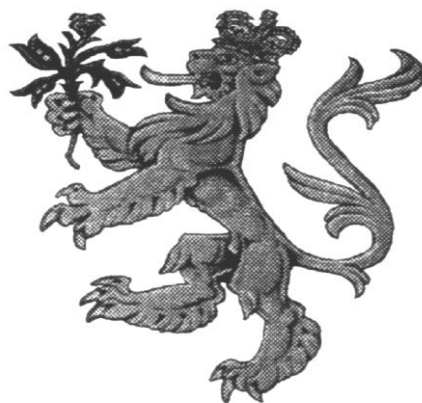


States of Alderney



DELIBERATIONS

WEDNESDAY 13TH SEPTEMBER 2017

STATES OF ALDERNEY
DELIBERATIONS FOR THE MEETING
ON WEDNESDAY 13TH SEPTEMBER 2017 AT 17:30

Present: Mr Stuart Trought, President
Mr Ian Tugby
Mr Matt Birmingham
Mr Louis Jean
Mr Steve Roberts
Mrs Norma Paris
Mr Graham McKinley
Mr James Dent
Mr Alex Snowdon
Mr Mike Dean
Mr Tony Barnes

Lieutenant G T Workman RN (Rtd) represented His Excellency The Lieutenant-Governor of the Bailiwick of Guernsey.

Item I **Chief Pleas**

The following members of the public made their pleas to The States of Alderney:-

1. Mrs Samantha Hogg
2. Ms Bonnie Jenkins
3. Mr Nigel Dupont
4. Mr David Nash
5. Mr Michael Maunder

Item II **The Speed Trials (Alderney) Ordinance, 2017**

The States of Alderney resolved to approve “The Speed Trials (Alderney) Ordinance, 2017”

*Proposed by Mrs Paris and seconded by Mr Snowdon
Approved unanimously*

Item III **Beneficial Ownership Legislation**

The States of Alderney resolved:-

1. Not to annul:
 - (i) “The Beneficial Ownership of Legal Persons (Alderney) Law, 2017 (Commencement) Regulations, 2017”;

and

(ii) “The Beneficial Ownership (Alderney) (Definition) Regulations, 2017”

2. To approve “The Companies (Alderney) (Amendment) Ordinance, 2017”.

Proposed by Mr Dent and seconded by Mr Roberts

Approved unanimously

Item IV **The Companies (Alderney) Law (Auditors) (Amendment) Ordinance, 2017**

The States of Alderney resolved to approve “The Companies (Alderney) Law (Auditors) (Amendment) Ordinance 2017”

Proposed by Mr Dent and seconded by Mr Barnes

Approved unanimously

Item V **Amendment to Occupiers’ Rates**

The States of Alderney resolved:

a) To approve that The Occupiers’ Rates will be due from the property owner rather than occupier from 2019;

Item (a) approved by a majority:

FOR: Messrs Birmingham, McKinley, Dent, Barnes and Mrs Paris

AGAINST: Messrs Tugby, Jean, Roberts, Snowdon

ABSTAIN: Mr Dean

b) Not to approve that The Law Officers be instructed to prepare the necessary legislation.

Item (b)

FOR APPROVAL: Messrs Birmingham, McKinley, Dent, Barnes and Mrs Paris

AGAINST APPROVAL: Messrs Tugby, Jean, Roberts, Snowdon and Dean

Proposed by Mr Dent and seconded by Mrs Paris

Item VI **Rules of Procedure: Amendment to Rule 19**

The following amendment was received from Mr Dean, seconded by Mr Snowdon:-

“I propose the written reports under paragraph (1) and any supplementary material Submitted under paragraph (4) and other documentation presented as part of a report SHALL be published in the Deliberations”

Amendment was approved unanimously

The item, as amended, was then voted on and The States of Alderney resolved to approve that Rule 19 of the States of Alderney Rules of Procedure 2010 (last amended September 2013) is amended to read:-

19. (1) A report may be presented to the States by a Committee Chairman, Vice-Chairman or a Member with a designated area of responsibility, for the purpose of informing the States of the progress of a project or as an introduction to a project which may require future consideration and such reports must be:-
 - (a) informative and based on facts but may express the opinions of a Committee, the Chairman of a Committee or others, including consultants, providing opinions are clearly delineated from facts, and the persons expressing them are clearly identified;
 - (b) succinct and to the point
 - (c) whenever possible, submitted in writing to the President and the Greffier not less than 4 clear days before the States meeting.
- (2) Reports under paragraph (1) are statements and not proposals so may not be debated.
- (3) After a report under paragraph (1) is presented, any member may offer a personal opinion on the report and may ask a question relating to the content of that report.
- (4) If there are developments after the submission of a report in writing to the Greffier and President in accordance with paragraph (1(c)) that are material to that report, the Member who submitted the report may seek leave of the President to add supplementary material into the report.
- (5) Reports presented under paragraph (1) and any supplementary material submitted under paragraph (4) and any other documentation presented as part of a report shall be published in the Deliberations.

*Item Proposed by Mr Dent and seconded by Mrs Paris
Item was approved unanimously*

Item VII **Longer Working Lives and Equality and Discrimination - Policy Proposals Consultation**

The above Report was presented by Mr Dent and was debated without resolution.

Item VIII **Employment Related Matters – Policy Proposals Consultations**

The above Report was presented by Mr Dent and was debated without resolution.

Item IX **Plebiscite – France-Alderney-Britain (FAB) cable**

The following amendment was received from Mr Dean, seconded by Mr Snowdon:-

“To delete the proposition and to substitute that the States resolves to defer a decision on holding the plebiscite until such time as Policy & Finance obtains from FABlink a statement which describes the full additional project that the FABlink is intended to enable. Such a statement to include the future

requirements of RTE or any other company or organisation who might develop the enabled project.”

Amendment failed

FOR: Messrs Jean, McKinley, Snowdon and Dean

AGAINST: Messrs Tugby, Roberts, Dent, Barnes and Mrs Paris

ABSTAIN: Mr Birmingham

The original item was then voted on and The States resolved to approve the procedure as described and to authorise the Policy and Finance Committee to set a date for the holding of a plebiscite.

Approved by a majority:

FOR: Messrs Jean, Roberts, McKinley, Dent, Barnes and Mrs Paris

AGAINST: Messrs Tugby, Snowdon, Dean

ABSTAIN: Mr Birmingham

Code of Conduct Complaint

The President asked the States Members to consider the following report arising from a meeting of the States in Committee in connection with a complaint raised under Part V of the Code of Conduct. For Clarity, Rule 37 states that “when an investigation is concluded its findings shall be reported to a formal meeting of the States”:-

“A Code of Conduct Complaint, raised under Part V of the Code of Conduct for States Members has been received from Mr A Fulford.

The complaint alleges that Mr Dean abused the qualified privilege conferred on Members as set out in Part II of the Code of Conduct during the course of the speech made by Mr Dean at the sitting of the States of Alderney on Wednesday 14th June 2017.

In accordance with the Code of Conduct I convened a meeting of the States in Committee on 10th August 2017. All Members of the States of Alderney were present and consideration was given to the written complaint and representations made by Mr Dean.

The States in Committee, after consideration of the complaint and the representations made by Mr Dean, recommended that the complaint be dismissed.

It was noted that the Committee found Mr Dean’s comments to be inappropriate, perhaps arising from his limited political experience, and that the comments were not intended to offend. As a result the Committee concluded that the conduct complained of did not pass the threshold of being beyond what would reasonably be expected of a States Member.

*W Stuart Trought
President”*

The States of Alderney resolved to accept the recommendation of the States in Committee as required by the Code of Conduct.

Approved by a majority:

FOR: Messrs Birmingham, Jean, McKinley, Dent, Snowdon, Barnes and Mrs Paris

AGAINST: Messrs Tugby and Roberts

ABSTAIN: Mr Dean

Item X **Questions and Reports**

The following report entitled “Alderney Revenue Budget 2017 and 2018 Budget Reserve Request” was presented by Mr Dent:-

“As Chairman of the Policy and Finance Committee I need to provide the SoA with an update on certain financial matters.

On Wednesday 6th September, the President of the Guernsey Policy and Resources Committee, Deputy Gavin St Pier, made a number of comments in regard to Alderney’s Revenue Budget 2017. These comments were made as part of a wider Statement to the States of Guernsey on financial matters.

As Chairman of the States of Alderney, Policy and Finance Committee, I want, today, to respond to some of Deputy St. Pier’s comments.

First: the matter of the committed overspend - which Deputy St Pier reports as 25% of Alderney’s cash limit. This is a highly misleading statement. The overspend may be 25% of the cash supplement that Guernsey provides to Alderney’s Revenue account – that is, GBP 450,000 on top of 1.83 million. It is, however only 14% of Alderney’s GBP 3.27 million budgeted spend from its Revenue Account.

Second: why have we committed to this expenditure? For Alderney, these are difficult economic times and in the absence of wider Bailiwick support largely for our transport links, we are having to resort to other measures to protect and rejuvenate our economy. We have had unexpected additional expenditure on: the Land Use Plan; for negotiating with FAB; and for our efforts to find a new CEO. We have also spent some money on supporting our position in regard to Brexit – though I would hasten to add that is now being spent only to defend our position when we have differences with Guernsey. And yes, this States also inherited a number of commitments, such as for reforming Company Law that we recognised were not yielding the benefits we initially expected. So although the new States cut back as quickly as we could on this expenditure, it has still impacted our Revenue Budget.

I want now to turn to our communications with Guernsey on this matter: to my knowledge since 1948 the States of Alderney has never overspent on its budget and it is therefore my opinion that the portrayal of Alderney, by the President P&R as being a place which lacks controls on expenditure was both unhelpful and inaccurate.

It has only been in the last month or so when reviewing our budget outturns that we became aware of the option to apply for funding from the Budget Reserve. And when we did become aware of this - through helpful advice from the Guernsey Treasury staff- we did the appropriate thing and wrote to Guernsey.

Over the last five years, by acting constructively and prudently, the States of Alderney has, in fact, been able to support the Bailiwick by reducing its cash allocation in real terms by close to 15% and by 3% in actual cash terms.

I am not aware there has ever been any praise given to the States of Alderney for the positive steps it has taken in this regard. However, on the one occasion when it follows what we now understand to be the correct procedure, the opportunity was used to castigate Alderney in public.

I need everyone here to understand that as a result of the changes made in the Guernsey financial procedures, the States of Alderney has no equivalent of a local budget reserve. Moreover, no-one in the States of Alderney has been able to trace any communication from the President of P&R, present or past, advising us of the existence of the wider Bailiwick Budget Reserve, or the rules by which might it be accessed. I am, however, given to understand that when the changes were introduced they were communicated to the Presidents of the equivalent committees in Guernsey. If my own committee had been fully aware of the process with regard to the Budget Reserve we would undoubtedly have made an earlier submission.

Actually, I am surprised at the apparent inconsistency with which Alderney is being treated. By way of example, P&R is choosing not to allow access to the Budget Reserve for the unanticipated costs Alderney is facing in connection with Brexit, and yet I understand that when faced with similar, but much larger, Brexit-related costs within the States of Guernsey, P&R agreed to this being taken from the Budget Reserve.

As I believe it would be more productive for the SoA and SoG from now on to engage in a face-to-face conversations, I am inviting the President of the SoG P&R Committee, accompanied by any of his Committee members who may wish to attend, to visit Alderney so we can talk through the issues in greater detail and hopefully reach a place where the finance committees both islands can find alignment.

Finally, I need to assure all islanders that Alderney has ample funds to meet all of its financial commitments. In fact we have a very healthy, overall, financial position. The currene dispute is simply about which pot we take our money from.

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.”

BILLET NO 2

Item I **The North Korea (Restrictive Measures) (Alderney) Ordinance, 2017**

The States of Alderney resolved to approve “The North Korea (Restrictive Measures) (Alderney) Ordinance, 2017”

*Proposed by Mr Dent and seconded by Mr Roberts
Approved unanimously*

Meeting Closed: 2025hrs

Issued: 15th September 2017