

# **States of Alderney**



## **DELIBERATIONS**

WEDNESDAY 23<sup>RD</sup> MAY 2018

**STATES OF ALDERNEY**  
**DELIBERATIONS FOR THE MEETING**  
**ON WEDNESDAY 23<sup>RD</sup> MAY 2018 AT 17:30**

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

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

**Item I**      **Building and Development Control (Alderney) (Fees) (Amendment) Ordinance, 2018**

**The States of Alderney resolved to approve the draft Building and Development Control (Alderney) (Fees) (Amendment) Ordinance, 2018**

*Proposer: Mr Birmingham*

*Seconder: Mr Dean*

*Approved by a majority*

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

*AGAINST: Mr Tugby, Mr Jean, Mr Roberts*

**Item II**      **Public Vehicle (Amendment) Regulations, 2018**

**The States of Alderney resolved that the “Public Vehicle (Amendment) Regulations, 2018” not be annulled.**

*Proposer: Mrs Paris*

*Seconder: Mr Dean*

*Approved by a majority*

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

*ABSTAIN: Mr Tugby*

**Item III**      **Alderney Marine Management Plan**

The States of Alderney resolved to note the current state of the Alderney Marine Management Plan and to endorse the Policy and Finance Committee recommendations to:-

- (i) Designate Alderney's marine area as a "Locally Managed Marine Area";
- (ii) Invite the Alderney Marine Forum to report on progress against the Marine Plan priorities on an annual basis and request a States member to be given a place on the Forum;
- (iii) Provide an overall budget of £25,000 from the Economic Development Fund for Marine initiatives subject to approval by the Policy and Finance Committee, while at the same time progressing as much as is practical through community support so that there is minimal need for actual expenditure; and
- (iv) Provide a commitment from the States of Alderney to progress the priorities set out in the plan which are relevant to government services (extension of territorial seas, infrastructure and facilities improvements, support and enhance tourism, transport links and waste management).

*Proposer: Mr Dent*

*Seconder: Mr McKinley*

*The above items were voted on individually:-*

**(i) *Approved by a majority***

*FOR: Messrs Birmingham, Roberts, McKinley, Dent, Snowdon, Dean, Barnes and Mrs Paris*

*AGAINST: Messrs Tugby and Jean*

**(ii) *Approved by a majority***

*FOR: Messrs Birmingham, Roberts, McKinley, Dent, Snowdon, Dean, Barnes and Mrs Paris*

*AGAINST: Messrs Tugby and Jean*

**(iii) *Approved by a majority***

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

*AGAINST: Messrs Tugby, Jean, Snowdon and Dean*

**(iv) *Approved by a majority***

*FOR: Messrs Birmingham, Roberts, McKinley, Dent, Snowdon, Dean, Barnes and Mrs Paris*

*AGAINST: Mr Jean*

*ABSTAIN: Mr Tugby*

**Item IV**      **Questions and Reports**

The following questions were received, for verbal response:-

**1. Question from Mr Dent, for the Chairman of the General Services Committee:-**

*"Would you agree that the kerosene fires at the Trigale and the pollution and safety issues are a wake-up-call to those who oppose environmental control legislation?"*

**Mrs Paris's response was as follows:-**

*"Mr Dent's question relates to recent events on island and I understand these are still the subject of investigation so I will not comment in detail.*

*However, it raises the ongoing question of what is the right level of legislation for an island as small as ours. As Mr Roberts so aptly said at a previous States Meeting one size does not fit all.*

*It may be that we should take a fresh look at environmental control legislation and health and safety legislation too. It is a fine balance between keeping our population from harm and making it impossible to achieve anything with the finite resources we have.*

*Although not directly relevant, the results of the air pollution will be put before the States for debate without resolution at the June States Meeting."*

**2. Question from Mr Barnes, for the Chairman of the Policy and Finance Committee:-**

*"After his recent article in the Journal, could the Chairman of Policy and Finance explain how we will expand on our development to assist the island. So far this year apart from Land Use Plan/BDCC, which still has to prove itself, all other items on the Billets have little to do with economy, education, transport links, health, tourism and any other areas of concern to locals which I believe would have much more impact on improving our general situation?"*

**Mr Dent's response was as follows:-**

*"I am very pleased Mr Barnes read my article. I hope others did too. In that article I tried to emphasise that Alderney would only succeed if it moved away from the concept of following Guernsey. It was more important for us to complement each other than to compete. Too often, I have heard some of my colleagues advocating that we rely on Guernsey for advice and wait for them to do things before we follow. This approach simply will not do.*

*And now some detail: we have, in fact, 22 areas where we are trying desperately to make progress – and I will try, very briefly to summarise where we stand on each.*

*I will start with FAB – this is at least something that doesn't involve Guernsey*

- *We have sought a better commercial deal from the promoters of the link – and some substantial progress has been made.*
- *The ARE commercial and seabed licences have been terminated and ACRE is now seeking to recover moneys owed to them and to others by ARE.*
- *As soon as current legal proceedings are resolved we hope to revisit the market and negotiate new renewable energy resource deals – to this end we are preparing the ground for a new policy on renewable energy.*

*The other twenty-one matters can be divided into matters we can pursue ourselves and issues where we need to work with Guernsey. I will start with nine other areas with important economic implications that we are progressing on our own:*

**1 Digital Connectivity**

*We now have an agreement with Sure who are implementing a project to give Alderney much faster broadband speeds – and we are hoping to announce very shortly some good news in regard to a new IT venture that will bring new investment and jobs to the island*

**2 The Development of Fort Tourgis**

*But this time with Dutch Government guarantees – this project is expected to bring in some 7,000 additional visitors per year, create new jobs and bolster the sustainability of our Southampton lifeline with very useful extra traffic.*

**3 Brexit**

- *We have adopted a new approach, more compatible with our resources, and working with Guernsey wherever we can*
- *We are however pursuing a different approach to Guernsey on fisheries and territorial waters – as we believe there are valuable resources that can be captured by Alderney*

**4 Partnership Law**

*We are progressing new legislation based on the concept of an administrative partner who would be an Alderney resident and might allow us to become the spiritual home for large world-wide partnership - We believe this could be the basis of an important new niche market for Alderney – progress has been slow but we have established with the law officers that there should be no adverse reputational risks*

**5 Big Data Opportunities (KYC Regulation and Ethical Handling of Data)**

- *We are continuing to examine opportunities*
- *Big data is now handled without reference to the wishes of those who supplied that data – we believe there is a niche opportunity for regulating the handling of data in an ethical manner*

**6 Implications of new financial relationship (TRP/Occupiers Rates)**

- *We continue working towards a single property tax suited to Alderney's own needs*
- *And we continue to work on other options to make us fiscally different to Guernsey*

**7 Vision**

*We are progressing a Vision for the island that could be the foundation for reforms in regard to economic planning and Governance – we are, however at only the early stages and we recognise that it will be important to maximise public consultation*

**8 The Marine Masterplan**

*Which we have already talked about.*

*I need now to move on to those matters that we need to work cooperatively on with Guernsey. The last eighteen months have in fact been very frustrating, but not because of attitudes here in Alderney. Most frequently it has been because of the apparent inertia we find when dealing with our Guernsey neighbour. However, and as my article in the Journal suggested, there are, for the first time, signs that our opposite numbers in Guernsey are beginning to work positively towards some common goals. And as I have said on a number of occasions 'it takes two to tango'.*

*Make no mistake, Alderney, really does need the cooperation of Guernsey to get on with many of the things that we aspire to. Maybe Guernsey-folks' minds have, for the last eighteen months been focussed elsewhere. And unfortunately when they have thought about Alderney - or at least when some of their politicians have thought about Alderney - it may have been to distract these good Guernsey people from their own more-local problems.*

**1 Air transport**

- *Since December we have been constructively working with the CfED on a Public Service Obligation approach to our air transport problems and lobbying for the long-delayed rehabilitation works at our airport – we believe that for the first time we are being taken seriously – this is a major achievement*

- *last year we successfully tendered our Aviation Fuel supplies*
- *we continue to lobby constructively around the still-continuing residual Medevac problems*

**2 Sea transport,**

- *Last year and this, we have examined a number of regular ferry service options – unfortunately, most were deemed high risk and/or financial unsustainable*
- *More recently we followed Guernsey and Jersey’s initiative for an inter-island service with a bolt-on extension to Alderney – though sadly this also has not been successful*
- *We are now pursuing other initiatives involving a dedicated service – the financial problems are however substantial and a subsidy of the order of £300,000 to £500,000 per year seems likely – if we were to pursue this, it could mean a large increase in occupiers’ rates or accepting a large reduction in the support Guernsey gives to our air services – clearly some hard decisions will be necessary*

**3 Health**

- *The Wilson Report led us to closer liaison with the Committee for Health & Social Care*
- *Professor Wilson also reported on options for our primary health care services – there has been an on-going discussion with HSC. Alderney clearly needs a bespoke solution suited to its small population and isolated position.*
- *We have also liaised with the Committee for Employment & Social Security on an Equality and Rights Programme and Disability Discrimination Legislation – again noting the need for bespoke solutions.*
- *Sadly the fall-out from the investigations into the Eagle Medical Practice continues.*

**4 Education**

*This is, of course, a transferred service and while we have an interest we can presently only lobby – Mr Snowdon has been keeping a careful watch.*

**5 Tourism**

*We have a Tourism Action Group, working actively with Visit Alderney and the accommodation sector – for details I should however refer you to Mr Snowdon and Visit Alderney.*

**6 Immigration/Investment Visas**

*We have re-visited an initiative to allow persons making substantial investments in the Alderney economy to obtain immigration rights – work is however currently on hold – the UK and Guernsey have raised a number of objections*

**7 Taxation law**

*We have been lobbying to allow UK and other foreign tax-payers to visit Alderney without penalty for longer – we believe that the new DTA will provide the regulatory environment at least for UK taxpayers that we have long sought – we do however await the final outcome*

**8 Numismatics and Philately**

*We have negotiated a new agreement and policy with Guernsey Post for Alderney stamps and are working with the commonwealth Mint to ensure that our new contract with them maximises our revenue opportunities*

*And lastly four matters that many of us believe are important to a progressive society.*

**1 Same Sex Marriage**

*We have now legislated and next month will be bringing to the States some minor amendment to ancillary legislation that will allow our first marriages to take place*

**2 Assisted Dying, Better Palliative Care and Opt-Out Organ Donation**

*We have been working with Guernsey and where appropriate will be further sounding island opinions*

**3 Code of practice for Archaeological Activities**

*We are in the early stages of putting together a proper code of practice.*

**4 Relationships with our French Neighbours and Jersey**

- Both France and Jersey present a number of opportunities: France for exploiting our tidal energy; for almost everything post-Brexit; and as a source of visitors and Jersey for waste disposal and as a source of regional co-operation and as a transport hub*
- We have invited French regional decision-makers on fact-finding missions and have had useful talks with the authorities in Jersey*

*If I may conclude by pointing out that we only have 5.4 senior civil servants – though we do have ten politicians. My civil servant colleagues, in fact, often tell us we are trying to do too much.”*

**3. Question from Mr Roberts, for the Chairman of the Policy and Finance Committee:-**

*“In December 2014 and January 2015, the States of Guernsey resolved to undertake a number of actions concerning Alderney, its economy, its runway and Aurigny. During our Policy and Finance Committee meeting last week we heard of inaction, reversals in approach, and repeated delays, many caused by the need for ever more rigorous scrutiny by the States of Guernsey.*

*I refer here principally, but not exclusively, to the promised rehabilitation and future-proofing work at our airport. For example, a pothole appeared recently in the runway which represented a real risk to life before it was spotted and fixed.*

*Does he agree with me that the failure to invest in Alderney’s runway exposes the States of Guernsey to potential litigation, as a consequence of this neglect?*

*Will he, as Chairman of the Policy & Finance Committee, ask our Alderney representatives if they will remind their Guernsey colleagues in the States of Deliberation of their 2014 and 2015 resolutions and the subsequent failure to act on them?*

*What should our future approach to co-operation with the States of Guernsey be?”*

**Mr Dent’s response was as follows:-**

*“I would like to thank Mr Roberts for this question.*

*I must note first that I am not a lawyer and it is not appropriate for me to comment on matters of litigation. However, the failure to rehabilitate our runway and its continued operation under a CAA derogation does make me nervous. It also raises questions in regard to the success of any competitively let PSA. We know that some potential candidate operators will be unhappy operating on a sub-standard runway. I am, however, pleased that the Chairman of the STSB has now recognised this problem. I hope that he will be able to influence his colleagues on P&R and make it clear that it is in both Guernsey’s own and Alderney’s interest that the PSA tendering process should be successful.*

*I will certainly ask our Alderney representatives to remind their Guernsey colleagues in the States of Deliberation of their 2014 and 2015 resolutions and the subsequent failure to act on them. Indeed I have already done so.*

*As to your final question: What should our future approach to co-operation with the States of Guernsey be? I note that the delays surrounding the rehabilitation work have been put down to the need for scrutiny – in fact, it seems they have needed over three years for their scrutiny. This is an unconscionable length of time and surely not one that Guernsey believes to be reasonable. In Alderney we examine the legislation and measures that the SoG feel is appropriate for the economic benefit of the whole Bailiwick, usually within a few weeks. We feel that is the right thing to do.*

*If the future-proofing of our runway cannot be resolved in the next few weeks, then I can only say that we will be considering whatever options remain open to us.“*

**Meeting Closed:1906hrs**

**Issued: 25<sup>th</sup> May 2018**