



OFFICIAL REPORT

OF THE

STATES OF THE

ISLAND OF ALDERNEY

HANSARD

The Court House, Alderney, Wednesday, 25th April 2018

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

Volume 5, No. 3

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

Convener's Report of the People's Meeting held on 18th April 2018	3
Billet d'État for Wednesday, 25th April 2018.....	3
I. Organ donation – Opt-out basis – Item debated without resolution.....	3
II. Alderney Partnership Law – Item approved	9
III. Armed Forces Covenant – Signing noted.....	14
IV. Questions and Reports	14
Policy and Finance Committee – Definition of 'strategic importance' in planning matters; Governance reform	14
General Services Committee – Fort Doyle outfall extension.....	14
<i>The Assembly adjourned at 6.16 p.m.</i>	17

States of Alderney

*The States met at 5.30 p.m. in the presence of
Colonel Colin Mason, a representative of His Excellency Vice Admiral Sir Ian Corder KBE, CB,
Lieutenant-Governor and Commander-in-Chief of the Bailiwick of Guernsey*

[THE PRESIDENT *in the Chair*]

PRAYERS

The Greffier

ROLL CALL

The Greffier

The Greffier: Sir, all 10 Members are present this evening.

Convener's Report of the People's Meeting held on 18th April 2018

The President: Thank you very much indeed.
Can we start with the Convener's Report, please, Mr Dent.

5

Mr Dent: Mr President, colleagues, I convened the meeting on 18th April. I was assisted by the Chief Executive and the Treasurer. There were three other States Members present besides myself. There was the President, the minutes secretary and there were 24 members of the public and five members of the press. Apologies were given for Messrs Barnes, McKinley and Jean.

10

The President: Thank you very much.

Billet d'État for Wednesday, 25th April 2018

I. Organ donation – Opt-out basis – Item debated without resolution

Item I.

The States is asked:

To debate the matter without resolution.

The President: Mr Greffier, if we can move to Item I on the Billet, please.

The Greffier: Thank you, sir.

15 Item I this evening is organ donation, opt-out basis. A letter has been received from Mr Dent in his capacity as Chairman of the Policy and Finance Committee and the States of Alderney are asked to debate the matter without resolution.

The President: Thank you very much indeed.

20 Mr Dent, as Convener, were there any comments on this Item, please?

Mr Dent: Mr President, colleagues, there were indeed a number of comments. The following comments and queries were made.

25 It was asked whether Mr McKinley still holds the responsibility for healthcare, which was confirmed. It was also asked if this matter had been discussed before coming onto the Billet, if there is a cut-off/age limit and if medical professionals had been consulted. I intend to enter into debate to provide answers to these questions.

30 It was opined that we do not have facilities in Alderney for this to be done and it was noted that not everyone on Alderney has a driving licence or computer access or is able to join the National Health Service register and that Guernsey has had wide consultation on the topic – would it not be possible to have the same here?

As Convener, I stated that in the early days we decided some of these details and the purpose of the States debate was to determine if there was an appetite for a change in the law. I advised that the matter of public consultation might be brought up during the debate.

35 Thank you.

The President: Thank you, Mr Dent, for the Convener's Report.

Mr Dent, I believe you wish to propose this Item for debate. Would you care to rise and do so?

Mr Dent: Mr President, colleagues, thank you very much.

40 This matter is being debated today largely as a result of the parallel debate in Guernsey. Clearly, if we felt the same way as Guernsey it would be useful if the two main parts of the Bailiwick have a common stance.

45 On Friday of last week I was informed by the President of the Committee for Health and Social Care, Heidi Soulsby, of a public consultation in which 80% of 688 respondents indicated their approval of the replacement of the existing opt-in with an opt-out system and they would be recommending to the States of Guernsey the introduction of a statutory soft opt-out organ donation scheme where there is a default legal position of deemed consent unless adults specifically opt out, where individuals opting in would be able to exclude specific organs if they wished and where for some groups deemed consent would not apply.

50 In these cases, express consent would still be required from an appropriate person. For example, express consent would be required for anyone under 18, though 16- and 17-year-olds deemed competent would be able to provide their own express consent. Those under 16 would need the express consent of a parent or guardian. People who lack mental capacity would also not be included and people not ordinarily resident in Guernsey for 12 months would not be included. There will, I was assured, also be appropriate other safeguards.

Guernsey intends to expand on these points during the drafting of its policy letter. However, I believe that the Guernsey principles as presently stated are a sound basis for Alderney too.

60 As to the practicalities, firstly, for those of us who die in Alderney it would clearly be difficult, although not impossible, to arrange for a surgeon to remove the appropriate body parts. There are now devices that allow a human body to be kept in a donor-ready state for 24 hours, quite sufficient time to transport my cadaver to Guernsey, the UK or even further afield. Secondly, for those of us who die outside Alderney, perhaps in a Guernsey hospital, everyone will know that they can take all the bits of me that they might find useful.

65 For my own part, I welcome any move that would give someone else a better chance to live
and consequently am wholeheartedly in support of any changes to the law that would make it
easier for doctors to harvest any useful parts of my body if at the end of my life I find myself in a
position to help.

70 Before I finish, I would like to touch briefly on two issues raised at the People's Meeting. Firstly,
there were a number of objections to the motion, though on the grounds of its practical
application; no one raised an objection on moral grounds. For that I was pleased. So, while I do
acknowledge that there may be some practical difficulties, I do not think that these will be
insurmountable. Those who wish to opt out could, I am sure, inform HSC either by mail or email,
or have their wishes recorded on their health benefit card or on a driving licence, or both.
75 Interestingly, the practical objections raised apply just as much to the present opt-in legal position
as they do to the opt-out system.

Secondly, there was a question: who had we consulted before bringing this Item on to the
Billet? The answer is: no one *yet*. The questioner was used to the normal process, whereby the
States debates are centred on issues that have largely been already decided. Our States, in
80 common with most other legislatures, should be the place where ideas can be brought up prior to
legal drafting, prior to public consultation and prior to the final enactment process. In the UK,
legislation is debated three times and in the UK it is only at the second stage that the politicians
must get down to detail, often debating matters clause by clause. In Alderney we need to
scrutinise things better and we need to have preliminary debates such as this more often.

Thank you.

85

The President: Thank you, Mr Dent.

Mr Roberts, I believe you wish to second this.

Mr Roberts: Yes, I do, Mr President. Can I reserve my right to speak?

90

The President: You can either speak now or you can sit down and speak later, whichever you
wish.

Mr Roberts: I will speak later, please.

95

The President: Thank you.

Does any Member wish to speak on Item I? Mrs Paris.

Mrs Paris: Thank you, sir.

100

Mr President, fellow States Members, we are being asked whether or not to approve only in
principle a change in the system for the donation of organs, and it is hoped, I am sure, that it will
make more organs available for transplant.

At the People's Meeting several reasons why this would be difficult to achieve in Alderney were
raised and I think it is quite right that there would be practical obstacles to overcome.

105

I have spent many years helping to organise flights for transport teams to go and harvest
organs and then transport the team and the organ back to the patient. I am well aware of the
difficulties that attach to these complex and very time-sensitive issues. But I do know that if we
accept this proposal, which I think we should, the scale of our contribution here might be very
small compared with other jurisdictions, but if this change just saves one life the scale of the
110 benefit to that particular individual would be beyond price.

The President: Thank you, Mrs Paris.

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

115 **Mr Jean:** I am not very comfortable with this. I do not feel comfortable with the idea of passing legislation including people basically without their consent; I really do not.

The other thing that concerns me again is that this is an issue where we are out ahead of the mainland, out ahead of Guernsey. We are in the situation that we are taking a decision in principle in an Island where it would be very difficult to get these organs off. I know that one could look at the idea that is put forward by one Member of an enhancing machine for transplant carriage, but then if that happened here in Alderney you would have to have surgeons, you would have to either get them over to Guernsey ... It is difficult.

I just see this as something that we cannot and should not do at this time and really what we should be doing ... and this is what is concerned me, that there are items that are coming on our Billet now that we are galloping ahead of Guernsey on. Guernsey already have infrastructure, a legal framework – they have everything to examine everything.

I am grateful for one thing: I am grateful the Chairman has put this on the Billet without resolution. I must say, that I am grateful for.

The point is for me I would be much happier if we had had the debate in Guernsey and we were following, which is the right thing for Alderney to do, and I think at this time this is wrong. I do not like signing people up to something that they have to opt out of; I think that is wrong as well. I think that there are other ways of dealing with this and I think that those ways that first should be explored should be along the lines of promoting and asking more people to join the register and place that perhaps on their driving licence. I am not here to legislate over people and to say to people, 'We're going to do this and you're going to join me and it's compulsory unless you opt out.' I really think that is wrong. That is not what I am here to legislate for – certainly not.

Thank you, sir.

The President: Thank you, Mr Jean.

140 Does any other Member wish to speak on Item I? Mr Barnes.

Mr Barnes: Thank you.

Mr President, fellow colleagues, I am following a little bit on what Mr Jean has just said. I actually wrote it slightly differently.

145 I am at my wits' end to understand why we are debating this Item; not that it is not important – it is – but we are virtually unable to do anything about it, if it did become law, due to the position we are in. Previously, we did the debate on assisted dying, which was exactly the same result.

It has just come to my mind Mr Dent mentioned some statistics and I have just worked out that approximately 2% of the population in Guernsey actually accepted what they are talking about. I think you mentioned it was 80% of 688 people. I am assuming there is about a 40,000 voting population. So they are not really interested over there.

If we ever did have to resort to it, we would have to use Mr Snowdon's ... I think it is called a normothermic machine perfusion, except, as you say, we would not have the operators available.

In principle I am supportive of the measure, but I would have thought our time would be far better discussing transport, the economy, health, tourism, governance and education, amongst other subjects.

Thank you.

The President: Thank you, Mr Barnes.

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

Mr McKinley: Very briefly, sir, as a matter of interest I read in a newspaper article yesterday that there were only three people in the whole of the UK who died because they were unable to get organ transplant. So organ transplanting is really quite exceptional and they have, I believe, changed the rule there.

I do not quite understand why we should not be dealing ahead of Guernsey on this issue. Why not? Do we have to wait for Guernsey to do something before we follow in their footsteps?

I think this is a very simple thing. All it is asking people to do is to sign out if they do not wish to donate their organs. It is very simple to do that. If you do not want to, do not do it.

170 I understand exactly what others have said about the practicalities of doing it here in Alderney – very difficult at the moment – but if that person were to die, let's say in Guernsey or in Southampton, it might be just possible that his death and his organ donation could save someone's life. Surely that means a great deal. The practicalities I understand are a problem.

175 I do believe that we should have a period of public consultation. I think it should go out to ... We are debating this without resolution, so I think perhaps one of the resolutions should be, if there were to be any, that we should have public consultation before we decide finally on this issue.

180 I would also say, actually, that I also read in the same article yesterday that you do not have to die before you donate an organ. An 80-year-old man donated one of his kidneys to a 75-year-old lady in England very recently. He and she are now obviously actually very great friends, but he has saved her life by so doing.

185 So I think I would support it most certainly but I think we need to look at the practicalities of it, all the issues that were raised at the People's Meeting and issues that other States Members have raised to see if they can be helpfully looked at. There has to be a period of consultation but I would agree and support the idea.

Thank you, sir.

The President: Thank you, Mr McKinley.

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

190

Mr Tugby: I was not going to speak, sir, but after listening to some of the debate I thought I would have my tuppence-worth as well.

195 Surely if you want to donate something you can donate it now. You do not need a law to make you do it. You have got the option to actually do whatever you like, basically, and we should not be dictating or telling people that they have got to opt out when they are quite capable of deciding themselves whether they want to donate. It happens all over the UK as it is that people donate. They have not got the law backing them up, making them do it; they just do it voluntarily.

200 Maybe it is a good thing, but at the end of the day I do not think it is really such an important issue that we should be wasting our time making it a law when, like Mr Barnes said, there are so many more important things we should be addressing – really important things to get Alderney out of some of the difficulties we are facing at the present time. That is all I have got to say on it, sir.

The President: Thank you, Mr Tugby.

205

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

Mr Snowdon: Mr President, fellow States Members, I do sympathise with this Item quite a lot. However, until we improve our transport links and work out how we are practically going to do this on Island, I do not know how we can take it to the next stage.

210

But there are very good points about what about if someone is off Island, either in Southampton or in Guernsey – they should maybe be part of this process.

I think it is essential that we do have a public consultation and that the opt-out scheme is a process where people can opt out easily and it is available for people, and then I am very supportive of it as long as those two things are implemented. Thank you.

215 **The President:** Thank you very much indeed, Mr Snowdon.
Mr Dean.

Mr Dean: I did a little bit of research and I looked at the headlines which said that there was
220 overwhelming support from the survey that was carried out in Guernsey, and personally I would
not call 688 people out of the population of Guernsey overwhelming support.

There is a system now: people can opt in. They have freedom of choice and I still believe they
should have that freedom of choice.

In Guernsey, the national average is well below ... it is at 12%, the national average in the UK is
30% and the average in Jersey is 11%, so Deputy Soulsby and her Committee do absolutely a
225 fantastic job but I wonder if it would be more prudent to gain more public awareness and have a
media campaign to attract more donors rather than actually implementing a law.

People do have a choice, and like Mr Jean said, I do not agree that we are here to be changing
that and taking away people's freedom and making a system where they have to then opt out.
We have a system and they can opt in and register. In Jersey if you apply for a driving licence you
230 can opt in at the same time you do that. Does that happen here? No. Does it happen in Guernsey?
No. So we have more work to do and Guernsey has more work to do. We already have a system
and if you want to increase the people on it, you have to actually do something about it and have
a media campaign. We do not need a law.

Thank you.

235 **The President:** Thank you, Mr Dean.
Mr Birmingham, do you wish to speak on this?

Mr Birmingham: Yes, thank you.

240 **The President:** Please go ahead.

Mr Birmingham: Thank you.

Mr President, fellow States Members, for me there is one fundamental question, really, at the
245 heart of this, and that is: should the state have control over the use of your body without your
express consent? That is actually quite a big question in the overall ...

Some of the views that have been expressed by some Members – Mr Tugby, Mr Jean, and
Mr Dean as well ... that perhaps it is the right route trying to go through a campaign of getting
more people to sign up to organ donation is the right way to go.

250 There are the practicality issues, but really this is all about the initial principle. I myself am fairly
neutral in my own view, but I think we have to undergo a much wider public consultation to get
much more of the views of the public of the Island on this matter, because, as I said, it is quite a
fundamental thing – should the state have control over your body.

255 **The President:** Thank you, Mr Birmingham.
Mr Roberts, do you wish to exercise your right of reply?

Mr Roberts: Yes, please, Mr President.

260 It is very interesting to get the different views and the different takes from all of you, how you
all see it differently.

In 1967 Dr Christiaan Barnard successfully performed the first human heart transplant. The
patient did not survive for long. However, the transplant was a success and he made transplant
history.

265 Just one organ donor can save eight lives – one organ donor. The same donor can improve the
lives of some 50 people by donating eyes and tissue. Opt-in donation means no one's organs are
taken without consent. Opt-out donation means that everyone is treated as a potential donor

unless they specifically refuse. Few countries adopt pure opt-in or opt-out strategies because family consent is still desirable – a delicate subject – but when opt-out has been adopted, the availability of possible transplant for sick and dying people is greatly increased.

270 The Guernsey poll showed that around an average of some 80% support opt-out – not in Alderney, because it has never been consulted, but I would expect a similar result. Some people who live in Guernsey pass on in Guernsey or Southampton, so one extra donor could make such a difference to a dying person or child – of what I just spoke to you about and how many people that can help, which means eight people saved and 50 people with improved lives.

275 There would be exclusions, of course: children under the age of 16, where permission would be sought; people who lack capacity; and non-residents who have not been living in the Islands for some 12 months.

Alderney must be a new and progressive society, in touch with the real world and not afraid to show us as a separate jurisdiction that makes its own laws, and should the public agree, we should
280 adopt this new law with pride.

Thank you.

The President: Thank you very much, Mr Roberts.

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

285

Mr Dent: Mr President, I shall be brief.

The President: Do you wish to exercise your right of reply?

290

Mr Dent: Yes.

The President: Please go ahead.

Mr Dent: Thank you very much, my apologies.

295

Mr Jean said, 'Why should we be ahead of Guernsey?' Actually, I am not sure we are ahead of Guernsey. Guernsey have already instigated a public consultation and we are really starting the process by asking ourselves what we should do about it. I heard a number of Members call for greater public consultation and I think that is absolutely the right way to go. But we are not ahead of Guernsey. We are behind Wales and Scotland, as far as I know. Wales have finalised it and implemented it, and Scotland is in the process too.

300

As a matter of information, bone, skin, heart valves and corneas can all be donated sometime after death, so these parts of the body can be taken after a certain length of time.

Thank you to everyone who contributed. I think it is very clear. Thank you.

305

The President: Thank you, Mr Dent.

Mr Greffier, there being no vote to be taken as this is a matter without resolution, could you please move to Item II.

II. Alderney Partnership Law – Item approved

The States is asked:

To approve the preparation of an Alderney Partnership Law in principle subject to appropriate preparatory policy work and consultation being undertaken.

The Greffier: Thank you, sir.

310 Item II this evening is Alderney Partnership Law. A letter has been received again from Mr Dent
in his capacity as Chairman of the Policy and Finance Committee and the States of Alderney are
asked to approve the preparation of an Alderney Partnership Law in principle subject to
appropriate preparatory policy work and consultation being undertaken.

The President: Thank you very much.
315 Mr Dent, as Convener, were there any comments on this, please?

Mr Dent: Mr President, there was one comment: that the lack of any Partnership Law was a
major omission. As Convener, I advised that the Billet calls for a pre-legislative discussion on a
matter that is important to Alderney and the intention is to have the legislative drafting brought
320 to the top of the Law Officers' workload.

The President: I said can I have the Convener's Report, please.

Mr Dent: Well, there was one comment: that the lack of any Partnership Law was a major
325 omission. That was the report of the Convener. And then, as Convener, I advised –

The President: Okay. Have you got the same copy as everybody else?

Mr Dent: I had not a copy that was there, but I was there at the meeting and that is exactly
330 what happened.

The President: What is supposed to be read out at the States Meeting is the Convener's Report,
not the –

335 **Mr Dent:** Well, this is my report of the –

The President: Yes, but that is not what you are supposed to read out. You are supposed to
read out the official Convener's Report.

340 **Mr Dent:** Well, my apologies –

The President: In that case, I will read it out for you.
The official comment on the Alderney Partnership Law was:

The Convener

– which would be you, Mr Dent –

advised that this is a pre legislative discussion that is important to Alderney, and it is hoped to be progressed to the
top of the Law Officers work load.

345 Thank you. Right, that being the case, would you like to propose this?

Mr Dent: Mr President, colleagues, I would certainly like to propose this one – I am not sure of
the difference.

350 The States of Alderney have for some time been actively exploring the introduction of
partnership legislation. There is not a great cry for it from existing longstanding Alderney
businesses but it is seen as a major economic enabler.

Partnerships provide for flexibility in the way businesses operate. They provide privacy from
nosey neighbours when not the appropriate authorities and they instil care in decision-making
processes. That the partners' assets are at risk really focuses the mind. Moreover, for those

355 persons involved in international crime, a limited liability company, not partnerships, are the usual
vehicles of choice.

An initial review of the Guernsey Partnership laws came to the conclusion that these laws did
not present a useful foundation for Alderney's own Partnership Law. Adopting Guernsey
360 legislation would, of course, have been the simplest course to follow. The Guernsey laws are,
however, deemed by many to lack clarity and in fact there are two separate laws – one governing
general partnerships and one governing limited partnerships. Many believe this separation and
the intricate detail in which they are drafted cause them to be difficult both to understand and to
apply, thereby leading to unnecessary room for dispute.

Over the last few years the States of Alderney have consequently been engaged in discussions
365 with an established partnership operator from the UK who was considering the option to relocate
his businesses to Alderney but who wished to see a modern and bespoke Partnership Law.
Usefully, this UK operator provided a draft of the legislation thought most appropriate. A key
feature was the introduction of the concept of the administrative partner, an idea now being
introduced in other jurisdictions but not available in Guernsey. In our case, the administrative
370 partner would have limited liability and the active other partners could operate in other
jurisdictions.

Last year, and in order to progress the matter, we invited selected parties to a roundtable
discussion in Guernsey. Representatives from the Law Officers attended. The intention was to
explore the up and down sides of this initiative and in particular to obtain clarity on any perceived
375 reputational risks. To our delight, the Law Officers envisage little reputational risk and, although
busy, agreed to prepare legislation. They would take the concept provided by the UK operator and
prepare a draft based on the Guernsey legal architecture law. The Law Officers have since come
back and suggested that we undertake more consultation with businesses and other stakeholders
in Alderney. We have agreed to this but wish for no further delays in the process.

380 I would finally note that the proposed alternative Partnership Law will require that all partners
are properly identified and their full details registered with the relevant regulatory authorities in
Alderney and Guernsey.

There are some very large partnerships around the world and Alderney now has the
opportunity to become their spiritual home. We must not let this opportunity slip us by. I thereby
385 commend this Item.

Thank you.

The President: Thank you, Mr Dent.

Mr Barnes, I believe you wish to second this.

390

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

Colleagues, I totally endorse Mr Dent's proposal, but would like to suggest that, as time is
pressing and we have a prepared document which was in principle acceptable to the fiduciary and
the Law Officers in Guernsey, who of course are our tax collectors ... I would hope we could
395 actually consider putting this work to an outside source to speed up an already delayed project
that is beneficial to both our Island and to the exchequer. It would be totally separate to Guernsey
law, and hence that is the request.

I would like to take this opportunity to ask our CEO to investigate the cost and bring it to the
next P&F if it could be feasible.

400 I will certainly second this Item. Thank you.

The President: Thank you very much, Mr Barnes.

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

405 **Mr Jean:** Did I hear correctly that Guernsey do not have a Partnership Law? That is a question
to be answered.

Mr Dent: Point of information.

410 **Mr Jean:** If you would, yes.

The President: You can respond in your summing up.
Please go ahead, Mr Jean.

415 **Mr Jean:** I have asked that question; if he could answer it in his summing up. Thank you.

By the look of it again we are ahead of Guernsey. I do not know what consultation we have done. I am concerned about Mr Barnes's remarks because of what we did with the previous Company Law review, which got shelved. I point that out and I say that I would rather this sit quietly with the Law Officers and them do the drafting and there be minimal cost so that money
420 can be used, as you said earlier yourself, for more essential things like health and good transport.

I just would like to know more the foundation of where this is coming from. These things are coming at us more or less out of the blue and I am just concerned about that and I am concerned that we should not be spending rafts of money ahead of Guernsey if Guernsey are doing something similar. The idea that so much of the trench work could be done together ... Alderney
425 itself can make a contribution, certainly, and I am not saying this is wrong – because I actually do not know whether it is right or wrong – but what I am saying is that our money is precious. We have got some absolutely fundamental problems with transport here. We cannot even get round to getting ourselves a ferry. This place is wrecking itself. It is like a ship pushing itself on the rocks. We need to do something.

430 We are all involved in hypothetical and legal things, but there is nothing practical that actually helps – and you did touch on this, Mr Barnes – nothing practical that is actually helping the community itself. I am even hearing that there may not even be a particular interest for this in Alderney. I am just flabbergasted by it.

Thank you.

435

The President: Thank you, Mr Jean.
Please go ahead, Mr McKinley.

Mr McKinley: Thank you, Mr President.

440 Very briefly, I think we do already have a number of companies here. Whether they are part of the Alderney Partnership Law ... but Know Your Customer, PricewaterhouseCoopers, we have the Fort Group, we have the Stenham Group, we did have Carey Olsen. I do not know how many other companies are registered here but perhaps not actually working here, but it would be quite interesting to know how many are registered here.

445 But as Mr Jean and others have said, until we make this little Island of ours more accessible, less expensive to get here and more reliable to get here, we are not going to attract people to come here and we should not therefore be spending really any money – certainly not the sort of money that was spent on the Company Law reform, which was over £100,000, I believe – before we have resolved our transport links by air and by sea. Those are the number one and number
450 two of the first 10 commitments that should be adjusted here or looked into .

Thank you, sir.

The President: Thank you, Mr McKinley.
Does anybody else wish to speak on Item II? Mr Birmingham.

455

Mr Birmingham: Thank you very much, Mr President, fellow States Members.

I have to say economically it is essential that we look at business opportunities for the Island for the future and partnership law seems to be one that, if we can get a modern Partnership Law in place, can only help the Island's economic development in the future.

460 While I sympathise with the views around transport, you cannot stand still and only deal with transport; you have got to think about what you are going to have in the future to attract those businesses when you have got your transport issues sorted out.

So, for me, I think it is important that we investigate the possibilities of this and as quickly as possible we should move to a full consultation.

465

The President: Thank you, Mr Birmingham.

Does anybody else wish to speak? Any other Member of the States wish to speak? Yes, please, go ahead.

470 **Mr Dean:** Mr President, colleagues, I fully endorse what Mr Birmingham has just stated and I too look forward to seeing a draft law that we can put out to public consultation and we can move forward with it.

The President: Thank you, Mr Dean.

475 Does any other Member wish to speak on this? Mr Snowden? No. Mr Roberts? Okay.

In that case, with nobody else wishing to speak on this matter, Mr Dent, do you wish to exercise your right of reply?

Mr Dent: Mr President, colleagues, I certainly do wish to exercise my right to reply.

480 Let me start by saying Guernsey does have a Partnership Law. We do not, of no sort whatsoever. We have been told that people will come and live in Alderney if we do have a Partnership Law; a very simple fact.

We have spent nothing on this debate, not a penny, and we will not be spending a penny if we continue to employ the Law Officers on drafting this; not a penny.

485 I am now going to reread the third paragraph – I hope you will indulge me – of my initial thing, because I think that one or two Members, possibly Mr Jean, did not hear me.

An initial review of the Guernsey Partnership Laws came to the conclusion that these laws did not present a useful foundation for Alderney's own Partnership Law. Adopting Guernsey legislation would, of course, have been the simplest course to follow. The Guernsey laws are, however, deemed by many to lack clarity and in fact there are two separate laws – one governing general partnerships and one governing limited partnerships. Many believe this separation and the intricate detail in which they are drafted cause them to be difficult both to understand and to apply, thereby leading to unnecessary room for dispute.

490 The Partnership Law that we are proposing is a bespoke piece of legislation very much in the modern idiom, which would bring us to the fore of this genre and I think it would do Alderney a power of good if we passed this resolution and we moved on to the drafting and we then come to the final public consultation.

Thank you very much.

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

Mr Greffier, would you please seek the approval or otherwise of the States of Alderney on this matter.

The Greffier: Thank you, sir.

505 The States of Alderney are asked to approved the preparation of an Alderney Partnership Law in principle subject to appropriate preparatory policy work and consultation being undertaken.

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 is 10 votes in favour.

The President: Thank you very much indeed.

III. Armed Forces Covenant – Signing noted

510 **The President:** Could we move to Item III on the Billet, please.

The Greffier: Yes, sir. Item III this evening is the Armed Forces Covenant. A letter has been received from yourself, Mr President, in relation to notifying the States of your recent activities.

515 **The President:** Thank you very much indeed.
Mr Dent, as Convener, were there any comments on this Item, please?

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

520 **The President:** Thank you very much, Mr Dent.
As it says here, I would like the Members to note that, as agreed at States in Committee Meeting of 15th March, the Armed Forces Covenant has been duly signed by myself on behalf of the States and the people of Alderney and by Lieutenant Colonel Mike Fayers on behalf of the 30th Signals Regiment and the Armed Forces.

525 Thank you very much indeed for noting that.

IV. Questions and Reports Policy and Finance Committee – Definition of ‘strategic importance’ in planning matters; Governance reform General Services Committee – Fort Doyle outfall extension

The President: Could we please move to Item IV.

The Greffier: Thank you, sir. Item IV this evening is Questions and Reports.

530 A written question has been received from Mr Birmingham as Chairman of the Building and Development Control Committee.

The President: Thank you very much.

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

Mr Dent: There were, Mr President.

535 It was queried whether 'strategic importance' had been defined in the Law and whether there would be any public consultation. The Convener advised that he would clarify the legal status.

It was noted that P&F decides what project is of strategic importance, which is then placed before full States for approval before the planning process is implemented. Therefore, the public would have an opportunity to comment at the People's Meeting.

540

The President: Thank you very much indeed.

Mr Birmingham, would you like to pose your question to Mr Dent as Chairman of P&F?

Mr Birmingham: Thank you, Mr President.

545 Does the Chairman of the Policy and Finance Committee agree with me that his Committee now has a clear process to designate that a project has strategic importance to the Island and are thereby able to steer such project towards the proper planning approval process?

I will add the second part of the question as well. Also, given the Chairman of P&F's publicly expressed views on the need for governance reform, does he believe that there are lessons to be learned from the consultative processes with the public used for both the Land Use Plan and the associated reform of the Building and Planning Law that may be applied to reform of governance?

550

The President: Thank you very much indeed.

Mr Dent, do you care to reply to the question, please?

555

Mr Dent: Mr President, colleagues, I would like to thank the Chairman of the BDCC for asking me this.

To the first part of his question I will answer an unequivocal yes. P&F now has a clear and separate role in the process. It is now delegated to consider evidence. When considering whether or not to designate a project as having strategic importance P&F will now need to ask themselves what evidence is needed and if such evidence should, amongst other things, sensibly incorporate economic, financial and social impacts and risks. As there is no exact definition of 'strategic importance', P&F will have to make a judgement. The tests are set out clearly in section 13.2 of Schedule 1 of the BDC Regulations. This and future P&F Committees have thus been given a clear framework in which to operate and I would like to think the Island is protected against any future temptation to drive through ill-considered or sweetheart deals. I would like to make it clear that, to me, the new delegation and division of powers have been a very important feature of the new Regulations.

560

565

As to the second part of the question, again I would answer yes. Clearly the processes for preparing a Land Use Plan and reform of the Building and Planning Law and the processes for considering our options in regard to governance are different, but there are, if we wish, some clear salutary lessons that we can take on board.

570

First is the process for convincing the public that our governance processes need improving, just as the BDCC had to convince people that the revised Land Use Plan and new regulatory framework was in the best interests of the Island. I note here that the strategy section of the Land Use Plan begins with a vision. I think the strategy for any changes to governance must begin with a similar vision. My own vision in regard to governance, if it is of any interest to my colleagues, would emphasise the need for improved democracy, transparency and efficiency.

575

Second, the consultative process on options for the Land Use process has convinced me that in order for success there will be a clear need for an outright professional change manager.

580

Third, there is the process whereby all stakeholder views on the options are taken into account when the more concrete proposals are assembled, again something that we will need to replicate and we would clearly need outside professional help.

585 The Land Use Plan cost money and any changes to governance will also cost. We have demonstrated clearly that we cannot do this on our own, but I will say that the long-term costs of doing nothing are likely to far exceed the short-term costs of the advice we receive.

If I might conclude very briefly by tying the Chairman of the BDCC's two questions together, States Members are required to take decisions solely in the public interest. Quite naturally, we often have different ideas on where that interest lies. The final debate on the Land Use Plan and
590 the Building and Development Regulations in the last States Meeting was very revealing. Our positions need to be as much evidence and scrutiny based as it is possible to achieve. Neither self-interest nor our take on the involved personalities should be important.

Sadly – and this is not a reference to the LUP – we are not set up to do, and therefore do far too little, scrutiny. We are also pretty poor at delegation, and personality issues, although
595 important, seem to figure far too often. Let me be very clear: decision making based on anything other than scrutiny will be our nemesis.

Thank you, sir.

The President: Thank you, Mr Dent.

600 Does any other Member have a supplementary question for Mr Dent arising as a result of his response?

Mr Jean: I do.

605 **The President:** It must be directly related to the response he has just given you. Clear about that?

Mr Jean: Yes.

610 **The President:** Okay, please go ahead.

Mr Jean: Would the Chairman agree with me – he spoke of communication with the public – that our own processes of communication with the public and our use of the press and various
615 media is not as good as it should be?

The President: Mr Dent, you realise you do not have to reply if you do not wish to?

Mr Dent: I certainly wish to and I would agree.

620 Thank you.

Mr Jean: Thank you.

The President: Any other Members' supplementary questions for Mr Dent as Chairman of P&F?

625 In that case we will move on to the next question, which is a verbal question from the Chairman of P&F, Mr Dent, to Mrs Paris as the Chair of the General Services Committee.

Mr Dent, would you please rise and ask your question of Mrs Paris.

630 **Mr Dent:** Madam Chairman, in the Treasurer's Budget Report for 2018 on 28th September 2017, under the heading 'Capital Projects' it is stated that provision has been made in the accounts of £100,000 for the extension of the outfall at Fort Doyle during the fiscal

year 2019. Can the Chairman of GSC tell us the current state of this project and provide an indicative timetable for its implementation?

Thank you.

635

The President: Thank you.

Mrs Paris.

Mrs Paris: Thank you, sir.

640

In response to your question, we are currently exploring various options and the Technical Services Officer is in discussions with civil engineers and treatment manufacturers.

Our first option, which we want to go ahead with, is to survey the seabed to explore the possibility of extending the outfall pipe and we are hoping to arrange this at the same time as the underwater sonar survey of the breakwater in order to defray expenses. We are in close touch with our Guernsey counterparts who will be doing this and they will be attending the May General Services Meeting, but the timing is in their hands.

645

The extension is likely to be challenging, I think, and it will probably cost a great deal more than £100,000. However, this is such an important issue we are obviously looking at other options, other on-land options. They are extremely costly, probably in the region of £4 million, and they may smell worse than our current system as well as taking up valuable space.

650

So these are decisions we wish to take very carefully and obviously the £100,000 which is earmarked for next year is not going to do the business.

I would also like to add, if I may, in answer to recent concerns that have been raised with regard to the Longis sewerage plant, that for the record it was last serviced in March and it continues to be fully operational.

655

Thank you, sir.

The President: Thank you very much, Mrs Paris.

Does any Member have a supplementary question for the Chair of General Services Committee directly relating to the response she has just given? No.

660

Thank you very much. That completes the business of today's States Meeting.

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

PRAYERS

The Greffier

The Assembly adjourned at 6.16 p.m.