actually follow due process. If we got into that situation I think something would have gone drastically wrong somewhere.

I hope that has given some clarity, but as I said, unfortunately it is currently not as straightforward as it should be.

The President: Thank you very much.
1060 We will now move on to –

Mr Dent: Am I allowed to ask a supplementary question?

The President: You can ask a primary question ... a supplementary question, yes, you may.
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Mr Dent: Mr Birmingham, thank you for your very comprehensive reply. My question is: do you have a hard copy of your reply? I would like to study it in a bit more detail and I may have missed one or two salient points.

The President: Thank you very much.
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Mr Birmingham: I would be happy to supply you with one.

The President: Thank you.
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Mr Jean: Can I ask a supplementary? May I ask a question?

The President: You may ask a question, Mr Jean, with regard to the question that has just been answered.
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Mr Jean: Indeed. You talked about the fact that there were complications with the marina scheme that was put in under the Building and Development Control. You were aware when you said that that the area had been zoned in a previous-previous, possibly previous, Land Use Plan, leisure and amenity for such specific purpose so that the marina scheme could be considered at that end of the bay?
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Mr Birmingham: If I may.

The President: You may.
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Mr Jean: I am trying to help you.

Mr Birmingham: I think you are referring to the comprehensive harbour development. Would that be correct? I think it is the one you are talking about.
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Mr Jean: No, I believe it was leisure and amenity. It would have covered it.

Mr Birmingham: Okay. From my recollection, in the 2011 Land Use Plan process we introduced for the whole of Braye Bay what was called the Comprehensive Harbour Development Zone. The idea of that was that it would help facilitate the formation of a marina. The problem was not
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necessarily to do with the offshore part; the problem was associated onshore development with that proposal. So I hope that clarifies it. The onshore part, of course, then falls into the designated area and then it falls foul of that part of the Law.

1105 **Mr Jean:** That does clarify for me. Thank you so much.

The President: Does any other Member have a supplementary question for the Chairman of BDCC. No? Thank you very much.

Activity of the Policy & Finance Committee 2017 Chairman's Report

The President: We will move on to the next Item, which is Reports.

1110 We have a Report from the Chairman of P&F. Mr Dent, if you would care to stand and present your report.

1115 **Mr Dent:** Mr President, colleagues, I want to bring to your attention some of the important work that your Policy and Finance Committee has been doing this year. Much of the work, though not everything I am reporting to you this evening, might best be described under the heading 'Economic Enablers'.

1120 This evening I am going very briefly to summarise our initiatives this year on air transport, sea transport, FAB, ARE and ACRE, health, digital connectivity, Brexit, immigration and investment visas, implications of the new financial relationship, TRP occupiers rates, governance, replacement CEO, supplementary commercial manager, taxation law, company law, partnership law and same-sex marriage.

1125 You will note that I have listed 14 foci and we have a complement of just five senior officers in our Civil Service. I have not touched on all the work of the General Services Committee and I have not touched on the work that Mr Snowdon is doing with tourism or the growing realisation that we need to engage more with the school and Guernsey's Department of Education. And I have not touched on the work that Mr Birmingham is doing in regard to the Land Use Plan and our planning laws and regulations.

Let me now very briefly summarise where we are on each of the initiatives I have just listed.

1130 Air transport: we now have the Aurigny review and are debating and liaising with Guernsey for action in line with the main recommendation, which is that Aurigny should, from now on, operate as an economic enabler rather than as a commercial enterprise. Indeed, this has been accepted as the only justification for allowing it to continue on its current loss-making trajectory. We are simultaneously lobbying for the transformation of the current MoU into a competitively led public service agreement with specified levels of service, penalties for non-performance, incentives for growing the market and a competition amongst providers based on the amount of financial support required to operate the service. The details of the PSA have yet to be set out either by Guernsey or ourselves, though it is my view that the Scottish model whereby operators are invited to operate the government fleet for a fixed period of time has a number of merits. This view has been shared with P&F. We are working with Air Alderney and air taxi operators in order that Alderney has access to a wider range of aviation services. We have been seeking to resolve the problems of supply of aviation fuel, balancing the needs of our economy with the financial constraints and we have been fighting to resolve the problems around Medivac and the issues that Aurigny and HSS seem to have, one with the other, with us in the middle.

1145 On sea transport, we are looking at solutions that do not pose open-ended financial risks that could be disastrous for our finances and looking for solutions that maximise private sector involvement. To this end we are now asking for expressions of interest for services based on a

fixed amount of financial support. We have been following Guernsey and Jersey's initiative to set up an inter-island service with a view to seeing if there were synergies between their and our own needs and consequently ways to minimise the costs to ourselves. For this year we have agreed financial support for the Bumblebee and at a lower cost than was agreed last year.

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FAB: at the last States I presented a report on the actions we had been taking with ARE, ACRE and FAB and I do not intend to repeat this. Since then, this work has, however, continued and a further report will be given as and when it is appropriate.

Health: the Wilson report has brought to our attention the need for closer liaison with HSS in Guernsey, largely to progress initiatives in secondary healthcare. Prof. Wilson also reported on a number of options for our primary healthcare services that require further deliberation and we have been seeking to progress these. We have been working with HSS on both fronts and in particular seeking to have Alderney's position understood and incorporated into a new sector-wide initiative by Guernsey's HSS into the direction and sustainability of healthcare services throughout the Bailiwick. We have been working with HSS on the Bailiwick initiatives to develop an equality and rights programme and disability discrimination legislation, though it should be noted that Alderney will face particular challenges in this regard.

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Digital connectivity: faster and higher-capacity links are seen as essential if we want to expand facilities such as the PWC Know Your Client facility.

Brexit: we have defined a new approach more compatible with our resources and set up a framework for liaison with others. We need to maintain a watching brief in order to protect ourselves and in order to seek out and secure niches. Brexit and our own relationship with the EU and wider financial world is leading to our having to scrutinise a raft of new Bailiwick-wide financial legislation. A number of items have been brought before this Chamber already this year and a number of others are in the pipeline. Our resources for undertaking examinations of this type are particularly weak and there is much danger in the haste that is frequently being demanded of us by the UK and Guernsey. I will here give one example. There is now a call for new wire transfer legislation and there have been requests for the use of the emergency procedures to have it enacted. Those making this call tell us the Island's abilities to continue with BACS payments may be in jeopardy by the end of June if we do not enact the legislation. Well, we just have enacted that legislation. Clearly we do not want major financial problems to happen, but we are nervous about what we are being asked to do, and in order to assuage our nervousness we and our civil servants are putting much time into scrutiny.

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Immigration and investment business: we have been reopening an initiative that would allow persons making substantial investments in the Alderney economy to obtain immigration rights. This is a new scheme that builds on the work started by the previous States.

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The implications of the new financial relationship, TRP and occupiers' rates: we are working on procedures to combine TRP and occupiers' rates into a single levy that can be adjusted to Alderney's own procedure, which does not follow Guernsey's, and we are working on the implications of a wide range of other options that can make us fiscally different to Guernsey.

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Governance: under the guidance of our President we have a working group putting together a white paper for further discussion. We all know that those in need for reform.

Replacing the CEO and/or commercial manager: we have been working with Guernsey to establish a framework for the top roles in our Civil Service, balancing a need for expertise in Civil Service procedures with a need for Replacement CEO and/or supplementary commercial manager: we have been working with Guernsey to establish a framework for the top roles in our Civil Service, balancing the need for expertise in Civil Service procedures with a need for expertise in commercial economic development.

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Taxation law: we have been lobbying to allow those paying UK tax to visit Alderney for up to 180 days per year without paying Bailiwick taxes and seeking to find ways this privilege might be extended to other Europeans.

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Company law: we have reviewed the work undertaken by the last States into how change might sit with some of the other outgoing initiatives. We have put further work on hold until the

1200 outcomes of other initiatives are more clear. In particular, we are concerned that the beneficial
ownership disclosure rules should be suited to our gambling industry needs, that multi-
distribution ledger, Blockchain technology, electronic contacts and that general data protection
regulation are all catered for and properly incorporated. We are also aware that we have
overloaded the Law Officers and there is only so much they can do simultaneously for us. But at
the same time we have requested the Law Officers draft enabling legislation such that detailed
1205 revisions of Alderney company law can be made at a later date subject to the will of the States.

Partnership law: we have not progressed this, largely for the same reason that we put on hold
the company law review. Alderney does not, however, have any partnership law and it could be
useful if we did. We understand that there are potential new residents who will need it.

Same-sex marriage: we are seeking to bring legislation on this subject as soon as possible.

1210 There has, however, been one other large matter: the frustrating reviews of the activities and
spending of the States last year. As I have noted on other occasions, when I see the value of these
reviews we do need to learn from the past but it is more important that we secure our future.

1215 Before I finish, I have been asked to inform you that driving these initiatives forward is putting
great pressure on our small Civil Service. Some matters may consequently progress more slowly
than we would desire. However, many of you, my colleagues, have been assisting with these
initiatives, often going beyond the normal roles of the politicians in other jurisdictions, and for this
I need to thank you.

Finally, as permitted by clause 19(f) of the Rules of Procedure, I request that this Report is
published in the deliberations for today. Thank you very much indeed.

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[Interruption by a vehicle outside the Chamber]

1225 **The President:** Thank you. Now that we have our peace and tranquillity back, does any
Member of the States wish to ask the Chairman a question on his Report? Please go ahead,
Mrs Paris.

Mrs Paris: Thank you, sir.

1230 I would just like to ask Mr Dent how he feels that we can cope with such a large agenda. I think
it is very difficult to cut anything out of it because all of it is terribly important, but are we going
to manage with all of that?

1235 **Mr Dent:** Mrs Paris, I certainly hope we are. Our civil servants are under pressure and indeed
we too are under pressure, but I think this is what the public expect and I would be loath to drop
any of these missions.

The President: Thank you very much.

Does any other Member have a question for the Chairman? Please go ahead, Mr Roberts.

1240 **Mr Roberts:** Mr Dent, have you anything to add, now that the Aurigny report has been
published, with regard to comments in the media from Mr Darby and Deputy Trott?

The President: Excuse me, Mr Dent, I will not allow that as a question on your report. I am very
sorry, Mr Roberts, it is supposed to be a question.

1245 **Mr Roberts:** Can I shorten it?

The President: Well, make sure that it refers to what he has spoken about in his report.

1250 **Mr Roberts:** Right. Have you anything to add, now that the Aurigny report has been published,
Mr Dent?

The President: The answer is obviously no, otherwise you would have said it earlier on.

Mr Dent: Mr President, I –

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The President: Answer his question, please. Let's have some sensible questions here. If you wanted to speak further on Aurigny, you would have done so during your report. (*Interjection*) Thank you very much, please take your seat. Carry on, Mr Dent.

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Mr Dent: Mr President, there have been developments since the report was written and I was very keen that the report should be up to date. I think Mr Roberts has asked a very valid question on what has happened in the last few days, and if I may I would like to answer his question.

The President: Please do.

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Mr Dent: In the last few days Mark Darby and Lyndon Trott have been making a number of statements in the media which I consider are untrue. At best they are highly misleading.

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Mark Darby has stated, for example, that he did not see how Aurigny could become the public sector agreement operator of last resort. Clearly he is unaware of the Scottish model, whereby the government of Scotland retain ownership of the aircraft and then tender for the rights to operate them. This could be a very satisfactory solution in our own case. If the concessionaire did go bust and there were other problems, as happened with train operator Connex in the UK, Aurigny could take over.

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He also said we were recommending selling his Embraer and that dropping a jet does not make sense, we need the seats and we only have six slots at Gatwick. This was a particularly strange set of comments as it implied he had not read the panel report. Our report said Aurigny should actively consider disposing of the Embraer and entering into a damp lease arrangement with another operator able to provide jet equipment on the Gatwick route.

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Lyndon Trott seemed to imply that Aurigny's losses were all to do with its present role as an economic and social enabler and had nothing to do with the poor operational efficiency and/or poor corporate decision making, key matters named in both reports which he chose not to touch on. He clearly chose to ignore the main merits from PSA's. These would, of course, have been to limit the cost of air connectivity by introducing competition into the market. Aurigny would have to show that they could service a route in a less costly manner than alternative operators, and in our case we should get an operator able to provide the level of service we were previously used to. He misled the public by stating that the alternative report had recommended that Aurigny sold the Dorniers when the alternative report only suggested revisiting this issue.

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I would also like to add that contrary to Deputy Trott's statement, my standing for election had absolutely nothing to do with the delay in publishing the report; indeed, our report, which he refers to as the alternative, was finalised on 10th March. Deputy Trott's report was not published until May. These dates are on the cover.

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Thank you.

The President: Mr Dent, for the record, am I correct in believing that you are reading a written response to the question you have just been asked?

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Mr Dent: For the record, that is correct.

The President: Thank you very much.

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Does any other Member have any questions that have come as a result of the report Mr Dent has given and not questions that they have been asked to give him so he can present a written answer? Please go ahead.

1305 **Mr Snowdon:** Thank you, just one question. Is your written response going to be made public as well, like your other reports?

The President: It is all on *Hansard*, so it is all recorded and public.

1310 Does any other Member have a genuine question for Mr Dent as a response to the report you have just heard? (**Mr McKinley:** Yes.) Thank you, please go ahead.

1315 **Mr McKinley:** Mr President, fellow States Members, Mr Dent, you are aware and you mentioned the review of Health and Social Care that is underway at the moment by KPMG. You and I have both been down to Guernsey, but it might be worth letting the people here know and indeed people listening to this debate know that there will be hopefully some form of consultation here in Alderney. Consultation, as you know, is ongoing in Guernsey but at the moment we are not clear whether that consultation is going to come here as well.

The President: What is the question, Mr McKinley?

1320 **Mr McKinley:** The question is: are we expecting to see someone from KPMG over here or someone from HSC over here to answer our concerns about health and social care?

The President: Thank you.

1325 **Mr Dent:** Mr McKinley, thank you for your question. I am very much hoping that we are going to obtain both sets of people over here but Guernsey has not indicated exactly what will happen on this.

The President: Thank you very much, Mr Dent.

1330 Does any other Member have a question for Mr Dent in regard to the report he has just read – that is his initial report? No.

In that case, Mr Greffier, would you please close the proceedings.

PRAYERS

The Greffier

The Assembly adjourned at 7.18 p.m.