



OFFICIAL REPORT

OF THE

STATES OF THE

ISLAND OF ALDERNEY

HANSARD

The Court House, Alderney, Wednesday, 13th September 2017

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

Volume 5, No. 7

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
Mr Ian Tugby

The Greffier of the Court

Mr Jonathan Anderson

Business transacted

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States of Alderney

*The States met at 5.32 p.m. in the presence of
Mr Geoffrey Workman, 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

Convener's Report of the People's Meeting held on 6th September 2017

The President: Thank you very much, Mr Greffier.
We will start with the Convener's Report, please, Mr Snowdon.

5

Mr Snowdon: Thank you, Mr President.

People's Meeting of 6th September in the Island Hall at seven o'clock. I was the Convener. I was assisted by the Chief Executive and the Treasurer. You were there, as President; six States Members were there, excluding myself; and of the public there were 70 present and two press.

10

Thank you.

The President: Thank you very much indeed.

The President: Mr Greffier, before we move on to the first Item, which is Chief Pleas, I would just like to remind everybody here that Chief Pleas is an opportunity for an individual to bring personally before the States a matter of public interest which he or she requests shall be considered, and may address the States in support of such a request. It is an opportunity to address the States as a whole. It is not a platform from which to opine on the merits or otherwise of individual States Members.

15

Section 43(7) says:

Nothing in this section confers on a person who addresses the States any other right, privilege or immunity.

20

In effect, what that means is anyone who states anything as a fact which is untrue, or makes false allegations, may be subject to whatever remedy is available in law.

Thank you.

Billet d'État for Wednesday, 13th September 2017

I. Chief Pleas – Pleas from Mrs Samantha Hogg, Ms Bonnie Jenkins, Mr Nigel Dupont, Mr David Nash and Mr Michael Maunder

Item I.

Persons whose names are included on the Register of Voters and who have given due notice will address the States on matters of public interest.

The President: We move on to Item I, Chief Pleas, please.

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

Item I, as you mention, is the Chief Pleas. I confirm I have received five Chief Pleas, the first of which I would like to invite forward is Mrs Samantha Hogg.

Mrs Hogg: I am very nervous.

30 States Members, since the FABLink was announced, my life has been ruined. I have lived in constant worry, fear and doubt that a massive converter station – sorry, I am just nervous – will be built next to my beautiful house. It is totally unfair that I should suffer in this way because FABLink have not given us a full declaration of what the full project entails.

35 Mr Dent has stated publicly that FABLink have told him that we do not have to have a converter station if we do not want one. Time and time again we have asked for a guarantee in writing on this statement. None has been forthcoming. I wrote to Chris Jenner at Transmission Investments and asked him directly if he would give me a written declaration confirming what Mr Dent had said. He did not answer the question. Actually, I think he avoided it. Here is an extract of what he did say:

I shall be over in Alderney at some point during the LUP inquiry and would be happy to meet up and discuss your concerns.

40 Mr Jenner did not see me, did not reassure me, did nothing of what he said he would do. I do not think that it is my obligation to try and chase him any further. I think it is the duty of the States, who have been elected to look after the Island, serve the people and request these guarantees.

45 States Members, will you now please consider requesting a legal declaration from FABLink to say we will never have a converter station on this Island if we do not want one. Perhaps then I can resume the life I love so much before this terrible project is forced upon us.

Thank you.

The President: Thank you, Mrs Hogg.

50 **The Greffier:** May I invite Ms Jenkins.

Ms Jenkins: Thank you.

Is it not time for the States Members to start paying attention to the people that elected them to their positions in the first place?

55 I am dismayed by the lack of understanding and information that is being relayed to the public about the controversial FABLink project, and I am even more concerned that you do not fully understand its implications to our Island yourselves.

As an Island girl, I am far from happy with the current lack of information on the project. Time and time again the public are asking for information. I quote from today's Billet:

Since that date the Policy and Finance Committee has remained of the view that major infrastructure investment has the potential to be of considerable value to the Island in both the short and long term.

60 What does this mean? What major infrastructure project? No one will deny that a marina or an airport development will benefit the community; however, the Island is not equipped for major infrastructure projects of this scale on so many levels and I am at a total loss as to why you all, as States Members, cannot see this. Sometimes there is more to life than money, and no amount of money will be acceptable for the devastation this project will cause to our Island now and in the
65 future.

At the People's Meeting, Mr Dent said we will not get cheap electricity and we will not get internet, which means that the only economic advantage will be the amount of money paid annually to the States. But what will the economic disadvantages be for a major infrastructure project? Obviously, that will depend on the size of the project, which we still do not know. So,
70 when will we be informed of the full extent of the project so we can see how much we will lose in tourist revenue, property prices, holiday homes and all the other sources of income which will be affected?

Why aren't the States working this out to see if the amount of money that we get is worth the disruption and the devaluation that will occur? We need a full declaration of intent and an impact assessment, and we need all that before the plebiscite. It is our right by law to have this information: when are we going to receive this? Will the States now please provide this
75 for us, along with some proper detailed analysis and information? Without that information, how can you make an informed decision? You cannot. If you cannot, how do you expect us to? All I am asking of you is that you please carry out the required due diligence.

80 **The President:** Thank you, Ms Jenkins.

The Greffier: If I may, I invite Mr Nigel Dupont.

85 **Mr Dupont:** Mr President, Your Excellency, States Members, this is in regard to the FABLink plebiscite vote and the proposed changes to the Greenbelt Law.

At the People's Meeting last week it appeared that Mr Barnes was telling us that the plebiscite question is purely a question about whether the commercial deal on offer is acceptable or not to the Island. In my view, it is premature to ask people to vote on a possible commercial/financial
90 deal, as there is a whole host of other information that has to be weighed against any financial gain for the Island. I would therefore like to ask the States for assistance in providing us with the answers and essential information as listed below in order that we may all make our educated decision.

This list of questions has been formulated by a group of 10 people with considerable
95 commercial and analytical experience who analyse projects such as this in their day-to-day working lives. Many of them are neutral in their views on FAB but believe strongly that we do not have sufficient information to inform people's votes.

I believe that the people of the Island hold the greenbelt very dear to their hearts and feel it should be sacrosanct; therefore, it would be more appropriate for the plebiscite to be about the Greenbelt Law being changed instead of the FABLink project. If the people were to vote
100 overwhelmingly that they do not wish to see the law changed and development allowed in the greenbelt, then any plebiscite on the FABLink cable is totally superfluous.

The consultation period for the greenbelt law is being extended to 1st December. Therefore, I would like to ask the States to consider the following.

105 Given that the changes proposed to the greenbelt law are so major, will the States consider a plebiscite vote on the changes to the greenbelt law?

Will the States consider giving a guarantee that the FABLink plebiscite vote will not take place until the consultation on the greenbelt issue has been completed and publicised?

110 If the FABLink plebiscite does happen, will the States agree to formulate the questions to include more than just what money we might receive, and explain exactly why the cable has to come across the Island, especially if it is not linked to tidal power?

115 What is the truth? We know they have not been trustworthy in other areas, so how do we know the facts provided by FAB are genuine and trustworthy? Why is the States listening to verbal promises from FAB? It is easy to make promises but not easy to enforce them if they are not fulfilled.

Has the States spoken directly to DCNS/RTE, our real long-term partners, about their long-term intentions for Alderney? And what answer did they receive? Could the States explain to us exactly how things will work going forward? Can we ask for written assurances from DCNS/RTE?

120 Does the FAB cable preclude us from ever being able to develop tidal energy directly with France?

What will be the permanent visual impact of the cable coming over the Island? Be specific, including security round jointing pits, which will need security for their access.

Who is going to pay our costs for supervising and monitoring the engineering works on behalf of the Island throughout the construction phase and throughout the life of the cable?

125 Given ARE failed all contractual and financial agreements, will Race Tidal, who are the shareholders, be excluded from further opportunity to develop tidal power?

It has been stated that there will be a fibre optic cable for the Island. Can you explain how this works, who the operator is in France, if there is one, and which operator will take it on in Alderney?

130 Has FAB given the States of Alderney a guarantee that this will be provided and laid to all homes and businesses, and in what timeframe?

Who will undertake and fund the works required to get the fibre optic to all homes and businesses on the Island, and when will this happen?

Does the existing operator agreement, decided by the States of Guernsey, permit new arrangements with telecom operators?

135 If FABLink goes ahead and fibre optic is provided and laid on to all homes and businesses, will this mean the shutting down of the Alderney microwave dish/internet service and local employees losing their jobs?

When will the Island know exactly what is being built for this element of the project, where it is located and how it connects broadband to local homes and business premises?

140 Will there be cheaper-priced electricity for the Island from the FABLink? If so, when will this happen and can it be guaranteed?

145 It has been stated that FAB will create hundreds of jobs. Please provide an analysis of the jobs to be created for local people, to include temporary construction labour and permanent, estimated number of jobs for locals as well as imported labour. Do we have local labour that is skilled and experienced for the tasks?

How long will the construction workforce be on the Island and where will they be housed?

150 If, as one of the tender documents cites, Portakabins will be used to house workers in the quarry, will this mean changes to our planning law to allow for this? Currently, the law allows no new residential accommodation in the greenbelt, even if temporary. If this were to be allowed, is this creating a precedent?

Will there be criminal record background checks before issuing work permits to the workforce? Will the workforce pay tax on Alderney?

What are the health and safety implications of the cable? Is this covered by European, UK or Alderney laws?

155 Medical services on the Island are already under strain. Will this be too much pressure on them? There is already a distinct lack of Medevac flights. Will FAB provide cover for the workers independently of the Bailiwick care provision?

What are the negative economic impacts of FAB whilst it is in construction? Have these been costed?

160 What safeguards will be in place for accessibility of private homes and businesses affected during the works, loss of tourism business, loss of use of beaches, congestion and wear and tear on the Island's infrastructure?

How many extra cars and lorries will there be on the Island? What heavy equipment will be imported, and what assurance do we have that it will be removed?

165 In order to get the very large and heavy equipment ashore, will this mean the use of Braye beach in any way? How and why? Will any Island roads need to be widened, and can our existing roads take these heavy loads?

170 What is the likely noise and light pollution during construction of the cable? Is the work going to be 24/7? If so, how will residents and businesses affected by these 24/7 works be compensated?

Will the Police Force need to be expanded?

175 How will FAB get their workforce to the Island? There are already insufficient seats on the airlines for residents, regular visitors and tourists, and a ferry does not exist. Because our scheduled services are already inadequate for the Island, FAB should be made to provide their own transport to and from the Island.

What will be the environmental impact, both during construction and when finished, especially with regard to species like the blonde hedgehog and birdlife? What will happen with the war graves that are disturbed?

180 What is the timeframe of FAB's project from beginning to end? Is it realistic to say eight to nine months? What contingencies exist? Exactly when and in which month will the work begin and end?

Mr Barnes stated that there will be no converters because FAB has said so. How can this be guaranteed when FAB sells out and exits the project and the agreement? How can a legal document cover every eventuality, as Mr Barnes stated?

185 Mr Barnes stated that the work will happen outside of the tourism season, but if FAB begins work and it does, as we suspect, spread into our tourist season, what can we do then? It will be too late, the work will have begun until it is finished. Will there be realistic penalty clauses for failing to achieve the timeframe for construction, especially if this affects one or more tourist seasons?

Who is competent to monitor performance? What powers will they have? Can the States insist on a performance bond? Surely, yes – it is States' land and they have a duty.

190 How are we going to guarantee that the wayleave is paid if and when FAB sell out and the arrangement is with a totally separate third party? What security is available to ensure payment is made and under what jurisdiction is the contract? How will it be enforced? What steps can and will be taken if the wayleave is not paid? Is the wayleave contract sufficiently secure that we could securitise the wayleave? Can we ask for upfront payments at least for part of the wayleave?

195 What has happened to the 2015 option agreement? Is this no longer valid, due to the fact that ARE no longer has access to our seabed and therefore cannot give FAB access?

What will happen to the wayleave moneys? Can funds be retained for Alderney? And if so, what use will the funds be put to? If we retain the funds, will our financial support from Guernsey be reduced by the amount we receive in wayleave?

200 If Guernsey inform us the money is ours to keep and use as we see fit on the Island, how can we be sure that they will stand by this? The answer to the final question asked in Guernsey States by Mr Neil Inder – I hope I have pronounced his surname right – on 2nd August states:

Guernsey and Alderney operate in a fiscal union and as such anything that will either assist or hinder either economy would be of interest and benefit to the other.

This seems to suggest that it is impossible to separate out any funds specifically for Alderney.

205 If all the above information is not forthcoming, can we reject FAB until such time as FAB provides the information to enable Islanders to make the right decision for the Island? Lack of provision of honest, open information should mean the States of Alderney refuse to enter into a deal with FAB until the information is provided.

210 Do the Members consider that the three weeks' notice period for the plebiscite vote – the three weeks quoted in the September Billet – is adequate? Do the Members consider that the 10-day period after information has been delivered to the homes on the Island before they have to vote is adequate?

215 FAB has unlimited finance behind it to aid in legal fees associated with fighting their case and looking for loopholes in our planning law. How can the States of Alderney hope to compete with this? Why did the States not insist FAB adhere to performance planning standards? Whilst these kinds of standards may not be enforceable in Alderney, it would show respect and honourable intentions if FAB agreed to act under best practice. Has the States considered appointing an outside commission or body to monitor contracts, financial regulation of works, etc.?

220 Who authorised the termination of the ARE cable link to France? Whilst this is not a FAB question, it does have a bearing on the future of tidal power. Just because ARE breached their contract and chose not to continue with the agreement to export tidal energy from the seabed to France for their own reasons, other companies can easily be contracted to do this. This is important, as people need to know tidal power is still an option in the future, whether or not FAB happens.

225 Does ACRE have the power to authorise loan notes? Are the minutes available? Did the States of Alderney have scrutiny? It is beyond any possible reasonable measure for a regulator to provide commercial and financial assistance to its own licensee.

230 I appreciate that you are not obliged to give me the assistance I request, but in the interest of transparency and good governance I would hope that the States will show that they have the best intentions at heart for the Island and will do their best to provide Islanders with as much information as possible in order for them to form an educated opinion.

I thank you all for listening.

The President: Thank you, Mr Dupont.

235 **The Greffier:** May I invite forward Mr David Nash.

Mr Nash: Mr President, honoured guests and Members, when my late father-in-law, Norman Rennie used to tell me stories of his days as a Member with John Kay-Mouat in this revered house I never dreamed I would be standing at this Bar addressing the Island's Government.

240 I stand before you on a matter of principle which is of great public interest and one which you yourselves are currently trying to wrestle with to improve the governance of the States of Alderney.

This week, Mr Dent, our Chairman of Policy and Finance Committee, made a public statement on the President's excellent consultation paper called 'For Review of Government'. Mr Dent said:

The current committee system has a number of flaws. Firstly, it leads to very slow decision making. Secondly, committees, particularly Policy and Finance, are forums for politicking. Thirdly, the committee system subverts the role of the States Assembly. And finally, the committee system prevents strong political leadership.

245 He also added that our States Members rarely have clear mandates for making decisions on major projects, and it is this question of clear mandates and policy which has concerned me for the last 18 months.

In the current Land Use Plan Inquiry, it is clear that the overriding element which is sacrosanct –

250 **The President:** Mr Nash, I believe you wish to address the States with regard to philately.

Mr Nash: I am just going on to that now. It is the next statement.

255 **The President:** Could you please address them with regard to your request to assist you with regard to philately.

Mr Nash: It is about policy.

The overriding element which is sacrosanct for the future of this Island is the integrity and importance of sound policies and the laws of Alderney.

260 In January 2016, as an unpaid volunteer consultant, I was given the job of cataloguing more than £10,000 worth of commemorative postage stamps, which are still to this day languishing in big cardboard boxes in the loft of the Island Hall. When I went through some of the documentation I found in those boxes, some misfiled and some unattended, I drew them to the attention of the then Chairman of P&F and the former chief executive. When I asked to see the Island policy on postage stamps and the agreement between Alderney States and Guernsey, not only were there no records
265 but I learned from the Civil Service that no one had actually seen a policy on the relationship that was set out between the States of Alderney and Guernsey Post's Philatelic Bureau. The chief executive at the time suggested I should draft such a policy document. I did this and presented all the commercial data in a detailed consultant's report to the Policy and Finance Committee last spring, and all of this was at no cost to the States of Alderney.

270 Members sitting in this Chamber will probably recall that the revenue lost for our Island ran into millions of pounds over 30 years. Members here today said it possibly warranted a public inquiry. Because of that outcry, the policy document discussion was postponed twice, and then, after a couple of months, it mysteriously vanished and my contentious report was shelved.

275 As I had stirred up a hornets' nest, I felt I was no longer welcome at the Island Hall by the senior civil servants from that point. So, having my archive copies of Billets and deliberations going all the way back to the original inter-States agreement in 1981, I continued my work privately for the past year and, as you all know, I have subsequently presented you with a number of additional updated reports.

280 I made it clear that Alderney needed both a new stamp policy and a new stamp agreement. This Island should be receiving a minimum of £50,000 per annum from the sale of stamps to collectors worldwide every year and we should be given a series of new rights under a new policy, including the right to decide on Alderney's stamp themes. It is my opinion that with Brexit coming up it is high time that Alderney stamped its authority on the Crown Dependencies and perhaps insisted on its own AY1 postcode. We need our own new Alderney post mark with www.visitalderney.com on every letter
285 and packet that leaves this Island, and we must do away with the post-and-go sticky labels and revert to our own postage stamps to encourage collectors.

290 This can all be decided by you, Members, if you establish your own stamp policy. Because there is no policy on the subject, the civil servants responsible for looking after Island stamps and coins have over the years let the subject slip almost into oblivion. In my opinion, they are overworked and under-resourced. We must not try and blame anyone, but we need a fresh start. The millions of pounds lost to the Guernsey exchequer over 30 years has gone; we must write it off. Guernsey Post has openly admitted that instead of the revenue coming back to Alderney as clear non-taxed money, the funds have been used to subsidise the air-freight charges for our postal service.

295 In April this year, having produced even more evidence of money lost to Alderney, I was again invited to address the Finance and Policy Committees. I presented all the Members with a draft resolution for the Billet with an updated stamp policy and a new draft contract and agreement to put before the P&F Committee. That was a year after I had prepared the first policy document given to P&F. At that point I and the Members were informed that our Treasury Department was already in talks with Guernsey Post to set up a new stamp agreement.

300 So once again I come before you with the concerns of the people: there should be no negotiations behind closed doors where such huge sums of public funds are at stake. It may surprise you, but Alderney stamps generate hundreds of thousands of pounds each year and all we get back are a few pennies. This matter is the policy S7 equivalent of the Channel Islands' stamp world. How can the civil servants negotiate a new contract with the Guernsey Post who have repeatedly been allowed to break the 1981 Agreement because there is no Alderney States' policy in place?

305 Going back to my starting point, if Mr Dent is serious about openness and reform of committees then this, the Stamp, should be the first test case of his sincerity.

310 **The President:** Mr Nash, I informed you at the beginning this is not to opine on individuals – you are addressing the full States for assistance.

Please continue to do so.

Mr Nash: Okay.

315 I implore the Members of this Chamber to demand a stop to these dealings with the Guernsey Post immediately and obviously if we can get the Stamp Resolution on to the Billet –this was in my last report – there must be a proper debate about our postage stamps which could bring in huge potential non-taxed revenues to pay for community projects like the swimming pool, with no effort.

320 Incidentally, for the record, the cover title of my last report to all of you – this one – was 'Printing Stamps is the same as Printing Money'. It is a pity Members did not listen to John Kay-Mouat all those years ago when they allowed Guernsey States to get their hands on our philatelic profits. All I am asking is for one Member to stand up and be counted and put his or her name to the Resolution on the next Billet and stop another secret cosy little deal being signed behind closed doors into which we, the people, and you, our elected representatives, have not had our say.

The President: Thank you, Mr Nash.

330 **The Greffier:** And may I invite forward, Mr Michael Maunder.

Mr Maunder: Mr President and Alderney States Members, I request that the States of Alderney adopt in its entirety the Air Pollution Laws adopted on Guernsey. All major countries have adopted their versions of that law that controls toxic and noxious emissions from whatever source it occurs. Alderney has not.

335 I make this submission on two major grounds, most importantly the overwhelming science supports action on this health issue, on which I will briefly elaborate, and bringing us into line with other major jurisdictions. The toxic emissions derive from many sources, but two stand out requiring regulation, namely: (1) vehicle exhausts in their many forms; and (2) domestic heating systems. All those sources contain two potentially lethal components, best summed up as noxious chemicals, mostly carcinogens – cancer – and very small particulates that are also now known to be carcinogens, amongst having many other nasty properties.

340 The main sources of toxic vehicle emissions are from: (a) vehicles left idling while stationary; (b) poorly maintained diesels; (c) poorly maintained vehicles of all types at start-ups and sudden

345 bursts of speed. In all major countries these vehicle toxic emissions are known to be critical in premature death and severe ill health and are controlled by legislation.

The main sources of toxic domestic heating system emissions are from: (a) wood-burning stoves. Worldwide this source is now known to be one of the primary causes of early death and ill health. However, green wood burning is particularly lethal when fumes leave a chimney stack, and requires attention here as it is well known as a potent concentrated source of many of the well-known carcinogens and allergens – allergic reactions. The same allergic reaction effects and breathing difficulties from green wood bonfires are familiar to all, and also require attention. (b) Coal-burning stoves: whilst there are very few on Alderney, the fumes can be high in sulphur dioxide and smuts can contain some of the more potent carcinogens. Coke is not normally a problem unless derived from a high sulphur coal. (c) Oil-burning stoves and central heating; low sulphur content oil is required.

I sign myself as a forensic analyst and consultant, and I beg to move.

The President: Thank you very much, Mr Maunder.

360 I would like to thank all the people who have availed themselves of Chief Pleas for coming forward and addressing the States.

**II. Speed Trials –
Speed Trials (Alderney) Ordinance, 2017 –
Item approved**

Item II.

The States is asked:

To approve the Speed Trials (Alderney) Ordinance, 2017.

The President: If we could move to Item II now please, Mr Greffier.

365 **Mr Snowdon:** Sir, sorry, I forgot to say about Item I on the People's Meeting Report for the Convenor's Report. Is that okay if I just say 'Item I, Chief Pleas'?

The President: Please go ahead.

370 **Mr Snowdon:** I have confirmation that full particulars for Chief Pleas were to be submitted to the Greffier by Friday. Thank you.

And for Item II, there were no comments from the People's Meeting.

The President: We will get to item to in a minute, Mr Snowdon. Thank you very much. Mr Greffier, could you move to Item II, please.

375

The Greffier: Thank you, sir.

Item II this evening is the Speed Trials (Alderney) Ordinance of 2017. A letter has been received from Mrs Paris in her capacity as Chairman of the General Services Committee and the States of Alderney are asked to approve the Speed Trials (Alderney) Ordinance of 2017.

380

The President: Mr Snowdon, as Convener, were there any comments on the subject?

Mr Snowdon: Thank you, President. No, there were no comments on this Item. Thank you.

385 **The President:** Thank you very much indeed.
Mrs Paris, I believe you wish to propose this?

Mrs Paris: I do, sir, thank you.

390 Mr President, fellow Members, we are fortunate that one of the regular sights of autumn here
is the annual reappearance of the Guernsey Cart and Motor Club to conduct their Speed Trials.
The States has supported this long weekend of exciting events such as the Hill Climb for several
years now and we welcome the visitors and the publicity, and of course the revenue brought on
Island just as our summer tourism season is dying down.

395 I am very happy to request the support of my colleagues to approve the Speed Trials Ordinance
2017.

Thank you.

The President: Thank you, Mrs Paris.

400 Mr Snowdon, I believe you wish to second this?

Mr Snowdon: Yes, I wish to second this, thank you.
Can I comment as well?

The President: Of course you can.

405

Mr Snowdon: From Visit Alderney's point of view we strongly support this, coming at the end
of the season it is a fantastic event; so Visit Alderney and the TAG action group really do support
this.

Thank you.

410

The President: Thank you very much.

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

415 **Mr Jean:** Just to echo the comments of support and to say for years now the Guernsey Cart
and Motor Club has been coming over for the Hill Climb. It is a wonderful event and it provides a
lot of excitement for people. It is much enjoyed by everybody and welcomed by Alderney.

Thank you.

The President: Thank you.

420 Does any other Member wish to speak on Item II?

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

Mrs Paris: No, sir.

425 **The President:** Thank you.

Mr Greffier, could you please put Item II to the vote?

The Greffier: Thank you, sir.

430 Item II this evening, the States of Alderney is asked to approve the Speeds Trials (Alderney)
Ordinance 2017.

A vote was taken and the results were as follows:

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

The Greffier: Sir, the motion passes unanimously.

III. Beneficial Ownership Legislation – Item approved

Item III.

The States is asked to resolve:

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.

The President: Thank you very much.

Can we move to Item III, please.

435 **The Greffier:** Item III this evening is Beneficial Ownership and Legislation.

A letter has been received from Mr Dent in his capacity as Chairman of the Policy and Finance Committee. The States of Alderney is asked firstly to resolve not to annul the Beneficial Ownership of Legal Persons (Alderney) Law, 2017 (Commencement) Regulations 2017; and secondly, the Beneficial Ownership (Alderney) (Definition) Regulations, 2017; and further, to approve the Companies (Alderney) (Amendment) Ordinance of 2017.

440

The President: Thank you very much, Mr Greffier.

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

445 **Mr Snowdon:** Thank you, Mr President.

No, there were no comments on this Item, thank you.

The President: Thank you very much.

Mr Dent, I believe you wish to propose this?

450

Mr Dent: Mr President, colleagues, we are today being asked to approve Regulations for operating the Beneficial Ownership of Legal Persons Law. If you remember, we approved this law on 19th April.

455 May I remind you of the Financial Action Task Force? This body sets the global anti-money laundering and combating of terrorist financing standards. It is an inter-government body

established in 1989 that has 37 members including the EU, Russia, the US, Switzerland, New Zealand and Australia, and it requires jurisdictions to have timely access to adequate, accurate and current information on beneficial owners of legal persons – that is the natural persons who ultimately own or control these organisations.

460 The Regulations before you today mirror those approved by the P&R Committee in Guernsey and they also mirror the standards of the Financial Action Task Force. There is, however, one minor item that is specific to Alderney and which I need to mention: it appears that a minor amendment is required to Alderney's Company Law to include reference to beneficial ownership in the provisions governing annual returns.

465 With these matters in mind I commend you to these Regulations and the amendment to our Company Law and ask that you approve it.

Thank you.

The President: Thank you, Mr Dent.

470 Mr Roberts, I believe you wish to second this?

Mr Roberts: Yes, Mr President.

I have great pleasure in seconding this Item, which really amounts to good housekeeping and keeping us in line with Guernsey and other Crown Dependencies. It also notes transparency of our system underlying Alderney's commitments to the future and our reputation, both home and abroad.

475

The President: Thank you, Mr Roberts.

Does any Member wish to speak on Item III? Nobody wishes to speak on Item III.

480

Okay, Mr Greffier, please move to the vote.

The Greffier: Thank you, sir.

Are you happy for me to take this in three parts, sir?

485

The President: Please do.

The Greffier: Firstly, the States of Alderney is asked to resolve not to annul the Beneficial Ownership of Legal Persons (Alderney) Law, 2017 (Commencement) Regulations of 2017.

A vote was taken and the results were as follows:

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

The Greffier: Sir, that passes unanimously.

490 Secondly, the States of Alderney is asked to resolve not to annul the Beneficial Ownership (Alderney) (Definition) Regulations of 2017.

A vote was taken and the results were as follows:

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

The Greffier: Thank you, again that passes unanimously.

And the States of Alderney is therefore asked to resolve to approve the Companies (Alderney) (Amendment) Ordinance of 2017.

A vote was taken and the results were as follows:

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

495 **The Greffier:** Sir, that again passes unanimously.

IV. The Companies (Alderney) Law (Auditors) (Amendment) Ordinance, 2017 – Item approved

Item IV.

The States is asked:

To approve the Companies (Alderney) Law (Auditors) (Amendment) Ordinance 2017

The President: If we could move to Item IV on the Billet, please.

The Greffier: Thank you, sir.

500 Item IV this evening is the Companies (Alderney) Law (Auditors) (Amendment) Ordinance of 2017. A letter has been received from Mr Dent in his capacity as Chairman of the Policy and Finance Committee and the States of Alderney is asked to approve the Companies (Alderney) Law (Auditors) (Amendment) Ordinance of 2017.

505 **The President:** Thank you very much.
Mr Snowdon, as convener, were there any comments on this Item?

Mr Snowdon: There were no comments in this Item. Thank you, Mr President.

The President: Thank you very much, Mr Snowdon.

Mr Dent, I believe you wish to propose this?

510

Mr Dent: Mr President, colleagues, it appears that our Companies legislation as presently worded requires auditors to be members of any UK institutes and associations. Auditors not aligned to such institutes would require special approval from P&F. With increasing globalisation, this is no longer appropriate and indeed has already caused at least one problem. The ordinance before you will, if approved, allow an auditor of an Alderney company to be controlled by individuals and/or a body corporate so long as any controlling body corporate is itself controlled by qualified individuals.

515

Most importantly, equivalent European accounting qualifications will now be acceptable. As I understand it, similar problems are arising in Guernsey and I understand a similar amending ordinance is being put to the States of Deliberation there.

520

Thank you.

The President: Thank you very much, Mr Dent.

Mr Barnes, I believe you would second this?

525

Mr Barnes: I certainly do.

Mr President, fellow colleagues, there is nothing I could add to Mr Dent's proposal and I will second this Billet.

530

The President: Thank you very much.

Does any Member wish to speak on Item IV? Mr Jean.

Mr Jean: Yes, I could do.

For me, the paragraph on page 4 that sums this up is:

Recognising that with increasing globalisation there *[is]* likely to be an increase in such cases in the future ... that the Law Officers *[are requested to]* review the Alderney Companies legislation and to prepare an Ordinance to amend Alderney's Law to make it clear that an auditor (which is a firm) of *[an]* Alderney company can be controlled by individuals and/or a body corporate so long as any controlling body corporate is itself controlled by qualified individuals. The Companies (Alderney) Law (Auditors) (Amendment) Ordinance 2017 has been drafted ...

535

Yes, that satisfies me and I am happy for this to happen and I think it is important that it does happen.

Thank you, sir.

The President: Thank you, Mr Jean.

540

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

Mr Birmingham: Thank you very much, Mr President.

Just very quickly: due to the worldwide nature of the gaming industry, which of course is very fundamental and important to the Island, I think this is a very sensible amendment to the law. Worldwide we now have gaming firms from huge different parts of the world and it can only assist with the ongoing work of the agencies.

545

The President: Thank you very much, Mr Birmingham.

Does any other Member wish to speak on Item IV?

550

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

Mr Dent: No, thank you.

The President: Thank you very much.

Mr Greffier, could you put Item IV to the vote, please?

555

The Greffier: Thank you, sir.

The States of Alderney is asked to approve the Companies (Alderney) Law (Auditors) (Amendment) Ordinance of 2017.

A vote was taken and the results were as follows:

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

The Greffier: The motion passes unanimously, sir.

**V. Amendment to Occupiers' Rates –
Item a) approved; Item b) not approved**

Item V.

The States is asked:

To approve that

a) The Occupiers' Rates will be due from the property owner rather than occupier from 2019;

b) The Law Officers be instructed to prepare the necessary legislation.

560

The President: Thank you very much.

Could we move to Item V, please?

The Greffier: Thank you, sir.

Item V this evening is Amendment to Occupiers' Rates.

565

A letter has been received from Mr Dent in his capacity as the Chairman of the Policy and Finance Committee. The States of Alderney is asked to approve firstly, that the Occupiers' Rates will be due from the property owner rather than the occupier from 2019; and secondly, that the Law Officers be instructed to prepare the necessary legislation.

570

The President: Thank you very much.

Mr Snowdon, as convenor.

Mr Snowdon: There were no comments on this Item, thank you.

575

The President: Thank you very much, Mr Snowdon.

Mr Dent, I believe you wish to propose this?

Mr Dent: Mr President, colleagues, the intention here is to make the collection of taxes on property simpler and more efficient. It is a preparatory step in the combination of TRP with Occupiers' Rates. While landlords may have to adjust their rents in order to reflect the changing payment responsibilities, this will be the only imposition on the public.

Overall, if the collection system can be made more efficient and transparent there should be administrative cost savings and this can only be for the good of the Island.

Thank you.

The President: Thank you very much, Mr Dent.
Mrs Paris, I believe you wish to second this?

Mrs Paris: I do, sir, thank you.

Mr President, colleagues, I was surprised that there were no comments made on this subject at the previous meeting, it is one of the most fundamental changes to our tax system for several years as a precursor to changes in our financial relationship with Guernsey. It will result in the move from the tax being levied on occupiers, as Mr Dent has said, to the owners of the property and it will help to enable a smooth merger of Occupiers' Rates and TRP when the collection and the setting of the joint tax will become the responsibility of the States of Alderney.

It will be a new responsibility for Alderney, for the States; as a general rule, and with only the one exception which is currently in the news, we have run a balanced budget here since 1948. As Mr Micawber's recipe for happiness so famously said:

Annual income twenty pounds, expenditure nineteen [pounds] nineteen [shillings] and six [pence], result happiness.
Annual income twenty pounds, annual expenditure twenty pounds ... and six [pence], result misery.

'If only the figures were still so small', I can hear Mr St Pier saying.

However, this is the opportunity for us now to independently collect this tax as best to suit Alderney and to tread a fine line between raising revenue and maintaining standards of service in a mature and responsible way, and I think that's good and I commend it to my colleagues.

The President: Thank you very much, Mrs Paris.
Does any Member wish to speak? Mr Snowdon.

Mr Snowdon: Thank you, Mr President.

After the People's Meeting someone commented to me, who unfortunately did not make it to the People's Meeting, that they were quite concerned if we put the Occupiers' Rates and Guernsey TRP together for tax purposes ... I was sort of told that you could claim Occupiers' Rates against taxable income but not TRP. So if you put them both together, if someone wanted to claim against tax for their Occupiers' Rates and TRP, what is the situation with that by putting them both together – because at the moment you cannot claim TRP but you can claim Occupiers' Rates? That was a concern that I am happy to voice for that person who did not actually say it at the People's Meeting.

Thank you.

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

Mr Roberts: TRP has become a burden for both landlords and the public alike. Introduced after Guernsey discovered its financial black hole in 2008, at first its costs were small and did not impact very much. Now significantly increased to a much higher level by Guernsey it is seen as a burden for all, particularly in Alderney, where footfall is not taken into consideration, crushing investment,

625 closing shops and hotels and shrinking our economy – a dire tax from the Middle Ages that holds up Guernsey’s balance sheets yet discourages business expansion in Alderney.

We have to beware of a good service tax, the next rabbit out of Guernsey’s hat. Alderney does not have a monopoly on having a deficit – our neighbours’ waste within our airline runs without intervention from Guernsey’s government. Taxpayers’ money wasted in millions from poor airline management goes unheeded.

630

The President: Mr Roberts, can I remind you we are talking about Occupiers’ Rates, please?

Mr Roberts: Yes. *(Laughter)*

635

TRP in its repatriation is a good thing as long as we can afford to collect it. I love – yes, *love* – things put back into our own hands because we have got control. However, Occupiers’ Rates for business are at the moment tax deductible, and marrying the two means that tax allowance will no longer apply and more tax will be chargeable. Now I begin to worry about this, because this is a further burden on business in Alderney. So I think more research needs to be done at this time.

640

I cannot vote for a tax hike on struggling landlords and businesses. We need to find a way around this, as much as I want to bring TRP back to Alderney.

Thank you.

The President: Thank you, Mr Roberts.

Mr Jean.

645

Mr Jean: I, first of all, declare my interest.

The President: You do not need to. Under Section (a), anything to do with Occupiers’ Rates, land use, etc. ‘the Member should be under no obligation to declare his interest’.

650

Mr Jean: Thank you. Well then, I will explain it in another way, because I want to be very transparent.

655

The situation for myself and some other people – and some people may have made written submissions and not chosen to speak at the People’s Meeting – is that we will be receiving extremely large bills, those who own more than one property. I am particularly affected by that, and I am considering whether I will vote or whether I will not vote.

660

But I am going to say this: that the points raised there by Mr Snowden and Mr Roberts, very interesting, the fact that people may not be able to get the tax relief. For myself, it is a merging; again, it is similar to the TRP situation in Guernsey. It is merging the lines between the argument to whoever will pay that bill, and whether you can pass it on to the owner. Myself, I am not at all happy about it; I do not think this is the thing to do. I cannot see anything, when we talk about economies ...

665

I once remember economies of scale being talked about when we were persuaded to spend £60,000 on a new computer system back in the early 1990s and we were told that there would be staffing reductions. There were not, and we ended up in those days with more staff – and spent the money on the computers, just the same.

670

The point I am trying to make – and certainly the two points that both of the previous speakers have made are very important to consider – is whether the actual bill should be itemised out so that the TRP is specified separately. Some of the things that would be helpful to people who own more than one property would be that the rates continue to be itemised out for each particular unit and that it is clearly delineated. Otherwise I cannot really see any benefits for the people of Alderney coming from this, as we are certainly not talking about the staffing reduction and never would, I do not think. So I cannot really see much coming out of this for the people of Alderney, other than the job being made easier for those employed to do the job on our behalf.

675 The way I see it is that it should continue to be itemised out. It makes a very large and onerous
burden on multiple owner-occupied properties. It makes it very difficult for those people. There
are few enough of them now and in many ways those people are quite important to Alderney.
They provide, and they try to make sure that people can carry on here. In one year in Alderney as
680 an onerous burden. I make that point on behalf of all multiple landlords, and I may well vote on
this.

Thank you, sir.

The President: Thank you, Mr Jean.
685 Mr Dean.

Mr Dean: Like some of my fellow States Members, I too was surprised that there were no
comments on this at the People's Meeting. However, in the last couple of days my inbox seems to
be full with people commenting on it.

690 What I would like to bring to everybody's attention is item ii) and I will read it:

Instructs the States Treasurer and Strategic Financial Adviser to prepare a project plan including consultation, and
also agree a timetable with the States of Guernsey for legislative amendments.

I am not aware that consultation has taken place, (**Mr Jean:** No.) but we are being asked to
approve it and we have not actually had a consultation process and had the views back from the
very people that it is going to affect. So, like Mr Jean, I am torn now after highlighting that, over
whether I should vote for it or not, because we said it is going to go out to public consultation and
695 it has not.

Thank you.

The President: Thank you, Mr Dean.
700 Mr Tugby.

Mr Tugby: Sir, I am very concerned about this actually, because if you are putting TRP and the
rates together, it is basically a crafty way of putting up TRP by the back door. If you put up the
percentage on the rates – or required it to go up a percentage – you are also increasing the
percentage on TRP as well and that is really concerning me.

705 I maintain whatever happens if we should take back TRP from Guernsey – and it is highly
debatable, basically, whether we should take it back or not – we should actually keep it separated
from the rates. You can send them out in the same envelope but keep them separated, because I
think it could end up being a crafty way of increasing taxes in my view.

710 I definitely would not want them to be joined up as one rate because I do not know what might
happen in the future on that score. But it definitely would enable the TRP to be put up at the same
time as the rates and nobody would know if they are putting the rates up, because it is all banded
together and it would increase the whole lot.

Thank you.

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

Mr Barnes: As Chairman of the Finance Committee, there has been a lot of discussion behind
the scenes about this one within Treasury, and the Treasury has been talking to Guernsey as well.

720 We are well aware of a lot of the issues that people are raising and, as I understand it, one of
the original reasons behind this was that we could bring the TRP back to Alderney, and Alderney
could then adjust its rates for what the property was. This is going to help, we hope, the retailer

and the Alderney business owner, etc. But at the end of the day we would still have to aim to collect the same amount of money.

725 Now, whether that money is collected by Alderney or by Guernsey, if we have got control of what we going to do then we have a better situation. I totally commend this Billet to the States with the proviso that there is a lot more work to be done behind the scenes.

Thank you.

730 **The President:** For the sake of clarification I presume you mean you commend Item V on the Billet, not the Billet?

Mr Barnes: Yes, sorry.

735 **The President:** Thank you.

Does either Mr McKinley or Mr Birmingham wish to speak on this?

Mr McKinley: Only very briefly, sir.

740 As Mr Barnes just mentioned we are undergoing a review of the financial relationship between Alderney and Guernsey and this will be part of it. One of the concerns that I think a number of people have is that we are going to have to start financing some of our own local payments here from TRP – those are presently paid by the States of Guernsey. So there is a very real possibility that we may have to actually raise TRP, but we do not know that at the moment because we do not know the actual cost. But it is just a very strong possibility.

745 I would also like to just mention that the point Mr Dean makes about public consultation is very, very relevant. There *has* been no public consultation and perhaps we should wait before we pass this particular amendment until we know the full detail of the financial relationship between Alderney and Guernsey.

Thank you, sir.

750

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

Mr Birmingham: Yes, thank you, Mr President.

755 When I was first elected to the States, I think the issue of TRP was without doubt one of the most inflammatory issues that actually was a matter of concern for the people of the Island.

760 I have always said I believe TRP to be an illegitimate tax under the 1948 Agreement. The 1948 Agreement very clearly states that rates should be paid to the States of Alderney, not to the States of Guernsey, and however you dress it up, a tax on real property is a rate. I have always believed that it was taxation by the back door through Guernsey and I feel that our States at that time should have stood up more strongly and actually said that money should directly come back to Alderney.

765 The reality is the money that is raised in TRP is taken to Guernsey, and Guernsey then pays Alderney a grant of money that they have collected. To me, it seems more sensible for Alderney to just collect that money directly and have the grant fund from Guernsey reduced. The important point around this issue, which has already been mentioned, is it will then mean that we can adjust the distribution of that tax in Alderney, which means that we can help specific sectors such as retail – which we know has always struggled under the heavy burden of TRP, and many would say a disproportionate burden – from a tax that has been set in Guernsey in relation to perhaps what
770 the Guernsey economy is doing, not the Alderney economy.

So I do support the proposal of the repatriation of TRP. I do agree with the comments that have been made around the consultation, because obviously there are some issues such as the taxation one that needs consideration, and there may be a situation there that discussions will have to take

775 place with the Guernsey tax authorities on how that tax break might be reintroduced, perhaps in
the form of a 50% break in relation to the tax itself. But I do support the principle that is within
this Item, and I believe I will support it because I do believe that we still have some way to go with
that consultation, but I do not believe that should stop the process taking place.

The President: Thank you, Mr Birmingham.

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

Mr Dent: Mr President, yes, thank you.

I note the comments made by Mr Snowdon first, and believe it is a matter that can be brought
to the attention of the tax authorities in order to find a solution. I do not believe that the
785 combination of these taxes should *per se* result in a tax hike, but if we need more money, we need
more money.

I note Mr Jean's comments. I see no problem in delineating the tax on individual properties – I
would have thought that would come as a matter of course – and I think it is important, what Mr
Jean says. We need to have consultation about the implementation of this, but I think this can be
790 dealt with in the future.

Finally, I would like to echo the thoughts of Mr Birmingham. I think it is very useful that we
should be able to target our property taxes as we see fit, rather than how Guernsey sees fit.

Thank you very much.

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

Mr Greffier, would you like to put that Item to the vote, please, Item V?

The Greffier: Thank you, sir. The States of Alderney is asked, firstly, to approve that the
Occupiers' Rates will be due from the property owner rather than occupier from 2019.

A vote was taken and the results were as follows:

FOR	AGAINST	ABSTAINED
Mr Birmingham	Mr Tugby	Mr Dean
Mrs Paris	Mr Jean	
Mr McKinley	Mr Roberts	
Mr Dent	Mr Snowdon	
Mr Barnes		

800 **The Greffier:** With 5 votes to 4, with 1 abstention, that matter passes, sir.

The President: Thank you.

805 **The Greffier:** Secondly, the States of Alderney is asked to approve that the Law Officers be
instructed to prepare the necessary legislation.

A vote was taken and the results were as follows:

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

The Greffier: Sir, by my count it goes 5 to 5.

The President: In that case, there being insufficient support to carry this forward, I will not support that with my casting vote.

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

Mr McKinley: Can I just ask a question, please, Mr President –?

815 **The President:** It depends what the question is, Mr McKinley. If it is a point of order, yes; if it is a general question, the answer is no.

Mr McKinley: A point of order, really.

820 **The President:** Well, let's hear it.

Mr McKinley: Having voted for the Occupiers' Rates to be due from the property owner rather than the occupier, we are now saying that the Law Officers are not going to be instructed to prepare the necessary legislation. So I assume that the whole thing has failed?

825 **The President:** I would refer to the Legal Officer on that, Mr McKinley, but it is noted.

Mr McKinley: Thank you, sir.

**VI. Rules of Procedure –
Amendment to Rule 19 –
Amended Item approved**

Item VI.

The States is asked:

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) may be published in Deliberations.

The President: If we could move to Item VI, please.

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

Item VI this evening is the Rules of Procedure: Amendment to Rule 19.

A letter has been received from Mr Dent in his capacity as Chairman of the Policy and Finance Committee. The States is formally asked to approve that Rule 19 of the States of Alderney Rules of Procedure 2010, last amended in September 2013, is amended to read as follows: Rule 19. (1)
835 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) they are succinct and to the point; and (c) whenever possible, submitted in writing to the President and the Greffier
840 not less than four days before the States meeting. Secondly, that 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
845 relating to the content of that report. (4) If there are developments after the submission of a report in writing to the Greffier and the President in accordance with paragraph (1(c)) that are material to that report, the Member who submitted that report may seek leave of the President to add supplementary material into the report. And (5), reports presented under paragraph (1) may be published in Deliberations.

850

The President: Thank you very much indeed.
Mr Snowdon, as Convenor.

Mr Snowdon: Yes, there were comments, thank you, Mr President.

855 It was queried whether there are Rules of Procedure in place for the States of Guernsey Deputies as well as the States of Alderney, given the statement in the media today from the President of the Policy & Resources Committee regarding the overspend, which was considered inappropriate. It was confirmed that the States of Guernsey have their own Rules of Procedure in place and that the matter would be discussed by P&F next week.

860 It was suggested that the wording under section (5) should be amended, as it states that reports *may* be published in Deliberations, but it was too loose as some written reports are shortened when read out and it does not allow for any other documentation, i.e. photos, diagrams, etc. The replacement suggested was: 'Written reports presented under paragraph (1) and any supplementary material submitted under paragraph (4) and any other documentation
865 presented as part of a written or verbal report, *shall* be published in Deliberations'.

Thank you.

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

870

Mr Dent: Mr President, colleagues, I believe these changes to the Rules of Procedure should allow us greater freedom and encourage more material to be brought to this Chamber rather than to P&F.

875 In bringing this proposal to the Chamber today, the intention is to encourage more discussion
of important issues in a public forum. I would ask you to note that the two Items on the Billet
which follow this proposal, although not relying on these procedural changes, are further
attempts by P&F to devolve discussion in this Chamber.

Thank you.

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

Mr Barnes: Yes, Mr President, fellow colleagues, this is bringing a better clarity to the wording
and consequently it will enable a more fluent procedure in the whole thing.
885 I second this Billet.

The President: Thank you, Mr Barnes.
Mr Greffier, I believe we have received an amendment to this Item.

890 **The Greffier:** That is correct, sir. An amendment has been received from Mr Dean and
seconded by Mr Snowdon, which reads: 'I propose that the written reports under paragraph (1)
and any supplementary materials submitted under paragraph (4), and other documentation, be
presented as part of a report *shall* be published in Deliberations.'

895 **The President:** Thank you very much.
Mr Dean, would you like to propose your amendment?

Mr Dean: Yes, I would.

Amendment

*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'.*

900 **The President:** Thank you, Mr Dean.
Mr Snowdon, I believe you wish to second this?

Mr Snowdon: I do, thank you, Mr President. Yes, I am happy to second this. I think the
amendment is quite important. It does come up at the People's Meeting.
Thank you.

905 **The President:** Thank you very much.
Does any Member wish to speak with regard to the amendment? (**Mr Jean:** Yes.)
One at a time. Please go ahead.

910 **Mr Dent:** I would just like to say that I support the amendment.
Thank you.

The President: Thank you.
Mr Jean.

915 **Mr Jean:** I, too, support the amendment. It gives more clarity and is a better definition of the
word than 'may' – 'shall' is much better and I am pleased with it.
Thank you.

The President: Thank you very much.

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

In that case, Mr Greffier, will you please put the amendment to the vote?

The Greffier: Sir, would you like to offer Mr Dean the opportunity to sum up at all?

925

The President: If you require to do so, Mr Dean, please do so.

Mr Dean: It is just a procedural point, really. The word 'may' is substituted with the word 'shall' and it just achieves consistency of information available to the public and it will be published in Deliberations.

930

The President: Thank you very much.
Proceed with the vote, please, Mr Greffier.

935 **The Greffier:** Thank you.

The amendment reads: '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'.

A vote was taken and the results were as follows:

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

The Greffier: Sir, that passes unanimously.

940

The President: Thank you very much.

If we could continue with the debate on Item VI as amended by this amendment. So it has been proposed and seconded by Mr Dent and Mr Barnes. The amendment now stands.

Does any Member now wish to speak on Item VI, as amended? Mr Jean.

945

Mr Jean: I want to talk about bringing more material before the public. I agree with this and last week or the week before we have had the Government Review Paper through our doors and –

The President: Mr Jean, you wish to speak on the Rules of Procedure amendment, is that correct?

950

Mr Jean: That is correct –

The President: Thank you, please do so.

955

Mr Jean: – and it is the same subject that has been raised here tonight.

960 So we are hearing the same thing. Now, what we have got to do is not just hear the thing, let's carry it through; let's come through and look at each of these agendas that we get for P&F and weed out the items that we think – instead of talking about it – bringing them forward to this States for debate.

I am going to promise this Assembly, and promise the public as well, and you, sir, that I am going to be more proactive in that area. I will be looking at those agendas and any items that I feel could be hooked out and brought into this Chamber for a proper debate, that will be good, that will be healthy, that will be right. That is what I want.

965 I support this and I am sure those people who have always wanted more information in front of the public would do the same.

Thank you.

The President: Thank you, Mr Jean.

970 Does any other Member wish to speak on Item VI? No, in that case, Mr Dent, do you wish to exercise your right to reply?

Mr Dent: No, Mr President, thank you. I think everything has been said.

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

Monsieur Greffier, if you could put Item VI to the vote please.

The Greffier: Thank you, sir.

980 The States of Alderney is asked to approve that Rule 19 of the States of Alderney Rules of Procedure 2010, last amended in September 2013, is amended to read as stated in the Billet d'Etat, along with that amendment in paragraph (5) are the same, with the word 'may' being changed for the word 'shall'.

A vote was taken and the results were as follows:

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

The Greffier: Sir, that motion passes unanimously.

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

**VII. Longer Working Lives and Equality and Discrimination –
Policy Proposals Consultation –
Item debated without resolution**

Item VII.

The States of Alderney is asked:

To discuss the proposals as set out and to note this report with a view to considering whether:

- 1. To broadly welcome Guernsey's policy proposals to encourage Longer Working Lives;*
- 2. To agree to consider the option of developing a Disability Strategy for Alderney, but acknowledge that this will not be a priority;*
- 3. Not to support the introduction of Disability Discrimination Legislation at this time.*

And to ask the Policy and Finance Committee to reflect on the States debate and to provide appropriate feedback to the Guernsey Committee for Employment and Social Security.

The President: If we could move to Item VII, please.

The Greffier: Thank you, sir.

990 Item VII this evening is the Longer Working Lives and Equality and Discrimination – Policy Proposals Consultation.

A report has been received from Mr Dent in his capacity as the Chairman of Policy and Finance Committee for debate without resolution.

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

Mr Snowdon, were there any comments on this at the People's Meeting?

Mr Snowdon: Just one comment, thank you, Mr President.

1000 Concerns that if people are expected to work longer this would have an adverse effect on those associations and charities on the Island who rely on volunteers.

The President: Thank you very much, Mr Snowdon.

Mr Dent, I believe you wish to propose the Item for debate.

1005 **Mr Dent:** Mr President, colleagues, this Item has been brought to the States by P&F for debate because we believe it is important that the issues are aired in a discussion open to the public. At its next meeting P&F will need to communicate Alderney's views on these matters to the CfESS in Guernsey.

1010 Mr President, colleagues, as you may have noted, the Guernsey proposals are centred on reducing barriers to people working into their later lives. In the Guernsey context they refer, amongst other things, to the right to have flexible working hours and measures to combat prematurely early enforced retirement. In Alderney, however, we do not have employment legislation. The Guernsey Longer Working Lives proposals, as they now stand, may be difficult to apply.

1015 Interestingly, and as I understand it, the CfESS are concerned that somehow the present lack of Alderney employment legislation may disadvantage Alderney residents in any ability to stay in work when retirement ages and state pension ages increase, as inevitably they must. I must confess I do not share their concern here.

1020 In conclusion, and in the matter of Longer Working Lives, Mr President, colleagues, I believe that while we welcome Guernsey's policy proposal, it can only be relevant to Alderney if we choose to enact some form of employment legislation – a matter, potentially, for the next Item on the Billet.

1025 Mr President, colleagues, this paper, more importantly, talks about disability discrimination. At its next meeting, P&F will once again need to communicate Alderney's views to the CfESS in Guernsey. The Guernsey Equality and Rights Programme is fundamentally good; in Alderney's case, with our ageing population, it is clearly something we need to be paying proper attention to – not just because it is the right thing to do, but because it is also in our own self-interest.

1030 We do have problems, particularly with regard to access. Those with mobility issues do not find Victoria Street and the High Street easy places to navigate. Retrofitting easy access infrastructure will however be costly and our approach must therefore centre on what is reasonable and what will have the greatest benefit. I therefore think we need our own carefully thought out disability strategy and, pardon the pun, we do not want to follow Guernsey blindly.

1035 CfESS is clearly asking if we wish to replicate or closely follow disability discrimination legislation currently under development in Guernsey. To this, I say no. On the one hand, I am inclined to think we should not be permitted to discriminate on employment matters; on the other hand, we might not want, or be able to afford, all the infrastructure that Guernsey may be contemplating.

1040 Of course, we do not yet know what they are contemplating, but it could, for example, include lifts in all our public buildings and ramps at all our shop entrances. It might include better road crossing facilities for the blind, public notices printed in braille, large print, or maybe Polish, Portuguese and Latvian language versions of public notices. These would, undoubtedly, be nice things to have, but I do not think we should be following a route devised by our bigger brother that could lead to major expenses and only marginal benefits. I do think we need to tackle disability issues, but I do think we need to do it from an Alderney perspective.

1045 In conclusion, I do not support the introduction of Bailiwick-wide one-size-fits-all disability discrimination legislation. We need time to think for ourselves and develop our own bespoke approach. I suggest that P&F is directed to convey this basic message to the Guernsey CfESS.

Thank you. These are my personal views and certainly not the views of my Committee.

1050 **The President:** Thank you, Mr Dent.

Mr Roberts, I believe you wish to second this.

Mr Roberts: Yes, I do.

Thank you.

1055 **The President:** Are you seconding?

Mr Roberts: Yes, sir.

The President: Thank you.

1060 Does any Member wish to speak on this Item? Mr Jean.

Mr Jean: As we look towards longer working lives ... and we know that this is going to happen because people are living longer, and those who work take care of those who are older, and part of that is right, although some of the system is paid for by people themselves – old age care.

1065 The points I want to make centre around, first of all, the fact that I have listened to the Chairman of P&F's words ... his words are wise and they are basically words that were uttered in 2013 and 2014 as well, when it was decided not to take this up as fully as Guernsey has, and part of that is because really Alderney cannot afford it, and its businesses cannot afford to undertake

1070 the work for disability inclusion, which I will talk about as well as I go along. In the construction industry, particularly where people over many years are subject to extreme wear – shoulder problems, knees, new hips, various things – I think there is a concern there that we watch how these people work and if they are showing signs of wear they can retire when they need to.

1075 Alderney is a very relaxed place and some people already choose to work long beyond retirement. I know that I would actually like to work beyond retirement. I do not really envisage an end to working and I do not really like the idea of it. I am sure we might all like that. But the point for me about this is that we do need, desperately – and I could not agree with our Chairman more – to tailor this to Alderney’s needs, to what we can afford. What is happening today is so many of the things where we have been alongside Guernsey in everything – and that is a very important relationship – the things actually do not fit here now because the economy has changed, and in changing it has shown less buoyancy and less ability to be able to keep up with our bigger neighbour. Those are the things that make me realise that we have to be very careful how we implement this and gently make our own way and tailor them to our own needs for our own people, making sure that in one of the industries where there is quite aggressive wear – fishing, the construction industry, things like this – that these people can retire when they need to, when they are feeling tired and worn-out.

1085 I think those are very important considerations that perhaps people involved in the drafting of legislation such as this, civil servants and the like, would not need to consider because they do not suffer the same wear factor in the professions within which they work. These are, I think, important points to take into account and possibly to inflict that upon others might not be something any of us would wish to do.

1090 Thank you, sir.

The President: Thank you, Mr Jean.

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

1095 **Mr McKinley:** Mr President, could I please just make one comment on the disability discrimination.

1100 We have recently had a number of accidents. The most recent one was outside the charity shop at the top of Victoria Street and I think that was due to a loose cobble, and there have certainly been some complaints from people with wheelchairs and other things that the road between the Val car park and access to Victoria Street. I am not suggesting we should have disability discrimination legislation, but I do think we should consider the option of developing some sort of improving access for some people – and I know we are discussing this in the General Service Committee and we will continue to discuss it.

1105 So, although not agreeing to support discrimination legislation, I do think we should continue to look after those who are less capable than we, who are very fortunate.

Thank you, sir.

The President: Thank you, Mr McKinley.

1110 Does any other Member wish to speak on Item VII? Mr Barnes.

1115 **Mr Barnes:** Just following Mr McKinley’s thoughts there, I seem to remember the States, rather the General Services, two or three years ago, approved improving that stretch between the Val car park and Victoria Street – but unfortunately it was not viable. But I think the whole passageway could be done.

The President: Thank you, Mr Barnes.

Please, Mr Birmingham.

1120 **Mr Birmingham:** Thank you. I would just like to echo some of the statements that have been made.

Anything that we do in Alderney in relation to disability strategy has to be bespoke to Alderney, and fundamentally I would say one of the first things to do is a local consultation with those individuals who have disabilities. More often than not, they are the ones who will actually be able to tell us where the problems are, which actually means we might be able to solve them relatively simply.

1125 One other area, of course, where we could relatively simply start introducing some form of strategy would be through building regulations relating to new builds. I think it is very important that we consider our housing stock going forward, and that those houses should be built as full-life houses, so you get to that point where later on in life you have corridors that are wide enough to take wheelchairs, etc. So I think that would be one area we could consider looking at, through building regulations on new builds.

The President: Thank you, Mr Birmingham.
Mrs Paris.

1135 **Mrs Paris:** Thank you, sir.

Whilst in no way wanting to suggest that General Services Committee does not have a big responsibility – which we are looking into – to help as much as possible, Mr Birmingham has actually taken the words out of my mouth that with new builds we could quite easily consider doing things which are disability-friendly, whereas it is much, much harder with some of our very old housing stock and shops and buildings to make those sorts of changes easily and cheaply.

Thank you.

The President: Thank you, Mrs Paris.
Mr Dean.

1145 **Mr Dean:** I would just like to echo the sentiments of my fellow States Members. We are very minded that we have got an ageing population and I think it is important that we take everybody's views into account and we actually move forward; and that might not be suitable for us, but we do need something that is suitably done for Alderney.

The President: Thank you, Mr Dean.
Does either Mr Tugby or Mr Roberts wish to comment on this Item?

1155 **Mr Roberts:** No.

Mr Tugby: Everybody has said everything that I have thought, sir.

The President: Thank you very much.
1160 In that case, Mr Dent, do you wish to exercise your right to reply?

Mr Dent: Mr President, the only thing I would like to say in reply is that I think, yes, let's initiate a consultation process to find a bespoke approach for Alderney, that suits Alderney. That is very important.

1165 Thank you.

The President: Thank you very much indeed.

**VIII. Employment Related Matters –
Policy Proposals Consultations –
Item debated without resolution**

Item VIII.

The States is asked:

To discuss the proposals as set out and to note this report with a view to considering whether:

1. To support in principle the introduction of basic employment legislation in the form of entitlement to a contract of employment; and

2. Not to support the introduction of a minimum wage for Alderney, at this time.

And to direct the Policy and Finance Committee to reflect on the States debate and to provide appropriate feedback to the Guernsey Committee for Employment and Social Security.

The President: Mr Greffier, could you move to Item VIII please?

1170 **The Greffier:** Thank you, sir.

Item VIII this evening is Employment Related Matters: Policy Proposals Consultations.

A report has been received from Mr Dent again in his capacity as Chairman of the Policy and Finance Committee for debate without resolution.

1175 **The President:** Mr Snowdon, as Convenor.

Mr Snowdon: There were no comments on this Item, sir.

Thank you.

1180 **The President:** Thank you very much, Mr Snowdon.

Mr Dent, do you wish to propose your Item for debate?

Mr Dent: Mr President, colleagues, a matter of clear concern to Guernsey is the absence of minimum wage legislation in Alderney.

1185 If I can précis one of the CfESS documents: 'when Supplementary Benefit is paid by the States of Guernsey to Alderney residents it can simply be subsidising Alderney businesses that have chosen to pay low wages'.

1190 An Alderney resident paid less than the Guernsey minimum wage appears, in fact, to fall into a sort of legal area of limbo. According to the Supplementary Benefit Law 1971, the definition of full-time remunerative work is working for a minimum of 35 hours per week at a rate at least equal to the minimum wage – which we do not have. In Alderney, full-time remunerative work might just conceivably incorporate anyone working 35 hours per week and paid nothing.

1195 Clearly, the CfESS has a number of problems when applying its regulations in Alderney and I do sympathise with their predicament. Alderney is not, however, Guernsey. Many people do more than one job, many jobs are not naturally full time and there is much flexibility in our labour market. One of the good things about Alderney is that people, on the whole, behave decently to each other and we do not rely overtly on rules and regulations. Though, having said this, it is not always the case.

1200 I think, therefore, that all employees, both full and part time, should be entitled to a basic employment contract and that there should or could be some guidance available as to proper and sensible terms such might incorporate – but note here that I said only 'guidance'.

1205 Finally, may I return to the Bailiwick Social Security system and CfESS's problems with Alderney? I do not think we are a major imposition on this system. I would like to think that, rather than Alderney introducing complex legislation which, given our small Civil Service and remoteness from Guernsey would be difficult to administer, Guernsey might bend instead.

I therefore support in principle the introduction of basic employment legislation in the form of entitlement to a contract for employment. I do not support the introduction of a minimum wage for Alderney at this time and I suggest that P&F is directed to convey this basic message to the Guernsey CfESS.

1210 Thank you. These are, of course, my personal views again and not the views of my Committee.

The President: Thank you, Mr Dent.

Mrs Paris, I believe you wish to second this motion for debate.

1215 **Mrs Paris:** Yes, thank you, sir.

Mr Dent has left me with very little to say, really. I agree with the general thrust of the recommendations, but I think again we must be very careful about the one-size-fits-all here and be careful how we tread.

1220 However, I do fully support and I think we should be looking into some very basic employee right to be entitled to have a contract of employment. The clarity that this provides at the beginning of any working relationship is actually very important and is likely to lead to much more harmonious working relationships as matters progress and also, in the event of a breakdown, it gives you the ground rules to go back to consider who is being reasonable and who is not being reasonable.

1225 It is very minor protection, compared to some of the employee regulations there are in other jurisdictions, but I think it is really common sense and housekeeping and I would very much support that we should do something in this area.

The President: Thank you, Mrs Paris.

1230 Does any Member wish to speak on Item VIII? Mr Jean.

Mr Jean: I must say how delighted I am to hear the amount of sensitivity being expressed over items such as this, because there is no doubt again the difference here is to be expressed and I would wish to express it.

1235 The way that we do these things must be done with a fairly light touch but to make sure that some of the quite important things here that need addressing, like the ability for people to access services as they need to and how to try to remedy the situation where they are registered in employment, is difficult.

1240 But will and can the minimum wage fit here? I would think and hope that it can. If there are people here who are earning less than a minimum wage, that is pretty tough, because this is a pretty tough place to survive. The cost of living here is high. But if the businesses are not doing the trade they should be – because of things that we hear every week, like custom being held back from here, people unable to get here, block bookings cancelled, things like this – that sensitive touch becomes very important, extremely important. That is why I am very glad to see that being expressed here amongst my colleagues. I am really delighted with that, because unfortunately, at
1245 the moment, we might like to be perhaps more in line with Guernsey.

I would like to see a minimum wage, but it is a sensitive issue, it really is, and I think we have got to be very careful. But the other issues, trying to get people in line so that they can get access to help and things that they need – it is very important to address this and to try to find a way to merge the two and more interest to try and get it together.

1250 Thank you, sir.

The President: Thank you, Mr Jean.

Does any other Member wish to speak on this? Mr Roberts.

1255 **Mr Roberts:** Thank you, Mr President.

This is an Item I feel very strongly about. Employers and employees alike need legal protection. You cannot ride roughshod over an employee; neither can you give your employer bad value for what you are paid. These values should be set in stone for the good of all for the 21st century that most of the western world now live in – values that equate with tolerance, racism protection and the right to be whoever you want with the full protection of the law. The minimum wage needs proper introduction, whether it is popular or not. One thing it will be, and that will be fair.

1260

I was approached by a member of Alderney's working community, a hardworking man who has young children. Children suffer illness and he came to me with his concern: paying for the doctor, along with the rest of his expenses, for his child. I pointed him in the direction of the States Social Security.

1265

How many people avoid the doctor because they cannot simply afford it in Alderney? How many illnesses go undetected before it is too late? There is real poverty, hidden poverty here, no matter what many think. And it is a good job that Alderney is such a caring community, but how many go undetected and slip through the net?

1270

Seven pounds twenty as a minimum wage is not a wage – it is a paper lad's wage. Maybe if you worked 80 hours you could live. That is why many try to hold down two jobs in Alderney. The minimum wage should be set at a living wage, currently £7.85 in the mainland – and with the cost of living far higher here, it should be nearer £10 for adults.

1275

My own dear father Robbie was a union man, but I myself have always held political views leaning more to the right. However, I do try to treat people fairly. It is part of the remit of a politician. I will not be changing my name to Jeremy Corbyn sometime soon! *(Laughter)*

The President: Thank you, Mr Roberts.

Does any other Member ...? Mr Birmingham.

1280

Mr Birmingham: Thank you, Mr President.

I am going to echo some of the statements made by Mr Roberts and Mr Jean. Regarding the minimum wage – £7.20, *really*, in Alderney? The issue is more about a living wage, as was mentioned. I think there are more people, who are the less well-off members of the community ... *that*, what is a living wage in Alderney, is much more important. Because let's not forget just one issue – fuel poverty. If you actually look at the cost of electricity and fuel on the Island and you work that out as a proportion of your wage, if you took the UK standard on fuel poverty I bet you that probably about 20% of the Island would be classed as being in fuel poverty. It is a big issue and therefore the living wage is really what we need to be talking about in terms of setting that minimum wage. I certainly do not think that Guernsey's idea of a minimum wage is really even close to what would be workable in Alderney.

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1290

In terms of employment legislation, I think it is only sensible in the modern day and age for both employees and employers to actually want a contract of employment, because it helps both sides, but it can get difficult in these modern times where, it has been mentioned, many people have more than one job. Should we be talking about full-time employment, the right to a contract of employment? What about part time? And then where do you go with zero-hours contracts? There is a lot to be thought through here, but I think the basic principle of having a basic employment contract is only sensible and I would probably think that most employers would realise that there are advantages to them too in that happening.

1295

1300

The President: Thank you, Mr Birmingham.

Does any other Member wish to speak on Item VIII? Mr Tugby.

1305 **Mr Tugby:** I employ a number of people and they are way over the living wage, much to my regret, but that is what ... In all the building and construction industry in Alderney, I know they are paid way over what the actual living wage is even looked at in Alderney; and I think there are a few industries – maybe in the hotels and certain shopkeepers – that are a bit on the tight side.

1310 But it all depends on how you look at it, because at the end of the day if you have not got the people staying in your residence but you have still got to keep to certain standards, what do you do? Do you pay less to keep them employed, or not? It is totally different to the construction industry, because at the present time there is plenty of employment in that and the men ... if you do not give them what they want, they say 'bye' and just go up the road, and it is very difficult trying to keep tabs on it, basically.

1315 But with the shops, do they employ more people than necessary because they are not paying such a high wage? It is very difficult to know where to vote on this one, because a lot of the ones in the shops are from away but if it is a small shop and they are only employing two or three, or one person, and they have to pay more money to that person ... If the person is happy enough just earning a little bit as a part-time job as anything, well, so be it, that is what they like. I know there are some people who are quite happy to go into a shop just for pocket money, basically, and we are going to force that shopkeeper, who may not be able to afford to pay the full wage, to pay it. It is a very difficult situation to actually decide whether to put more burdens on shops or not.

1320 I do not know how I am going to vote on this one, because it is a very difficult situation, sir. Those are my views.

1325 **The President:** Thank you.

Does any other Member wish to speak on this? Mr Barnes.

1330 **Mr Barnes:** I think Mr Tugby has actually hit the nail on the head there. We have obviously got two levels of employment: those who can demand a higher wage – and good luck to them; and, as you say, those who cannot afford a higher wage. I think on that one ... we need to start thinking about this one, and certainly looking at it seriously, and look at some levels of what should and should not be paid. But, as you say, people do it just for the pleasure of serving people, in part-time jobs sometimes to supplement pensions.

1335 So it is very difficult to implement a minimum wage. I think it is important, though, that we do support the introduction of basic employment legislation because, as Mr Snowdon pointed out, we must make sure we do not have things like zero hours.

Thank you.

1340 **The President:** Thank you very much, Mr Barnes.

Do any of the three remaining Members who have not spoken ...? Mr Dean, go ahead.

1345 **Mr Dean:** Whilst I agree with everything that has been said, it is expensive to live here. We have a lot of businesses that are struggling to survive. They have staff that they carry through in the summer because they need them. In the winter, when they are not that busy, they then carry those staff through. But if we start introducing a minimum wage, does that mean those people will have those hours cut? Or does that mean those people would lose their jobs in the winter? It is a very difficult situation to be in, to be caught between a rock and a hard place.

1350 We talk about contracts: are we going to have an employment tribunal board? Who is going to run that? Who is going to pay for that? It flags up lots of different issues, so if we take contracts and then somebody has got an issue with their contract, where do they go? Who is going to pay those people? Who are those people going to be?

Yes, I do agree that we probably should have a minimum wage; I do agree that we should have some contracts – but maybe not the contracts like they have got set up in Guernsey.

1355 If we then look at other things, are those contracts going to relate to paying into a pension? Is that employer going to contribute to a pension? Is that employer going to contribute money for the staff member to have his own pension or her own pension?

1360 It raises lots of issues that we have not discussed here tonight, which do need discussing and need to be thrashed out. So, like we have already said earlier, we need something that is suitable for Alderney. Most things we do now, if we are needing a specific piece of work that is specific for Alderney, I think it is important that we take everybody's comments on board, we sit down and we actually take the public's view on it as well, we take the employers' view.

That is all I have got to say. Thank you.

1365 **The President:** Thank you, Mr Dean.
Do either of the remaining two Members wish to speak on this? Mr McKinley?

Mr McKinley: No, sir.

1370 **The President:** Thank you.
Mr Dent, do you wish to exercise your right to reply?

Mr Dent: Mr President, yes, thank you. And I would like to thank all my colleagues for expressing the views that they have done, I think it has been very useful to hear them.

1375 The purpose of bringing this to the States was in fact to have Members express their views in a public forum before P&F votes for the Committee for Employment & Social Security to further this matter. I think we have got a lot of food for thought today and I am sure the debate will continue and I hope the debate continues in the public forum as well.

Thank you very much.

1380 **The President:** Thank you, Mr Dent.

**IX. France-Alderney-Britain (FAB) cable –
Procedure approval and plebiscite date –
Item approved**

Item IX.

The States is asked:

To approve the procedure as described above and to authorise the Policy and Finance Committee to set a date for the holding of a plebiscite.

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

The Greffier: Thank you, sir.

1385 Item IX this evening is the Plebiscite: France-Alderney-Britain (FAB) cable.
A report has been received from Mr Dent in his capacity of Chairman of the Policy and Finance Committee and the States is asked to approve the procedure as described in this Billet and to authorise the Policy and Finance Committee to set a date for the holding of a plebiscite.

1390 **The President:** Thank you very much, Mr Greffier.
Mr Snowdon, would you care to rise as Convener?

Mr Snowdon: Thank you, Mr President. There are quite a lot of comments so I will start at the beginning.

The public cannot be expected to vote without the facts and in the knowledge of the full implications of what is being proposed.

1395 The public need to see the Masterplan. Mr Barnes advised that the renegotiating team has been working on behalf of P&F talking with PWC, the Law Officers and technical people and are still in the throes of renegotiating the Heads of Terms of agreement which will state an annual fixed fee, no requirement for a converter station, and minor disturbance outside of the tourist season. Reinstatement of beaches and land will come under planning, and horizontal drilling to be used towards the beach.

1400 It was queried that, if it is such a good project, why is the information being denied to the public?

1405 Second home owners should be allowed to vote too, they play a significant part to the Island's economy, and if the plebiscite is not legally binding then they should be able to vote. The Chief Executive advised that this was the most structured and transparent method with a clear set of parameters; however, the request would be relayed to the States.

The States are giving a monopoly to FAB, they will set their own rates and will be making an excessive amount of money at Alderney's expense – more facts are required.

1410 Regarding the governance questionnaire recently distributed: last year the people voted in the States Members to show their support, but in the last eight months the States have not related well to the public, when they advise 'No comment, under renegotiation' to FabLink issues. The people cannot form a view and pass their concerns on to States Members.

1415 At the Land Use Plan inquiry this morning – which was actually the Friday – Chris Jenner was specifically asked about the method of laying the cables. He had responded that no decision has been made.

The plebiscite will ascertain the majority view of the public, but as the vote is not legally binding it is not clear what level of majority the States Members will be accepting. The States should now state whether they will accept the outcome of a vote as legally binding, and this should be published.

1420 The plebiscite will be held at a date to be confirmed. It was asked whether the date will be subject to another Billet and this was confirmed. Has the States considered how to proceed and deliver the plebiscite? It was confirmed that this was a subject for the Law Officers.

1425 It was queried as to who would be laying the cables. This was unknown. It was queried as to the make of the cables. This was unknown. As it was stated that this was unknown, should the States not wait until all of the facts are available?

It was queried whether the States would be inviting FAB to make a formal presentation, so the facts are all known to the public and then they can ask questions. How can the public expected to express an opinion, if it is not known at what stage a converter station will be required?

1430 It was queried that if the majority vote against the proposals will the renegotiation cease forthwith. It was advised that this would be a matter for P&F.

It was stated that the plebiscite was introduced for the voting of representatives in the States of Guernsey. It was not appropriate to hold the plebiscite if the results are not binding.

1435 It was queried whether the team carrying out the renegotiations knew how much FAB would be making from that project, as this would usually be established at the start of negotiations. It was stated that this was unknown.

1440 The half a million proposed to be paid to Alderney is insufficient and it equates to 10 hours revenue. FAB have received €8.5 million in a starting funding: how many more additional grants will FAB be able to claim by taking a cable via Alderney and fulfilling their 'green quota' as tidal energy? Alderney should be receiving a percentage rather than a fixed sum; it would make a huge difference.

The President should be asked to give his view on those who have a vested interest, and whether it should be declared; and if so they should not be allowed to vote.

Thank you.

1445 **The President:** Thank you, Mr Snowdon.
Mr Dent, I believe you wish to propose this Item.

1450 **Mr Dent:** Mr President, colleagues, this Item will provide P&F with the authority it needs to hold a plebiscite on the terms of any revised option given. The paper derives from a Resolution passed at the P&F meeting in July and it incorporates advice provided since by the Law Officers of the legal implications of that Resolution. It has been drafted after extensive discussion with those officers.

1455 Before I go on to the proposed procedures I would like to refer to the first paragraph of my report as published in the Billet. I referred to States of Alderney support for the FAB cable link as something of a historical and unqualified statement made some time ago which, until now, has remained unamended and unqualified. Members may have their own views as to how appropriate that statement now is. In paragraphs 2, 3, 4 and 5 of my report as published in the Billet there are words which for the first time qualify that support. I think that is important.

1460 If I may now turn to the recommendations: Item 1 gives our CEO the authority to undertake a specific role. Item 2 gives P&F the authority to undertake, again, another specific role. Item 3 makes it clear that the question to be put to the electorate will require final approval in this Chamber. Item 4 sets out some minimum time details. Item 5 says who can vote and it is based on the Law Officers' clear advice; and I might say that some people have said that people not born on the Island might not be allowed to vote, and some people have said that anybody who has
1465 invested in the Island should be allowed to vote – there are, quite clearly, different opinions on this matter. But the Law Officers' advice is very clear as to what is practical and achievable and (inaudible). Items 6 and 7 are simply important procedural and safeguarding measures.

1470 Before I sit down, I want to say that no-one is suggesting that there could be a plebiscite until we have agreed basic Heads of Terms. This document will set down the factual basis on which Islanders will be able to make a decision. The production of Heads of Terms prior to detail for final negotiations is the normal way business of this nature is conducted. And of course any successor organisation to FABLink would be required to accept the same Heads of Terms as have FABLink, and this will be incorporated obviously into our end agreement. There is no danger of successful organisations having a free rein to do what they want with that power – that is the States of
1475 Alderney agreement.

Thank you.

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

1480 **Mr Barnes:** I certainly do, Mr President, other colleagues.

As far as I am concerned Policy & Finance were satisfied that if there are sufficient details that would prevent potential Heads of Terms agreement with FABLink, which we are negotiating still, along with relevant documentation at the time, then this is for this Billet. It is very clear it puts it
1485 into the public domain for the public to give their opinion based on facts and not fiction.

A rider yesterday, which may or may not be out in the public domain yet, is we have also agreed that before we take it to the public there would be a statement from someone like PWC confirming if it is the best deal they think we are going to get at the time.

Thank you.

1490 **The President:** Thank you, Mr Barnes.
Mr Greffier, we have received an amendment to this Item. Would you please read it out.

The Greffier: Thank you, sir, yes.

1495 An amendment has been received from Mr Mike Dean, seconded by Mr Snowdon. The amendment reads as follows: this is an amendment to delete the Proposition and to substitute it as follows, 'that the States resolves to defer a decision on the holding of a plebiscite until such time as Policy & Finance obtain 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.'

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The President: Thank you very much, Mr Greffier.

Mr Dean, would you like to introduce your amendment, please? Oh sorry, would you like to propose your amendment?

Amendment

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.

1505 **Mr Dean:** I would like to propose my amendment and an explanatory note: it is considered that until such information has been fully made available to the public they will not be in the position to make an informed decision on such a matter. FABLink Ltd have claimed that the project is an enabler so I personally believe that it is reasonable that the public fully know what it is intended to enable before a plebiscite takes place.

1510 Whilst I fully support the public having a plebiscite, it is important that they have all the information available.

Mr Jean mentioned tonight about sensitivity, so I would like all my fellow States Members to have some sensitivity.

1515 **The President:** Thank you, Mr Dean.
Mr Snowdon, I believe you wish to second this.

Mr Snowdon: I do, Mr President, thank you.

Would you like me to talk about the Item now or – ?

1520 **The President:** Your opportunity to speak is now as you second it.

Mr Snowdon: Okay, so just following on from Mr Dean, I do fully support a plebiscite on this project, but it is really important that we actually establish what we potentially might be signing up to. I think quite a lot was said in P&F yesterday and I am a little bit concerned that we do not actually know at all what we are getting involved with. There is a lot of information that we still need to find out and unfortunately I am a little bit disappointed with the group that are actually working on behalf of the States with this. The items I actually had put to P&F, I think you guys should have put to P&F, not myself. I might be getting off the point, but I would ask you to support this amendment to make sure the public get all of the facts that they need to make a judgement on their decision on this matter.

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Thank you.

The President: Thank you, Mr Snowdon.

Does any Member wish to speak on the amendment to Item IX? Mr Dent.

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Mr Dent: Mr President, colleagues, I see no reason to delete this Proposition and, to be fair, any of the matters I have just outlined.

The Proposition I have just described provides the framework, a process, for the way forward – it is not fuelling the flames or cutting off any of the things which Mr Dean or Mr Snowdon have talked about. I reiterate that no-one is suggesting there could be a plebiscite until we have agreed Heads of Terms.

Mr Dean should be aware that the variations in the option agreement that we are currently discussing with FABLink do not contain any additional project and this is something that is mentioned in his amendment; and in fact it expressly prevents such unless the States of Alderney wants it. I repeat again any successive organisation to Fablink would be required to accept the same Heads of Terms as have FAB.

I would just like to add one point: we shall certainly be inviting FAB to come and put their case prior to any plebiscite. If they choose not to that is their choice, but I hope they do.

I think also it is a mistake to start talks with RTE or any other company or organisation which might develop other projects, until the legal tangle with ARE and ACRE is resolved – this is a point which is made again in the amendment, but I do not think Mr Dean talked about that. For when this legal tangle is resolved I would want the States of Alderney to undertake any discussions tendering, etc. openly and without any sweethearts involved. For these reasons I must oppose Mr Dean's amendment.

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The President: Thank you, Mr Dent.

Does any other Member wish to speak on the amendment? Mr Jean.

Mr Jean: I realise that the intent of this amendment is pure and it is good, and it dots the i's and crosses the t's. But I think the one mistake and the bit that concerns me, is the bit to delete the Proposition. I think there has been fair thought in this Proposition and I do not want that wiped away. So despite your good intentions, I cannot support this.

I believe also that under the Heads of Terms agreement what would be important to me is that we do hear from FAB. That is particularly important to me and I think partly in a way this amendment seems to repeat that but with very, very good intention for which I have the greatest of respect.

But I think we have had the assurances of the Chairman of P&F. For me, at the moment, that is enough. I will kick up an almighty hullabaloo if, under the Heads of Terms agreement, we hear very little or nothing from FAB, which you say you are hoping to as well, as Chairman of P&F.

I realise the concerns and how central they are, of the public. It is why I am so supportive of the plebiscite; I really am. I think the plebiscite is a means where we can open the communication channels to the States of Alderney, to the wide audience that is our public and the people that we represent, and our electorate. I think that is very important and I want to see those views, I want to hear all that, I want to see the Heads of Terms.

And if it is not satisfactory at the time, do not worry, Mr Dean and Mr Snowdon, I shall be joining you, I will; but I cannot support this at the moment. I am sorry because I know the intent is pure and decent and good, and I do thank you both, very much for your efforts.

Thank you, sir.

The President: Thank you, Mr Jean.

Does any other ...? Mr Barnes.

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Mr Barnes: This has got to be a first, Louis. (*Laughter*) I totally endorse what Mr Jean has just said.

1585 In principle, this is just really a blocking situation. We need to get to the Heads of Terms. Once we have got out of the confidentiality situation and we can bring it to the States through P&F, P&F will have time to discuss it, and should P&F reject it that is the end of the matter, I assume, or it will come to the States. It is totally open. It is what the public want – they want us to come and tell them what is on the table, and until we do that we will never get anywhere.

Thank you.

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The President: Thank you, Mr Barnes.
Mr McKinley.

Mr McKinley: Thank you, sir.

1595 We heard some very passionate Chief Pleas at the beginning of this meeting and I think those Chief Pleas reflect the feelings of many people on this Island. The public demonstrations which we have seen in the last couple of months and the lively People's Meeting last week are demonstrations of the people's concerns here.

1600 If I can just mention very briefly the Land Use Plan, only in the context that over the last two weeks there has been a very successful and productive consultation period for the Land Use Plan, and I congratulate the Convenor and all who took part in that Building Development Control Committee, ARUP and Mr Young and his team; and I question, therefore, with such a successful meeting and one that went down so well, why have we not actually done the same for the FABLink? That sort of meeting would ... I know that Mr Jenner did appear last week and I have
1605 heard reports of what he said, or was alleged to have said, but I would suggest the same process for the FABLink would have been really quite useful. And I do not understand why we are rushing at the moment to set the terms for the plebiscite. I agree entirely with the plebiscite but I think we, and the public, need more information.

1610 If you look at the Environmental Impact Assessment: I think there was one done some years ago, but there needs to be a more modern, up-to-date ... and something we have been pressing for, under the last States and under this States, is a better Environmental Impact Assessment, but it has not yet been undertaken.

1615 We need a health and safety assessment. We need a security assessment. Yes, the Heads of Terms agreement is under debate at the moment, we had discussions this morning – I cannot tell you what it was because of course it is confidential at the moment – but we are progressing and we are getting the information that there will not be a converter station.

1620 It does concern me that the cable is going through two of our best beaches – something which I have raised with Policy & Finance and have raised publicly here. But going in and out of Longis and Corblets, it does concern me and will concern, possibly, some of our guests and our visitors over the next few years.

1625 The effect and impact on the residents and on second home owners has been expressed very, very clearly at the start of this meeting under the Chief Pleas. I would just say of the plebiscite, why is it for the electorate only? Yes, I know that is in the Rules, but those who pay their TRP and their congé and their Occupiers' Rates and have spent a lot of time here – and spend in the three months probably what many Islanders spend in one year – they contribute enormously to the economy and I think they should have a say.

1630 What I am suggesting – although I agree entirely that we should have a plebiscite – is that we slow it down, we inform the public and we have a consultation period such as the consultation on the Land Use Plan over the last weeks; and we do also have ... and they have assured us I believe, or PWC have assured us, that they will be pushing FABLink for a public consultation, a public meeting here. We had a public meeting with FAB last year; it was very well attended and they were not able to tell us very much. We need to know a lot more about it now. We also had a

special meeting last year and it was slightly one-sided as far as many were concerned in the audience. We need to have a proper balanced debate and more information before we set the wording for the plebiscite. That is all I am suggesting.

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So I support Mr Dean's amendment.

Thank you, sir.

The President: Thank you, Mr McKinley.

1640

Mrs Paris.

Mrs Paris: Thank you, sir.

I very much agree with many of the points that my colleagues have made, but I am afraid I just cannot really see the logic in the amendment.

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In a nutshell, we are being asked to delay the decision on whether or not to hold the plebiscite until more information is available with regard to FAB, yet the Billet states very clearly that it sets no date for the plebiscite and that more information *must* be available before such a date can be set. So why can't we just vote to say we are going to have the plebiscite? It really does not matter. We should get on with it. Why bring it back here another time? All we are doing is setting the parameters within which all of the points that everybody has made will hopefully be addressed. It seems to me, therefore, that we should just get on, and I cannot vote for this amendment as a result.

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The President: Thank you, Mrs Paris.

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

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

As Chairman of the BDCC, I believe it is important there is a clear separation between the regulatory function of the planning application process prescribed under law and the consideration of the commercial aspects of any agreement negotiated by P&F on this matter. While I fully support P&F's attempts at public engagement on any matter of import, I am not a member of Policy & Finance and I believe it is only appropriate that I abstain on this matter in order that I do not add to any potential confusion between those two separate processes. I would abstain on the amendment and if we go on to the following Item I would also abstain on that.

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The President: Thank you, Mr Birmingham.

Does any other Member wish to speak on this? Mr Tugby?

Does any other Member wish to speak who has not already done so?

Mr Dean, do you wish to exercise your right to reply?

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Mr Dean: I certainly do.

I am slightly disappointed that Members around this table seem to have made their own mind up and I have not had a chance to speak yet, so I hope I can persuade you.

This amendment is not intended to influence either the States or the public as to how they might wish to vote in the plebiscite, it is intended to make sure that the States can demonstrate in future that we have fulfilled our responsibilities to the public by carrying out the necessary due diligence. I would therefore ask you to listen to what I have to say with an open mind; but some of you, I think, have already closed your minds.

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Regardless of your support for the FAB project, or not, it is a requirement of UK planning law as well as EU planning law, that when a planning application is submitted it covers the entire project from start to finish – that finish being the maximum extent of the project that the developers might work to. It is insufficient to submit a planning application for either part of a

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project or even the first phase of a project. To try to propose any part of a project, in the UK planning regulations is known as salami slicing. It is illegal under UK planning law to salami slice.

1685 In 2015, FABLink signed a direct declaration. In further negotiations, they have agreed to adhere to UK planning law when dealing with the separate legal jurisdictions of the Bailiwick of Guernsey and Alderney. So if FABLink do not submit a full declaration for the full scope of the project as intended by the developer or the end user in accordance with and required by UK planning law, they will be breaking that law.

1690 If we, the States, cannot demonstrate that we have requested the information from FABLink we could be accused of negligence or, worse, being complicit in breaking the law. We would then be leaving ourselves open to the possibility of legal action from the public. This is not alarmist, this is fact. Legal action from the public, if and when they agree with any action taken by the States, is a very real possibility. If you disagree, please check with the legal department. I already have.

1695 Since having initiated dialogue with the States of Alderney, they have changed their approach. If you cast your mind back to last year's public consultation, you will remember they were stating that the laying of FABLink cable across Alderney was their sole intention at that stage. They are now saying the purpose of the cable is an enabler. This is a new statement.

1700 The French company RTE are also referring in writing about FABLink as an enabler. I have a letter here written from RTE, by a concerned member of the public who wrote to them. In it, RTE refer to the first phase of the enabled project, stating the infrastructure that would be required. I will read an extract from that letter:

This 1400 MW DC interconnection point aims to increase the capacity for electricity exchanges between France and the UK by providing a favourable element for the development of water current energy in Alderney waters. It is therefore an enabling infrastructure. Technically, the project consists of two converter stations, respectively, in France and Great Britain, as well as a submarine link and an underground cable crossing Alderney. Based on our experience, we consider that a number of additional infrastructures would be required to connect to the tidal farm with its marine turbine cables to the FAB infrastructure, especially: an offshore or onshore transformer station, one or more export cables, a converter station, one or more direct cables for connecting the converter station to the FAB Link.

1705 So as you can see, this letter contains new information as yet undisclosed to the public. What is a transformer station? This is the first time I have heard about such a thing and I have read every possible document that has been made public and there has been no reference to a transformer station. How big is it? Where will it go?

1710 If we look at the dictionary, 'enable' means 'to authorise, empower, supply with the means to, make possible'. Clearly then, FABLink have publicly stated that the sole purpose of the cable is to enable a much bigger project – some of it which is referred to in the RTE letter. Clearly, very definitely then, it is a necessity that the full details of that project must be presented to the public. We cannot any longer pretend otherwise. As the governing body of this Island, it is very definitely our responsibility to get the information to the public that they are legally entitled to. If we do not we are negligent in our responsibilities and denying the public their democratic rights. I believe we have no alternative but to pass this amendment, whether FABLink give the information or not.

1715 By passing this amendment, we will have demonstrated we have fulfilled our responsibilities and we cannot be held responsible for any breach of the law. I would urge all of you to think very carefully about this. It does not change the possible outcome of any plebiscite, it simply protects our integrity. It is all about putting the handbrake on, getting the information out to the public and then everybody can make an informed decision. I do not think it is too much to ask.

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The President: Thank you, Mr Dean.

Mr Greffier, if you would put the amendment to the vote, please.

The Greffier: Thank you, sir.

1725 For clarity, the amendment reads: 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.

A vote was taken and the results were as follows:

FOR	AGAINST	ABSTAINED
Mr Jean	Mr Tugby	Mr Birmingham
Mr McKinley	Mr Roberts	
Mr Snowdon	Mrs Paris	
Mr Dean	Mr Dent	
	Mr Barnes	

1730 **The Greffier:** There are 5 votes to 4, with one abstention. That motion fails.

The President: Thank you very much. In which case, we continue with the debate on Item IX as originally submitted. Item IX, having been proposed and seconded, the amendment having failed, Item IX unamended is now open for debate.

1735 Does any Member wish to comment on Item IX unamended? (**Mr Jean:** Yes.) One at a time, please. Mr Snowdon.

Mr Snowdon: Thank you, Mr President.

1740 I think we go back to – I will try not to say too much – the Heads of Term agreement that we did discuss yesterday. I am very concerned that you are going along the completely wrong route on this, because you are having agreement on the cable but you are not taking on the full picture. I think what we understood from FABLink and Chris Jenner back in August last year, is that FAB is an enabler, which I think Mr Dean’s letter from RTE suggests as well. So, therefore, we need the full picture, in my view, to present it to the public.

1745 I cannot support this based on the Heads of Term agreement, because I think it is completely the wrong way to go. You need to have the whole concept of what is happening, and I know you keep saying you are going to make sure there is no converter station but that is with FABLink, and FABLink have said they were never going to build one anyway, it was another company to come in.

1750 So, I am sorry but I cannot support it until you have written it properly.
Thank you.

The President: Thank you, Mr Snowdon.

Does any other Member wish to speak on this? Mr Jean, I believe you wish to speak.

1755 **Mr Jean:** Well, Mr Dean did do a good job of persuading me to vote for his amendment. However, there we are, it is gone. So now we must rely on this. It is this now that builds in the framework.

1760 How we are going to get that statement – I realise we have had assurances from the Chairman – I do not know; but I do need, and I know the public definitely need, to hear something from FAB that tells them what *will* be happening and what will *not* be happening, if a decision is to be made at all.

1765 I have certainly wrestled with this from the point of view that I need reassurance. You just cannot approach the plebiscite without actually knowing, and hearing from FAB, whether there is going to be a converter station or not. We are told there is not going to be. That is very important.

1770 There are vagaries around the sum that was mentioned and that needs to be clarified – whether it is going to be between 400, 450, 500, what the sum is. The vagaries have got to go and the public have to receive information. I am now reliant upon this. I have listened to the Chairman of P&F, I have listened to the Chairman of Finance, I was persuaded by Mr Dean to vote for his amendment. But I have listened to you as well and this, for me now, is my ... and I am looking to you and I am saying to you I am looking at this as my back-up and my safety net – a lot rests on this for the public.

1775 There has been a lot of unrest over this Item and a lot of disquiet which I believe, unfortunately, has been fuelled by the fact that we have not opened ... I know there have been strange benefits from not opening Rule 12 of the Building and Development. Those developments are something that I kicked against originally, which was the original deal and it was a failure. I sat there and I was the only person on the States at that time – there were a lot of Members who were not there – and I could not vote for that original deal, it was not good enough. And all of a sudden this is changing, that is changing, everything is changing. So let's clarify it, let's get at the truth and I am
1780 relying on you two guys to live up to what you have said to me and to the public this evening, because I have not got Mr Dean's amendment so I am reliant on you.

Thank you, sir.

The President: Thank you, Mr Jean.

1785 Does any other Member wish to speak on Item IX? Mrs Paris.

Mrs Paris: Thank you, sir.

1790 There is the view of course that says an elected Government should govern on behalf of the people and that the answer to any electorate's dissatisfaction lies in the ballot box at the next election. However, maybe only once or twice in a lifetime other situations arise – in my case, whether or not to vote to join the Common Market in the 1970s and whether or not to vote to leave the EU last year. In other words, there are matters which are so fundamental and touch so closely on everyone's life, that when they arise it becomes necessary to seek the wisdom of the electorate on that specific issue.

1795 We in Alderney have such an issue with the FABLink. I have total sympathy with the view that we do not have enough facts as yet to take this decision and I think all of us around here, quite apart from being States Members, will vote in the plebiscite as members of the public, and therefore, we have almost double the responsibility to be sure that we have everything that we need to take a good decision.

1800 FAB has, unfortunately, become a very divisive and highly charged issue which is unfortunate and sad for our small and cohesive Island. We do need this plebiscite and the more objective information that we have on which to base our decision, the better. I quite agree that the points that Mr Dean has raised need to be answered, but I do not think that is any reason to delay, that we should pass this to say we are going to hold the plebiscite. I do hope, whatever the result of
1805 the plebiscite, we will all be able to come together as one community afterwards, as unfortunately we have some other quite grave economic challenges to face as well.

The President: Thank you, Mrs Paris.

1810 Does any other Member wish to speak on Item IX? Mr Dean.

Mr Dean: This is a speech I hoped I would not have to make, actually.

1815 The public are being asked to vote in a plebiscite for a project they know virtually nothing about. By committing the public to such a plebiscite it is unfit for purpose; I believe the States are acting in a negligent manner and manipulating the outcome. Such a plebiscite, as it is proposed, makes a mockery of the democratic process; it denies the public their fundamental rights.

1820 I cannot, as a matter of conscience, support the recommendation in any way. I have no alternative but to vote against it and I shall make my feelings known. I must make it very clear I believe this is a travesty of justice – to have a plebiscite now that would be unfit for purpose. The people do not have enough information – although I want the people to have their say. It is important the people have their say but this is turning into a shambolic farce and it is a travesty of justice. It makes a mockery of the democratic process and I would like to distance myself from it.

The President: Thank you, Mr Dean.
1825 Does anyone else wish to speak on this? Mr McKinley.

Mr McKinley: Very briefly, sir, of course I support a plebiscite and I think the people should have their say, but – and I am not going to go through my previous speech because I said it all in that speech – I think there needs to be more information. It needs to be slowed down a wee bit so that the people are informed as to what is going on – full environmental impact, full health and safety assessment, full security assessment, consultation with FAB, public meetings, *then* a plebiscite, in that order.
1830 Thank you, sir.

The President: Thank you, Mr McKinley.
1835 Does any other Member wish to speak on this Item? Mr Tugby.

Mr Tugby: Sir, as regards the plebiscite I voted against having one purely because when you see what happened with the Brexit vote, it has caused so much division in the United Kingdom and elsewhere, it is just unbelievable.
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If people were looking at it purely on whether it was going to be of financial benefit to the Island, then that would be fine, we could have a plebiscite; but there are people out there who are going to vote against FAB purely – because they have told me themselves – because they do not like the people involved in it and they are going to make some money out of it. (*Interjections*)

1845 How can you get a true reflection? No doubt tonight I will be slaughtered on Facebook, like I have been now for a few months (*Laughter*), but I have lived here 70-odd years and I have put my head on the chopping block – for the last 20 years I think it is now, in the States of Alderney – trying to do my best for the Island.

At the present time, we do not know the final deal, and what we are supposed to think so it is important that we get it down in writing, and we have the final deal from what we are going to get. We then see if it is going to be of economic benefit to the Island, because that is what this is all about – what is good for the Island. A number of people have spoken to me saying, ‘We have got to go ahead with this, we have got to.’ Alright, some have said they do not want it and they seem to be the loudest voices. Others have said to me, ‘Why aren’t the others man enough to stand up and take a vote on it, because at the end of the day they were elected to govern the Island and that is what they should be doing? If the rest of the Island does not like them then they will chuck them out at the next election.’ That is what some people are saying to me. Alright, there are the bad ones, the ones who are slaughtering me on the website, but none of them have actually come face-to-face.
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1860 The other day I received a letter to say that I should be severely reprimanded for going on TV and saying that we have got to look for other forms of income for the Island or we will have to put up taxes. Sorry, but that is a fact of life. If we have not got more income ... at the present time, we are being told by Guernsey we are £400,000 in deficit.

Mr Dean: Point of order, Mr President.

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The President: If it is a point of order; are you aware of what the points of order are?

Mr Dean: No, can you remind me? *(Laughter)*

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The President: I will when you say what you are going to say!

Mr Dean: We do not set taxes.

The President: I think that is totally irrelevant; Mr Tugby was not saying that.

1875

Mr Tugby: So, basically, we have got to look at all forms of income for the Island and that is what we are doing. We are going to get all the facts in, then we will look at it and say whether we agree or not, and that is what we should be doing.

1880

Everyone is going on about the converter station. At the present time, we do not even know if the Land Use Plan will allow anything to go out there; all they are looking at, at the present time, is a cable. It will all come back to the States in future years about anything else to add on to it. At the present time, all they are talking about is a cable and that is what we should be focussing on, because the States could have whatever they say at a future date on anything else that comes forward. That is why I believe we should not have a plebiscite at all, because in my book it is a fifty-fifty split, but it may not even be a fifty-fifty split when you count the number of heads. I believe somebody counted the number of heads on the front of the *Alderney Press* the other week and it looked like 85 on a lovely sunny day protesting against it, and a number of those heads were visitors.

1885

So, basically, that is why I am against a plebiscite at all. I voted against it, stuck my head on the line against it and if people do not like me for it so be it, but I believe I am doing the best for Alderney and that is what I will continue to do.

1890

Thank you.

Mr Birmingham: Point of information.

1895

The President: Point of information.

Mr Birmingham: It is a point that Mr Tugby made in his speech that I just wanted to clarify, in relation to the situation of the converter station and the Land Use Plan that is currently under inquiry.

1900

The President: There is no such thing as a point of information. *(Laughter)*

Mr Birmingham: A point of order?

1905

The President: But I will allow you to ask the question for clarification.

Mr Birmingham: Thank you very much. Point of clarification, point of order!

1910

Mr Tugby referred to the situation around the converter station and the current Land Use Plan policy. I can clarify that the proposed Land Use Plan that will be coming to the States, hopefully towards the end of this year, does not make provision for a converter station.

The President: Thank you, Mr Birmingham.

We have one Member who has not spoken on this. Mr Roberts.

1915 **Mr Roberts:** Yes, please. Thank you, Mr President.

We all have views on Alderney, its future, its beauty and its economy, and we need to protect it. Our community is very close, we are closer than acquaintances, many of us are related, many have settled and made Alderney their home, many of us went to school here together. An issue has arisen that has divided Alderney. Even division within families has been reported. So a States Member at this time is a very difficult posting; I can assure you it sits heavy. Our responsibility is for the good of Alderney, its natural beauty, its community and the wellbeing of all our family, because that is what we are and who we are.

1920 This issue has to be decided by you, the public, for it is an issue that is so vital to our future, it is one we cannot afford to get wrong. The decision will go down in history here, whatever the outcome, and the future alone will be left to decide who was right and who was wrong.

1925 I support a plebiscite. It is our permanent home and ours alone to decide either way, and I will take notice of the public. So all who live here have a democratic choice of having a FABLink cable or not. It is fair and deep down we all know it.

1930 In three months – if it comes up in November, which is three months' time – we can make that information available, because without it I will go against it. I, for one, want to know what the result will be; I, for one, will support that vote in the way I vote. My view is my view, but it is the locals that will decide my vote. I see no reason to delay this plebiscite any longer and it would be dishonest to try. We must not be frightened of democracy. It is our very own Brexit. A good, clean plebiscite with all the facts, very important, laid out, should be put in place as soon as possible without further delay.

1935 Thank you.

The President: Thank you, Mr Roberts.

1940 Mr Birmingham, although you had indicated that you were going to abstain, do you wish to speak on this Item? Thank you very much.

In that case, Mr Dent, do you wish to exercise your right of reply?

Mr Dent: Mr President, yes, thank you.

1945 I have heard a number of eloquent statements and I find myself in many ways supporting many of the things that people here have spoken against. But this Proposition is not about those things, this Proposition is about a process and the way forward.

1950 If I could reply just to one of my colleagues, and Mr McKinley is the one that I have singled out. None of the things that Mr McKinley has suggested are precluded in this Proposition, absolutely none – oh, there is one, and that is who is allowed to vote. This Proposition does define who is allowed to vote and that has been on the advice, as I say, of the Law Officers. But I take Mr McKinley's point that people who have invested in the Island, have second homes in it, feel that they have a right to do it; other people have told me quite categorically, people like me who were not born on the Island should not be allowed to vote.

1955 Thank you.

The President: Thank you, Mr Dent.

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

The Greffier: Thank you, sir.

1960 The States is asked to approve the procedure as described in the Billet, and to authorise the Policy & Finance Committee to set a date for the holding of a plebiscite.

A vote was taken and the results were as follows:

FOR	AGAINST	ABSTAINED
Mr Jean	Mr Tugby	Mr Birmingham
Mr Roberts	Mr Snowdon	
Mrs Paris	Mr Dean	
Mr McKinley		
Mr Dent		
Mr Barnes		

The Greffier: Sir, 6 votes to 3, with 1 abstention. That motion passes.

1965 **The President:** Thank you very much indeed.

A Report from States in Committee

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

The Greffier: Thank you, sir.

I understand you wish to raise a motion to suspend Rule 1 to address a matter.

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The President: Yes, I do.

I wish to raise a motion pursuant to Rule 24, to suspend Rule 1 and the Rules of Procedure. In order to do this it would need the support of the States of Alderney. The stated reason is to allow the States Members to consider a 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, at Part V of the Code of Conduct, states that:

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When an investigation is concluded its findings shall be reported to a formal meeting of the States ...

So, in order to be able to present this report I need the approval of the States to suspend Rule 1. So I will ask you to take a vote of the States Members whether or not they support the suspension of Rule 1.

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The Greffier: Thank you.

A vote was taken and the results were as follows:

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

The Greffier: Sir, 9 votes with 1 abstention, that motion passes.

The President: Right, the Report that I wish to present to the States for approval from the States in Committee is this:

A Code of Conduct Complaint, raised under Part V of the Code of Conduct for States Members was received from a 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 representation 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.

1985 That is the recommendation made from the States in Committee to the States sitting. Would the States Members please show their approval when called upon to do so of whether they support the recommendation made by States in Committee.

Mr Greffier, would you please seek the approval from the States Members by a simple call of yes or no.

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The Greffier: Thank you, sir.

A vote was taken and the results were as follows:

YES	NO	ABSTAINED
Mr Birmingham	Mr Tugby	Mr Dean
Mr Jean	Mr Roberts	
Mrs Paris		
Mr McKinley		
Mr Dent		
Mr Snowdon		
Mr Barnes		

The Greffier: Sir, 7 votes to 2, and 1 abstention. The recommendation is endorsed.

The President: Thank you very much indeed.

**X. Questions and Reports –
Policy and Finance Report –
Alderney Revenue Budget 2017 and 2018 Budget Reserve Request**

Item X.

Report on Alderney Revenue Budget 2017 and 2018 Budget Reserve Request

1995 **The President:** We now move on to Item X, Questions and Reports.

The Greffier: Thank you, sir.

This evening's Questions and Reports, I confirm that we are in receipt of one report from Mr Dent.

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The President: Mr Dent, would you care to present your report?

Mr Dent: Thank you, Mr President, colleagues.

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

2005 On Wednesday, 6th September, the President of the Guernsey Policy & 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.

2010 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 Committee 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 £450,000 on top of £1.83 million. It is, however, only 14% of Alderney's £3.27 million budgeted spend from its Revenue Account.

2015 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 – although 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.

2020 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 the portrayal of Alderney by the President of P&R as being a place which lacks control on expenditure was both unhelpful and inaccurate.

2030 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 – Guernsey's 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.

2035 I need everyone 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 it might 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 has been fully aware of the process with regard to the Budget Reserve we would undoubtedly have made an earlier submission.

2045 Actually, I am surprised at the apparent inconsistency with which Alderney is being treated. By way of example, P&R in Guernsey is choosing not to allow access to the Budget Reserve for the unanticipated cost 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

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to this being taken from the Budget Reserve. As I believe it will be more productive for the States of Alderney and the States of Guernsey from now on to engage in a face-to-face conversation, I am inviting the President of the States of Guernsey P&R, 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 of both Islands can find alignment.

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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 current dispute is simply about which pot we take our money from.

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As permitted by clause 19(f) of the Rules of Procedure, I requested that this report is published in the Deliberations for today.

Thank you.

The President: Thank you.

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As a matter of interest, after tonight's business you will have no option as to whether or not it goes on Deliberations! *(Laughter)*

Mr Dent: Oh, thank you! I will remember that in future, sir.

2070

The President: Does anybody have any questions for the Chairman of P&F with regard to his report? Mr McKinley.

Mr McKinley: Could I lead up to one question, which is that I thank you for an excellent report. As you know, Mr Jean and I were rather embarrassed actually at the reading of that report last week at the Guernsey States Meeting. Although we had been given a brief idea of what he was going to say we were not able, really, to respond in the detail that you have responded now. And it is a great shame that it actually led one Guernsey Deputy to suggest that perhaps we should be reconsidering the 1948 Agreement and Alderney should be going on its own from now on – which was rather a strange thing to say. Also, no mention of the fact, as you have mentioned, of the over £4 million lost with Aurigny over the last year, but mention of the £450,000 overspend from our Revenue Account, which was quite surprising.

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My question is could we possibly have some similar sort of statement to read out to the States of Guernsey at the start of the next meeting, which is on in 13 days' time, so that we can make sure that the Guernsey Deputies do understand just exactly what this was about?

2085

Thank you, sir.

The President: Mr Dent.

Mr Dent: Mr McKinley, I would be very pleased to assist with any report that you may wish to make to the States of Guernsey on this matter. I would, however, suggest that the text that I have just read out might be a very good basis (**Mr McKinley:** Absolutely.) for such a report.

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Thank you.

Mr McKinley: Thank you very much.

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The President: Thank you.

Does anybody else have any questions for the Chairman of P&F on this Report? Mrs Paris.

Mrs Paris: Thank you.

2100 I would firstly like to congratulate Mr Dent on what I felt was a *very* statesman-like response to a very unfortunate situation. I would like to ask him: has he had a response from Mr St Pier about coming here to discuss things in the statesman-like way he suggested that we all should?

Mr Dent: No. *(Laughter)*

2105 **The President:** Does any other Member have a question for the Chairman?
Please go ahead, Mr Barnes.

2110 **Mr Barnes:** Mr Chairman of Policy & Finance, Members, would it be advisable or questionable that should he not respond in the near future that we contact his secretary and we go there?

A Member: He daren't come here.

The President: You do not need to answer any of these questions unless you want to.

2115 **Mr Dent:** Thank you for your comment. *(Laughter)*

The President: Yes, Mr Roberts.

2120 **Mr Roberts:** Thank you, Mr President.
It is a question about the economy and responsibilities of it all: does the Chairman of Policy & Finance not feel that some of the responsibility for Alderney's economy lies firmly with Guernsey States in the fact that it ignored the decline in airline service provision for our Island, allowed Aurigny management to mismanage our service, in turn bringing untold damage to the economy?
2125 Is it not coming towards a time, with Alderney forced into a corner, to consider a judicial review and to consult the UK?

The President: As I said before, you do not need to answer these questions.

2130 **Mr Dent:** If I may, I would like to answer that question.
I thank Mr Roberts for his comments. I have always gone a little bit beyond the management of Aurigny. I think responsibility lies with the States of Guernsey, who are the shareholders in Aurigny. I think it is their responsibility to provide Aurigny with the right direction.
I think his comment about the judicial review is an interesting one and maybe it is something that we will be able to talk about in the future, I do not know.
2135 Thank you.

The President: Does anybody else have any questions for the Chairman of P&F on his report?
Mr Jean.

2140 **Mr Jean:** I have two.

The President: You have two!

2145 **Mr Jean:** Two questions.

The President: Very well, Mr Jean.

Mr Jean: Thank you.

2150 The first one is the expansion of the recent submission I made to P&F which was to invite the
Members of Economic Development as well as the Members of P&R, and I would like for that
invitation not to be optional, I would like it to be asked that the Committees both visit in full.
Partly, if I may just explain, without straying off the actual report too much, the point about that
is that these are two very important Committees and they are both responsible for financial
welfare and projects within this Island, and they can be of great assistance. The second part of the
2155 reason for it is that under our Deputies visit scheme, which has not been as active this year as it
has been in other years, these people would then be more, perhaps, obliged to come.

The second question I am going to ask does not need answering tonight, but can be answered
in due course. You tell me here that we have made savings and cutbacks in the P&F Committee
and I want you to eventually lead me to those and show them to me.

Thank you very much, sir.

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The President: Thank you, Mr Jean.

Does anybody else have a question for the Chairman of P&F?

Mr Dent: May I respond to it?

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The President: Just a minute, can we just wait and see if anybody wants to ask you any
questions first. Does anybody have any further questions for the Chairman?

You have the right to reply to the questions you have been asked, Mr Dent.

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Mr Dent: I would like to reply to the first part of Mr Jean's questions. Certainly, I would like to
invite the Members of both Committees. However, I think he suggested we *force* them to come.

Mr Jean: No, I am not saying ... no, no, no, I am saying – (*Laughter*)

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The President: Mr Jean, one at a time please, I think he understands.

Mr Jean: Can I clarify?

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Mr Dent: It is a bit of funny thing. Yes, I would like to invite both sets of Committees, Mr Jean,
but it is very much up to them to decide whether to come or not.

Mr Jean: My thoughts exactly.

The President: Thank you very much.

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Mr Dent: And the other part of the question, I am afraid, does need some research.

The President: Okay.

Are there any further questions for Mr Dent on his report?

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The President: No. In that case, that is the end of Billet No. 1.

Billet d'État No 2 for Wednesday, 13th September 2017

I. The North Korea (Restrictive Measures) (Alderney) Ordinance, 2017 – Item approved

Item I.

The States is asked:

To approve The North Korea (Restrictive Measures) (Alderney) Ordinance, 2017.

The President: We move, very rapidly, to Billet No. 2.

Mr Greffier, could you take us to Item I on Billet No. 2, please.

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The Greffier: Thank you, sir.

Item I sees the North Korea (Restrictive Measures) (Alderney) Ordinance of 2017.

A letter has been received from Mr Dent in his capacity as Chairman of the Policy and Finance Committee and the States of Alderney is asked to approve the North Korea (Restrictive Measures) (Alderney) Ordinance of 2017.

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The President: Thank you very much.

There obviously were no comments from the People's Meeting, Mr Snowdon, because it was not there at the People's Meeting.

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Mr Snowdon: Thank you. You have explained it.

The President: Thank you.

Mr Dent, do you wish to propose this Item, please.

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Mr Dent: Mr President, colleagues, I wholeheartedly support this proposal.

The recent and unnecessary actions of this regime have made the world a much more dangerous place. Sadly I do, however, also think the actions of the President of the United States, and in particular his attitudes to the environment and international relations in general, have also contributed to making the world a more dangerous place. Sadly, I have no means to influence his actions.

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The President: Thank you, sir.

Mr Roberts, I believe you wish to second this?

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Mr Roberts: Yes, I do.

I feel I have to make a contribution on these sanctions, something I have gone against every time in the past. I have always not supported. In the past I have always concurred with our previous Chairman of Policy, Mr Robert McDowell, who, like myself, declined from these various sanction votes, seeing them from an Alderney perspective as useless posturing in a much larger world – who takes notice of Alderney? Kim Jong Un seems not to be frightened of America, why should he be frightened of the Boys of the Campania? I spoke to Robert recently in the street and he muttered he would nuke him. I have changed my view this time, Kim Jong Un is a nasty little man with a bad haircut (*Laughter*) who murdered his family in horrible circumstances and continues to threaten world peace. And, for the first time, I support these sanctions.

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The President: Thank you, Mr Roberts.

Does any other Member wish to speak on Item I, Billet 2? Mr Birmingham.

Mr Birmingham: Thank you.

2235 I was surprised when I saw this Item come forward because I was under the impression that restrictive measures ordinances were now dealt with by the States of Guernsey, but I have been informed that that is not the case – or not the case on this particular one.

The President: It is this particular one, yes.

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Mr Birmingham: So I would rather say this is a bit of blast from the past and in a way I am quite happy to see it back on the Billet. I would echo Mr Roberts' comments. I do not know what it is about people with bad haircuts, but they seem to also have bad attitudes.

2245 **The President:** Right. Does any other Member wish to speak on Item I of Billet No. 2? Mr Dent, do you wish to exercise your right of reply?

Mr Dent: No, thank you, sir.

2250 **The President:** Mr Greffier, will you please put Item I of Billet 2 to the vote, please.

The Greffier: Thank you, sir. The States of Alderney is asked to approve the North Korea (Restrictive Measures) (Alderney) Ordinance of 2017.

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

The Greffier: Sir, it passes unanimously.

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The President: Thank you very much indeed. And that concludes this evening's business for the States of Alderney and would you be kind enough to close the meeting.

PRAYERS

The Greffier

The Assembly adjourned at 8.24 p.m.