



OFFICIAL REPORT

OF THE

STATES OF THE

ISLAND OF ALDERNEY

HANSARD

The Court House, Alderney, Wednesday, 13th June 2018

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

Volume 6, No. 5

Present:

Mr Stuart Trought, President

Members

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

The Greffier of the Court

Mr Jonathan Anderson

Business transacted

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States of Alderney

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

[THE PRESIDENT *in the Chair*]

PRAYERS

The Greffier

ROLL CALL

The Greffier

Apologies for absence

The President: Mr Snowdon sends his apologies.

Former Member, Mr Philip Cranford-Smith – One minute's silence in memory

5 **The President:** Before we start this evening's meeting, I would like you all to stand and observe a minute's silence for Philip Cranford-Smith who was a Member of the States for many years. He was also Vice-President and sat on three committees while he was in Guernsey. It is his funeral today, so if you could just be silent for one minute, please.

Members stood in silence.

10 **The President:** Thank you.

Congratulations to Mrs Rosemary James – Award of British Empire Medal

The President: I would also like, on behalf of the States, to congratulate Rosemary James for the award of British Empire Medal in the Queen's Birthday Honours List for services to sport and the community in Alderney. (**Several Members:** Hear, hear.)

15 I think we should all be very proud of people who make that sort of sacrifice to the extent that it is recognised where it is.

Thank you very much indeed.

**Convener's Report of the People's Meeting
held on 6th June 2018**

The President: Now, if we would like to carry on with the Convener's Report please, Mr Barnes.

Mr Barnes: Thank you, Mr President, colleagues.

20 I did convene the People's Meeting on 6th June prior to this States Meeting. I was assisted by the Chief Executive and the Treasurer. There were five Members present, the President, the Minute Secretary, there were 23 members of the public, four members of the press and apologies from three Members of States.

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

Billet d'État for Wednesday, 13th June 2018

I. Audited Accounts 2017 – Item approved

Item I.

The States is asked to approve:

(a) The States of Alderney 2017 Accounts and

(b) The States of Alderney Water Board 2017 Financial Statements

The President: Monsieur Greffier, if you would like to move to Item I, please.

The Greffier: Thank you, sir.

30 Item I this evening is the audited accounts. A letter has been received from Mr Dent in his capacity as Chairman of the Policy & Finance Committee, and the States of Alderney are asked to approve firstly the States of Alderney 2017 Accounts and secondly the States of Alderney Water Board 2017 Financial Statements.

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

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

Mr Barnes: Yes, Mr President, there were.

40 The following comments were made: It was queried how GDPR would affect the Billet submissions in future relating to the accounts and transferred services etc. It was confirmed that the accounts would not be affected, and that each Department in Guernsey has their own Data Protection Officer covering the Transferred Services.

45 It was also stated that money is allocated every year for the Mouriaux to Platte Saline sewage works, and never spent. Mrs Paris advised that progress is slow, with only having one Technical Services Officer at the States Works Department – it is a small resource to get this large scheme in progress. The TSO is working on it, but we are also getting on with other projects that can be done within the resources we have.

The President: Thank you very much, Mr Barnes.

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

Mr Dent: Mr President, colleagues, I shall be brief.

I am pleased to provide these audited accounts for 2017 for both the States of Alderney and the Water Board. As I am sure you are aware, the States of Alderney revenue account was again
55 under pressure the outturn was, however, much improved on the position forecast in late summer. In fact, the problems we appeared to be facing then, much exaggerated by Guernsey, were by the end of the year largely resolved. We were only £95,000 in deficit, not the £435,000 that many, including those in Guernsey, were predicting.

You will probably have all noted that after taking into account the transfers to the Economic
60 Development Fund at £300,000, and £95,000 to the revenue account our capital expenditure exceeded income by £597,000. This balance will be taken from capital reserves, which was built up only because of slippages over previous years, slippages which we are now overcoming. There are no problems, we are simply now spending what we intended to spend in previous years. In 2017 the gaming licence contribution to the capital account continued to be a major source of
65 income, approximately £2 million, up nearly 10%.

The States now needs to ensure the current capital programme continues to be expended with no further slippages. We need to ensure that our key assets and infrastructure are fit for purpose.

As regard the Water Board, there was a small operating surplus, revenue and expenses were almost balancing. The Board also has healthy cash from other assets. We are also publishing
70 extracts from the 2017 financial statements of the Alderney Gambling Control Commission and Alderney eGambling. Financial statements for the Alderney Commission for Renewable Energy and the Royal Connaught Residential Home will be published later in the year.

Finally, thanks to all our staff who have worked so hard and kept us focused on the issues. Their work has been challenging and not always easy.

75 Thank you.

The President: Thank you very much, Mr Dent.

Mr Barnes, I believe you wish to second this.

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

It is always a pleasure to follow Mr Dent in his propositions because he leaves nothing to be said. All I will say is the process of doing and finalising these accounts is done with precision, accuracy and diligence and even the weather could not stop them. I would like to thank Kerry and her team, in her absence, and I also second the approval of the States and Water Board Accounts.

85 Thank you.

The President: Thank you very much, Mr Barnes.

Does any Member wish to speak on the audited accounts 2017? No one wishes to speak ... sorry, Mr Birmingham.

90

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

Firstly, I would like to congratulate all concerned in managing the States' finances over the last 18 months, in what has been a very difficult period.

Budget forecasting is not an exact science and sometimes you have to react to unforeseen
95 events that can have a negative impact on financial planning. This has been the case over the last year where issues arising out of States policy required actions to be taken by the BDCC, a short order that had not been part of the budget process and this meant significant extra expenditure on some discrete workstreams that had to be undertaken earlier than originally planned. However, most of that work has now been completed and we should now see a significant
100 reduction in BDCC expenditure over the short and medium term, subject to the remaining reforms required in the planning law. Now I note, in the accounts, mention of a small increase in BDCC

income from fees is made. I would suggest that this, in fact, is a significant rise in income as it represents an increase of more than 100%. The intention of the law changes made over the last two to three years was to try to stimulate the Island economy. Construction has always been one sector that it has been felt could help in the short to medium term, whilst the States attempts to solve other deep seated economic issues. I am glad to say that increase shows that those changes appear to have helped stimulate the sector and, along with cheap money, has led to an increase in investment into the Island. But we must remember that you cannot just build your way out of economic difficulties, the States must continue to develop new income streams and seek new economic opportunities.

The significant change from a forecast deficit of more than £400,000 to just £95,000 should be welcomed and acknowledged, specifically by the First Minister in Guernsey, who decided to criticise the States of Alderney for our lack of financial control last year. I hope that our representatives in Guernsey remind him of that. The facts are that, while 2017 was a difficult year, if you look at States of Alderney finances over a two year cycle the States of Alderney has only overspent by £46,000, at a time when the States of Guernsey grant to Alderney reduced by £37,000 this year alone. If the grant had remained the same the States of Alderney would have overspent by less than £5,000 each year. I hope the First Minister will acknowledge this extremely tight management of States of Alderney finance, instead of unwarranted criticism and perhaps instead look at getting his own house in order, starting with Aurigny's accounts.

The President: Mr Birmingham, we are talking about Alderney's budget.

Mr Birmingham: This is Alderney's budget.

The President: Please keep your comments to Alderney's budget and not Guernsey's. Thank you.

Mr Birmingham: Okay.

The States of Guernsey repeatedly talk about helping Alderney's flagging economy, whilst we have our financial grant reduced, a cut which is now more than £200,000 per year in actual terms from five years ago. How you square the circle of political promises about assisting Alderney's economy with a cut in funding, accounting to about 10%, is a question I would like the First Minister to answer. That does mean we touch on the continued dragging of feet on the runway remediation.

Finally, I must return to my favourite old chestnut – the Water Board. For the last four years I have repeated my opposition to the change to the policy established in the late noughties that proposed a series of above-inflation increases to water rates to move the States of Alderney Water Board finance into an adequate surplus for its future operation.

The current policy – if you can call it that – is one that has seen the operating surplus drop from £46,000 to just £2,000. This is exactly the kind of approach that led to the Water Board infrastructure requiring over £2 million in grant money being spent on it in the first place. The water rates must be increased and a policy of above-inflation rises must be put in place over the next decade to address this issue, until the operating surplus is large enough to fund the ongoing operation and maintenance costs of our water infrastructure.

Once again, however, I would like to congratulate the Treasury team for all their hard work and I support the adoption of the accounts.

The President: Thank you, Mr Birmingham.

Does any other Member wish to speak on the audited accounts? There being no other Member wishing to speak, Mr Dent, do you wish to exercise your right of reply?

Mr Dent: Mr President, no, I have nothing else to add. Thank you.

155 **The President:** Thank you very much indeed.
Monsieur Greffier, would you put that to the vote, please.

The Greffier: Thank you, sir.

160 The States of Alderney are asked to approve the States of Alderney 2017 Accounts and the States of Alderney Water Board 2017 Financial Statements.

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 Dean		
Mr Barnes		

The Greffier: Sir, with all the Members voting in favour, that motion passes.

The President: Thank you very much, Monsieur Greffier.

II. The Gambling (Alderney) (Amendment) (No.2) Law, 2018 – Item approved

Item II.

The States is asked:

To approve The Projet de Loi entitled ‘The Gambling (Alderney) (Amendment) (No.2) Law, 2018’ and to request the Bailiff to present a most humble petition to Her Majesty in Council for Her Royal Sanction thereto.

The President: If we can move to Item II, please?

165

The Greffier: Item II this evening is The Gambling (Alderney) (Amendment) (No.2) Law, 2018. The States of Alderney are asked to approve the Projet de Loi entitled ‘The Gambling (Alderney) (Amendment) (No.2) Law, 2018’ and to request the Bailiff to present a most humble petition to Her Majesty in Council for Her Royal Sanction thereto.

170

The President: Thank you very much indeed.
Mr Barnes, as Convener, were there any comments on this at the People’s Meeting?

Mr Barnes: There were no comments on this matter, Mr President.

175

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

180 **Mr Dent:** Mr President, colleagues, at its January meeting the States of Alderney approved the Gambling (Alderney) (Amendment) Law 2018. The law was a very minor part of a recent suite of legislation amending our eGambling legislative framework. The Law Officers have since identified

issues with the January 2018 amendment that need to be rectified before it can go to the Privy Council for Royal Sanction.

185 In short, this amendment will make two adjustments: it will insert text so that the AGCC itself is included in a list of legal persons not liable in civil proceedings in respect of things done in order to discharge the functions of the Commission and it will make clear that the January amendment does not prevent an award of damages under section 6(1) of the Human Rights Law. This latter legislation makes it clear it is unlawful for a public authority to act in a way which is incompatible with a human right.

190 These matters have, of course, already been drawn to the attention of the AGCC, who have approved the legislative amendment.

Thank you.

The President: Thank you, Mr Dent.

195 Mr Roberts, I believe you wish to second this.

Mr Roberts: I did not have myself down as it, but I will second it.

The President: Thank you, Mr Roberts.

200 Does any Member wish to speak on Item II, please? If no Member is wishing to speak on Item II, that is approved.

III. Same-Sex Marriage Legislation – Item approved

Item III.

The States is asked to approve:

- i. 'The Same-Sex Marriage (Alderney) Law, 2017 (Commencement) Ordinance, 2018';*
- ii. 'The Same-Sex Marriage (Consequential and Miscellaneous Amendments and Contrary Provisions) (Alderney) Ordinance, 2018'; and*
- iii. The Projet de Loi entitled 'The Separation, Maintenance and Affiliation Proceedings (Alderney) (Amendment) Law, 2018' and to request the Bailiff to present a most humble petition to Her Majesty in Council for Her Royal Sanction thereto.*

The President: We move to Item III, please.

The Greffier: Thank you, sir.

205 Item III is the Same-Sex Marriage legislation. A letter has been received from Mr Dent in his capacity as Chairman of the Policy & Finance Committee and the States of Alderney are asked to approve the Same-Sex Marriage (Alderney) Law, 2017 (Commencement) Ordinance, 2018; the Same-Sex Marriage (Consequential and Miscellaneous Amendments and Contrary Provisions) (Alderney) Ordinance, 2018; and a Projet de Loi entitled 'The Separation, Maintenance and
210 Affiliation Proceedings (Alderney) (Amendment) Law, 2018' and to request the Bailiff to present a most humble petition to Her Majesty in Council for Her Royal Sanction thereto.

The President: Thank you very much, Monsieur Greffier.

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

215 **Mr Barnes:** Again, there were no comments on this, Mr President.

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

220 **Mr Dent:** Mr President, colleagues, the Same-Sex Marriage (Alderney) Law actually received Royal Assent on 13th December of last year. In order to bring this legislation into force it will, however, be necessary for the States of Alderney to approve a commencement ordinance, the Same-Sex Marriage (Consequential and Miscellaneous Amendments and Contrary Provisions) (Alderney) Ordinance, 2018; and a *Projet de Loi* entitled 'The Separation, Maintenance and
225 Affiliation Proceedings (Alderney) (Amendment) Law, 2018'.

If you approve the commencement ordinance the legislation will come into force tomorrow.

The majority of amendments in the Same-Sex Marriage (Consequential and Miscellaneous Amendments and Contrary Provisions) (Alderney) Ordinance pertain to terminology in other legislation. For example, words such as 'husband' and 'wife' are replaced with 'spouses'. Other
230 amendments adjust the position between husbands and wives. You may be interested to know that a wife can presently be deported if her husband is deported, but not *vice versa*. The substitution of 'spouse' for 'wife' remedies this anomaly as well as providing proper text for a same-sex married couple.

The need to extend domestic violence legislation to same-sex couples is also catered for.

235 There are also a number of current legislative provisions that only apply to husbands and wives. As an example, I can refer to the Husband and Wife (Joint Accounts) (Alderney) Law, 1966. There are, of course, others. These laws and ordinances are being amended to account for same-sex spouses.

240 There is a need to disapply the provisions of certain laws, ordinances and regulations to make it clear that sections of our new same-sex legislation are not required. Indeed, their compliance would be silly. As a clear example here I refer to the Married Women's Property Law, 1928. There are, of course, other pieces of legislation and these are listed.

245 Finally, to the Separation, Maintenance and Affiliation Proceedings (Alderney) (Amendment) Law, 2018. Unlike in Guernsey, Alderney law retains a distinction between the grounds on which a married woman may apply for a separation order and the grounds upon which a married man may so apply. As a remedy, and also in order to avoid the possibility of discrimination, at its January meeting the P&F Committee approved the adoption of the relevant provisions of the Guernsey Law which give the same grounds for separation to both spouses. It is this new Law that incorporates the relevant provisions.

250 Thank you.

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

255 **Mr McKinley:** I do, sir, and I shall be very brief.

I was very privileged to have been asked to propose this issue several months ago. It was a fairly emotional debate for some, and it passed with a fairly high voting of 9 to 1. The sadness was that I was rather hoping that Alderney would get there before Jersey and Guernsey, unfortunately we have not done so, but I am absolutely delighted that we have got to where we have got to –
260 that the Law will come into effect tomorrow and that I think within a matter of possibly days we may see the first same-sex marriage on this Island.

Thank you, sir.

265 **The President:** Thank you, Mr McKinley.
Does any Member wish to speak on Item III? Mrs Paris.

Mrs Paris: Thank you, sir, colleagues.

270 This will be very quick – I do not think there is really anything to say about these, that Mr Dent has just so clearly put for us, except to welcome the Law. There is little enough love in the world. I think these are real steps in the right direction.

The President: Thank you, Mrs Paris.

275 Does any other Member wish to speak on Item III? Mr Dent, do you wish to exercise your right of reply?

Mr Dent: Thank you, no, sir.

The President: Thank you very much.

280 Monsieur Greffier, as one speaker supported that and totally, then we can take that as carried, as voted for and approved.

The Greffier: Yes, sir.

**IV. Venezuelan Sanctions –
The Venezuelan (Restrictive Measures) (Alderney) Ordinance, 2018 –
Item approved**

Item IV.

The States is asked:

To approve 'The Venezuelan (Restrictive Measures) (Alderney) Ordinance, 2018'

The President: We move now to Item IV, please.

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

Item IV this evening is Venezuelan Sanctions. A letter has been received from Mr Dent in his capacity as Chairman of the Policy & Finance Committee and the States of Alderney are asked to approve the Venezuelan (Restrictive Measures) (Alderney) Ordinance, 2018.

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

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

295 **Mr Barnes:** Again, Mr President, there were no comments.

The President: Thank you very much indeed.

Mr Dent, I believe you wish to propose this.

300 **Mr Dent:** Mr President, colleagues, the EU has enacted a range of restrictive measures on the Government of Venezuela. We are tonight being asked to approve the Ordinance that will confirm that Alderney will continue to give effect to its international obligations in this area.

Thank you.

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

Mr Barnes, I believe you wish to second this.

Mr Barnes: Again, I just wish to endorse what Mr Dent has said, and second it.

The President: Thank you very much indeed.

310 Does any Member wish to speak on Item IV, Venezuelan Sanctions? No Member wishing to speak, forgo your right of reply and the motion is carried.
Thank you very much indeed.

**V. Cannabis –
Production, consumption, licensing and criminalisation –
Item debated without resolution**

Item V.

The States is asked:

To indicate their views on all matters related to the production, consumption, licensing and criminalisation of cannabis. It is hoped that this might stimulate a wider public debate in all these matters and particularly of the economic potential from a liberalisation of some aspects of the current legal framework.

The President: We now move to Item V, Monsieur Greffier.

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

Item V this evening is Cannabis. A letter has been received from Mr Dent in his capacity as Chairman of the Policy and Finance Committee for a debate without resolution.

The President: Thank you very much.

320 Before we start this debate I would just like to point out that this Item has attracted a lot of attention and comment, and before we start the debate I would like to point out a few pertinent facts: first, there is no impediment whatsoever to the States debating this matter. Second point is that no decision is being taken today, the Item is being debated without resolution. Number three, it is by long established custom that legislation relating to criminal justice, including the misuse of
325 drugs, is made on a Bailiwick-wide basis by the States of Deliberation in Guernsey. Item four is currently, under the Misuse of Drugs (Bailiwick of Guernsey) Law, the cultivation, possession, importation, exportation, sale or supply of cannabis is a criminal offence; and item five is the States of Guernsey Committee for Health and Social Care may exempt specified activities, including the cultivation of cannabis, by order of a licence issued by the Committee subject to any
330 conditions it considers appropriate.

Thank you very much for listening to me.

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

335 **Mr Barnes:** Yes, Mr President, there were a number of comments, it was noted that this could be the introduction of CBD – which benefits health. Is this going to be looked at in a serious fashion, or will it be disregarded?

The Convener advised that this issue is to be discussed in the States without resolution, and it will then come back to P&F for further consideration on ways forward.

340 The Chief Executive advised that the production of CBD i.e. the growing of hemp, and the legislation issues are being researched.

It was also noted there are strong links with schizophrenia – which is all to do with the chemical balance. However, America is moving with it for medicinal purposes. Alderney should look into this as it would be the correct research.

It was also noted that the licences come under HSC as a transferred service for health.

345 If the licensing was done in Alderney, would Alderney still retain the revenue.

It was stated that in 2016 the largest growers were UK in the world. This will flood the market and there will be no profit for Alderney.

The Chief Executive advised that CBD is becoming a very popular remedy, with a growing demand. CBD is used as a homeopathic remedy and it is a good idea.

350 Thank you.

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

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

355 **Mr Dent:** Mr President, colleagues, the world is reassessing its attitude to cannabis and I think we need to do the same. I am hoping tonight to hear your views on three matters: the commercial opportunities for growing and producing THC-free cannabis derivatives in Alderney for medicinal purposes; the benefits or dis-benefits likely to arise in the whole Bailiwick from a revision of the penalties for possession and dealing; and the potential for decriminalising possession.

360 I would like to start the debate with what I think is the most important aspect, the commercial opportunities for growing and producing THC-free cannabis derivatives for medicinal purposes. As one or two of my colleagues have occasionally reminded you, I am after all an economist. For those of you who are unaware, it is the THC that gives you a high, and so by harvesting it before the THC concentration becomes too high we will *not* be encouraging those who prefer to use cannabis for its more traditional 'getting high' recreational purposes. Legal and medicinal use of
365 all cannabis varieties with a maximum limit of THC – usually I think 0.2% or 1% – is in fact now becoming widespread, including, I believe, in Guernsey.

Now, the good news: we have already been approached by those who see Alderney as an ideal location for its production. In an island we offer the required levels of security and with Guernsey's
370 support we could easily regulate and licence operations. This is, in fact, an area of major opportunity and so I, for one, support further investigation of commercial and licensing possibilities. The States could easily make money out of this. Therefore, let me be clear – if I hear today support for this move, I shall be bringing back to P&F a resolution to progress this opportunity.

375 If I can now move on to the benefits or dis-benefits likely to arise from a revision of the penalties for possession or dealing. The Bailiwick of Guernsey currently classifies cannabis as a Class B drug, which means possession can, and sometimes does, lead to a prison sentence. In cases where persons are caught with small quantities they are generally given a criminal record and a fine of £400 to £500. When a person is caught with larger quantities, even for personal use, or is
380 caught cultivating for personal use, they often receive a prison sentence and anyone caught with drugs can have their bank accounts frozen and closed.

Currently, just over one third of the Guernsey prison population is there because of drug convictions, a large number of these are cannabis-related. I believe that the cannabis sentencing for possession and dealing are unduly harsh. I do not support drug use and I do not support alcohol
385 abuse, but at this point I need to be honest. Is alcohol abuse any more antisocial or dangerous than cannabis use? I am not sure it is. Certainly I have seen a lot of fights amongst drunkards and very few fights amongst those high on dope. I do, however, accept that its excessive and prolonged use may cause lethargy and may well exacerbate some mental conditions, but then so does alcohol. So truly, I see no point in young people being given criminal records simply because of a
390 desire to experiment or because of the indiscretions often associated with adolescence. Isn't being young all about testing yourself and the world?

Given the pain relieving properties of the stronger, with higher THC varieties I see only benefits if doctors wish to prescribe it, particularly for the terminally ill. Have we not just debated, and don't we all support the need for better palliative care? So let's save some money. Let's not lock
395 up people for possessing small amounts of cannabis; let's not stigmatise our youth simply for being young and let's adopt a sensible approach to all of its medical benefits.

400 The third point I made in my introduction had to do with the decriminalisation of possession. And let me again be clear – I am talking here only about possession, not dealing. Many experts now believe that criminalisation of almost all forms of drug use is ineffective in preventing addiction and it is better to move to treating these addictions as a health rather than a criminal issue. I tend to agree.

405 Many jurisdictions elsewhere have now fully or partially legalised possession for personal use and a number of jurisdictions also permit cultivation for both personal and medicinal purposes. Use for medicinal purposes is, for example, now legal in 29 of the 50 US States, in Canada, the Czech Republic, Israel and I believe also Spain. And nine US States, and just this last week Canada, have also legalised it for recreational purposes.

410 I believe that immediate decriminalisation, and certainly the decriminalisation of dealing would be a step too far and, of course, we in this Chamber do not set the criminal law. The Amsterdam vice image is not an image I want to promote. It is for these reasons that I am *not* tonight advocating this final step. If there are, however, others who take this view, let us hear them.

Thank you very much.

415 **The President:** Thank you, Mr Dent.
Mr Roberts, I believe you do wish to second this order.

Mr Roberts: I do, sir, yes, and can I reserve my remarks to speak, please?

420 **The President:** Yes you can, provided all you do is propose it and then sit down.

Mr Roberts: I can speak after?

425 **The President:** You reserve your right to speak, so you either speak now or reserve your right to speak.

Mr Roberts: I reserve my right to speak, please.

The President: In that case just second it, and be seated.

430 **Mr Roberts:** I would like to second it.
Thank you.

435 **The President:** Thank you.
Does any other Member wish to speak on Item V?

Mr Dean: This debate without resolution should never have been included on the Billet in this form. And I would question how and why Mr Dent, with his responsibilities as head of P&F, saw it fit to include it first without consulting the public or without consulting his fellow States Members in far more detail.

440 My phone has been ringing off the hook since the Billet came out, and a large number of local residents are outraged and incensed that such a ludicrous and destructive proposal should ever be considered on the Island, given the damage it would cause. It has already been a PR disaster; with the *Sunday Times* article already making us a laughing stock. The fact we are debating a proposal so obviously toxic beggars belief.

445 There are hundreds of reasons why a change to the present drug laws cannot and should not be considered. Obviously Mr Dent has not bothered to try and think these through, so I now feel obliged to point out three of the many reasons why we cannot even afford to consider these proposals: the first one is our geographic location. The nearest landmass to Alderney is mainland

France. At the moment we enjoy very informal, almost non-existent border controls with France.
450 Any one of us can travel by boat to France and land pretty much without restriction. Many
Islanders regularly do just that and our fishermen frequently take their catches to France for sale
again without too much border restrictions. France has not relaxed their drug laws and are very
unlikely to do so in the foreseeable future. Should we relax ours, the French will have no
455 alternative but to impose very tight border controls against us to prevent the inevitable
cross-border drug trafficking that will follow. The casual day trip to France, enjoyed by so many
Islanders, will become a thing of the past. We will also become a drug abusers weekend
destination for the less desirable type of visitor. The inevitable conclusion from this is, of course
we cannot afford to relax our drug laws, until the French relax theirs.

The second reason why we should never consider these proposals is the effect that they will
460 have on the Island's youth. Our young Islanders already face huge psychological challenges, living
as they do in a small, tight and often claustrophobic community, without the space and the leisure
amenities enjoyed by young people of Guernsey, Jersey or in the mainland. If Mr Dent had done
his homework before proposing this ridiculous and damaging debate he would have read that
marijuana use cause a range of psychological disorders. Marijuana users experience psychotic
465 symptoms like paranoia. In fact, 15% of all users – and a much higher percentage of heavy users
– will experience psychotic symptoms. Half of those individuals will become chronically
schizophrenic if they do not stop using. Health care on Alderney is far from ideal and, as we are
all aware, it is a work in progress. The healthcare we provide for the younger generation is not at
an acceptable level that is provided in other jurisdictions.

470 The effect on drug use amongst the young population, in various places around the world
where drugs have been legalised, show up some alarming statistics. The cost implications on the
healthcare providers alone is astronomical and the suicide rates have increased to alarming levels
in the young. With easy access to marijuana a high percentage of our Island's young will become
drug users in an attempt to overcome the boredom that so many experience. With no proper
475 access to mental healthcare how will our medical staff deal with the inevitable problems that will
occur? And how many suicides and attempted suicides can we expect? To expose our youth to
such risks I find totally unacceptable.

The third reason why we should not look at any relaxation of the drug laws is it will ruin the
Island's hard-earned reputation as a safe, friendly, crime-free and family-orientated place to live
480 or visit. This reputation is vital in attracting the sort of people that we want to visit the Island to
enjoy its attractions. We do not want Alderney to turn into some Amsterdam style of tourism
based on legalised drugs. We need to attract nature lovers, history buffs, anglers, yachtsman and
the like. Why? Because people choose to live on Alderney because it is a safe, quiet, place. To
damage that safety and peace by proposing to relax our drug laws I find absolutely incredible.
485 Don't you realise, Mr Dent, drugs bring crime, mental illness, social unrest, domestic disputes,
broken families and broken lives?

There is no place for legalised drug possession or use on Alderney. I will not condone or support
these proposals. We need to uphold the traditional social and family values for which we are well
known.

490 **The President:** Thank you, Mr Dean.
Does any Member ...? Mr McKinley.

Mr McKinley: Thank you, Mr President, fellow States Members.

495 I think, with respect to Mr Dean, he got slightly the wrong end of the stick. We are looking at
three issues here, we are not looking at just legalising drugs in Alderney. We are looking, first of
all, as to whether we should be establishing a cannabis farm on the Island to promote Alderney as
an international centre for the production of medicinal cannabis, which is a very powerful
painkiller. And it is interesting that this proposal follows the recent Requête that was held in
500 Guernsey on assisted dying some weeks ago which, as all will know, failed. But the last item, the

final recommendation was that we should look at further ways of improving palliative care, and the use of medicinal cannabis could be just that. Cannabis can actually cure glaucoma, epilepsy, cancer, anxiety, Alzheimer's disease, multiple sclerosis, hepatitis, arthritis, Parkinson's disease, and others. So we are looking at: are we going to set up an establishment here to grow medicinal
505 cannabis?

Cannabis is legal for medicinal use in 29 countries, I believe, and I can see a potential market for medicinal cannabis on this Island but I have to ask one or two questions. Where would it be grown? And the *Sunday Times* article suggests Berry's Quarry. I really do not think that is big enough, I think it is far too open. I think that in order to grow sufficient quantities you need a
510 larger area than just Berry's Quarry, and I would actually suggest a possible use for Fort Albert, which is not being used for very much at the moment. That would also secure the cannabis growing area. For reasons which Mr Dean explains, there are security risks, it may invite unwanted guests and therefore there will have to be some sort of additional security procedures in place. But what sort of quantity are we looking at? That would be one question. The other obviously is
515 where is it going to be? And the other question on this is who will own the company? There is rumour that the company will be based in Guernsey. If that is so, then the money will go to Guernsey, it will not come to us. Is it possible that we could have a joint company, rather like, if you like, AEL, which could be part State-owned and part owned by private individuals and the profits from such sales could come to Alderney? Just a thought for consideration, I am not
520 suggesting much else at the moment.

Should we decriminalise cannabis for non-medical use? I believe it has been done so in 32 different countries; or should it be legalised, not just decriminalised? This is a different issue, this is not a question of growing it here, it is whether we should look at point two.

In the Netherlands the annual benefit, allegedly, is \$400 million a year. They have something
525 like 730 cannabis coffee shops, I believe, and the majority of users or purchasers of cannabis in the Netherlands are tourists, they are not Dutch. But it brings in a considerable amount of money, I am just saying, should we consider it?

Cannabis actually is safer than alcohol and safer than tobacco, and I should know because I was a long-term smoker for a very long time, and it has not done me much good. But I am told
530 that actually the use of cannabis is rather better – though, I have to say, I have never tried it.

Do we wish to license it for medical purposes? Yes, perhaps. Do we wish to decriminalise cannabis and do we wish to grant a licence for the use of cannabis on this Island such as we have for the variety of licences on alcohol and tobacco? I should also say that some of the other possible side effects actually are it is very difficult to overdose on cannabis, but it is rather like drinking too
535 much alcohol: it can make you a fairly unsafe driver, I am told. Before I must even cast a vote on this, yes or no, I need to know an awful lot more about the possible effects.

With regard to the third item, which is dealing with punishment of those who are taking cannabis, I believe that in the countries where it is legal it is not legal for anybody under the age of 18, but those who are, if you like, experimental users, young children, young 18-year-olds, 19-
540 year-olds, who are perhaps using it for the first time, should they be punished to the same sort of scale as those who are growing it, those who are selling it, those who are totally addicted to it. At the moment I think that is possibly what happens here and one-third of the prisoners in the Bailiwick, in Guernsey, have been jailed for drug related offences. But should the young be jailed for the same sort of period as those who are growing it illegally, dealing with it illegally and using
545 it illegally? Those are the three questions we have to answer.

On the first question I would propose that we look further, indeed, on all three issues, but I would need convincing before we were to legalise it here.

Thank you, sir.

550 **The President:** Thank you, Mr McKinley.

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

Mrs Paris: Thank you, sir, colleagues.

555 I feel we have dropped from the sort of high level debate of a conceptual nature down into a great deal of detail. Maybe I am mistaken to have taken it that it should be at quite a high level. I take the point the President made earlier that in fact it is not within our gift to change the law anyway; what we are doing here is voicing opinion.

560 For what it is worth, my own opinions are nuanced; I think would be the best answer. It is not legal, cannabis is not legal for use in the UK. Yet, ironically, the UK is the world's largest exporter of cannabis – 44.9% and all of it is for scientific and medicinal use. And there is a great deal of, mainly anecdotal evidence about the usefulness of various aspects of cannabis to alleviate suffering due to several different medical conditions. I think multiple sclerosis and epilepsy come high up the list of people who are saying that this is a drug that really helps them. But because proper scientific research into those medicinal benefits is naturally seriously hampered by the
565 current illegal status of the drug, then how can you, as someone working in medicine, effectively do any sort of trials with the drug, with patients, where the drug that you are trying to use is illegal? I do not think this can be the right balance. It seems to me that it is very important that some alteration in the law is made such that the proper research can be done so that we are much more aware of both the medicinal benefits of the drug and, of course, the downsides of taking it.
570 And I mean, obviously, the physical/mental downsides as distinct here from all the social aspects that Mr Dean has raised.

It is not a subject that has ever been approached I think really in a desperately objective way. I would just remark that current drugs policy does not really seem to be working terribly well. It just seems to be filling prisons with people who possibly should not be there because they actually
575 need medical help. Even the UK Government's Chief Drug Adviser, David Nutt, was sacked in 2009 for saying that tobacco and alcohol were much more powerful than many illegal drugs and in those illegal drugs he did include cannabis. The debate has moved on, I think. It has moved on in a lot of other countries, not particularly in the UK, but I think by talking about this we are doing our bit, hopefully, to move that on.

580 The other aspect that Mr Dent wants us to consider, of course, is the possibilities of growing – let's call it industrial hemp, because that is not quite so emotive, is it? – here. I think we must explore the economic opportunities that that might present to us. Our economy is not too good and we need to attract new visitors and every possible form of new employment. Obviously, whoever comes to us with any of those plans to be doing it has to have a very robust business
585 case and what they do must be within the law, whatever the law is at the time that they come forward.

I have a suspicion that our electorate might be much more interested in us actually concentrating on the economic angles of this because we are constrained by law anyway, and we need to be looking at economic opportunities for the Island.

590 I have to say that I think we may well have walked into some difficulties over this, as it is such an emotive issue. I was interested to see a suggestion that was put forward on Alderney Chit Chat the other day as a result of this debate, which suggested that actually what we should be doing, because it would probably be a lot simpler, would be to encourage mushroom growing – and I hasten to say I am talking about mushrooms of the culinary varieties (*Laughter*) – in some of our
595 derelict World War II bunkers on Island. So maybe that is a thought for another debate on another day.

The President: Thank you, Mrs Paris.

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

Mr Birmingham: Thank you, Mr President.

In the mid-1990s I read an article on drug policy in the *Daily Telegraph*, and that is a publication not widely known for its liberal position on social matters, but the article was entitled, 'Legalise it, legalise it all.' It gave a critique of the failures of successive governments, in what loosely is entitled

605 the 'war on drugs' and how prohibition has time and time again shown to be a failure. Anyone
with a historical knowledge of the USA in the 1920s should understand that. What does
prohibition do? It creates a black market that criminal elements will exploit leading to millions of
pounds' worth of untaxed income that can be used to fund other criminal enterprises and even
terrorism. It also creates a huge burden on the taxpayer, in law enforcement and criminal justice
610 costs, while criminalising individual users, some of whom may suffer with problems of addiction
that may be the result of mental health issues. People who should be dealt with by the health care
system, not the criminal justice system. An example was cited in that article of an experiment
where 20 heroin addicts were prescribed a daily fix by a local doctor instead of buying off the
street and funding their own addiction through petty crime. And in a one year period the number
615 of petty thefts in that town dropped from over 2,000 to under 1,000 and a number of those addicts
were able to deal with their addiction. I will leave it to others to calculate the level of savings in
both human and financial cost that that experiment made. But why didn't it go any further? I
would guess that politicians wanted to look strong to the public or more specifically, the media,
and not leave themselves open to political attack, as is often the case rather than dealing with the
620 problem sensibly.

Now, in the last decade or so we have seen the rise of the legal high. And many of these
products are a hideous mix of substances concocted by chemists to get around the controlled
substances laws, as replacements for other illegal drugs such as cannabis. Governments then try
to ban these substances and the producers change the chemical formula, creating a
625 merry-go-round of bans on the next product. How on earth any government expects to win a war
on the periodic table is beyond me. All these legal highs are mostly nothing more than a substitute
for cannabis, with many significant unknown long-term health consequences. I know this might
sound crazy but instead of creating the situation where the demand for these dangerous
substances is created, why not create a legal framework for the use of cannabis which has been
630 better studied and is more clearly understood?

Now let me make myself clear – I do not support decriminalisation of cannabis. That is a
halfway house that does not deal with the issues. I support a proper system of legalisation and
licensing, like that of the liquor licensing laws. Many drugs can be dangerous, particularly if
abused. The drug that creates the greatest harm in the UK is, in fact, alcohol, mainly because of
635 poor alcohol education and the lack of effective addiction treatment. That is the flaw in the
system. Any controls around cannabis would have to be better. How would it be possible therefore
to license a drug to allow proper control, while at the same time improving drug education and
improving addiction treatment? The answer is simple. Not only do you license the product and
supply of a drug, you license the purchase of it as well. A licensed supplier could then sell to a
640 licensed purchaser. The supplier must keep clear records of what is produced and sold and to who
and the user can only buy with a valid user card that confirms their identity, which could be
renewed for an annual fee. I believe that Alderney would be the perfect place to create such a
system. The States could issue a personal licence for people to grow a limited number of their own
plants, for personal consumption, and a commercial licence for production and sale to the public.
645 A tax could then be applied in the same way as alcohol duty on the product for a commercial
grower or per plant for the individual who wishes to grow their own. Both would have to comply
with strict protections in the same way a firearms owner must. The licensed grower could then
only sell to a member of the public with a cannabis user card and in limited quantities and the
export and import of cannabis to and from the Island could be strictly controlled to prevent issues
650 arising with other jurisdictions.

This would not only create a local industry but protect it as well by creating controls that only
locally produced product could be sold on the Island. The States could operate the user card
system, without which you could not purchase cannabis, and to qualify for a card you would have
to show proof of age and have viewed a drug education video. This would create a very strong
655 protection for the young, as is not the case at the moment. Such a system could also allow for the
possibility of tracking access consumption to identify addictive behaviour. This would also allow

health professionals to be able to highlight people with potential addiction problems, allowing early intervention, again leading to improvements in public health. Interestingly as well, it has now been recognised that blockchain technology may also have a usage in the tracking of agricultural products and foodstuffs. And so it is possible that there may be a usage here in the tracking, the production and supply of cannabis as well.

However, there is the problem of smoking and its health consequences, but it seems it is becoming better understood that many of the health problems associated with smoking are more related to the burning of materials and the inhalation of those impurities from the process of burning. So the rise of vaping technology seems to be a potential solution to that problem and the vaping of cannabis seems to be an obvious extension of that technology. And let's not forget that cannabis can be consumed and not just smoked. It could be used in the cake and confection industry, creating a local café business that could be licensed as well. Personally, watching an episode of the *Great British Bake Off* producing cannabis brownies is one that I would definitely watch, just to see Mary Berry's reaction.

Now, I am sure, that nearly everyone is aware that within the last week the Canadian Parliament has voted to legalise cannabis for recreational use, by a two-thirds majority. It is already being used for medicinal use in that country since 2002. The reasons given by the Canadian Government were that under a new strict, regulatory regime it will make it easier to keep it away from young people, to deprive organised crime of drug money, to reduce the burden on the Police and the justice system and to improve public health. Exactly the arguments raised in the article from the newspaper from over 20 years ago, that I mentioned at the start of my speech.

I am glad that the Chairman of Policy & Finance has brought forward this subject for discussion because I believe that Alderney has an opportunity to plot a bold course that could lead the way on the issue within the UK. I also believe that we should be brave and not just consider medicinal uses, but go the whole way and consider recreational use as well and create a proper, sensible, adult approach to cannabis. And in the words of the article from the *Daily Telegraph*, 'Legalise it' the only question is what do the people of Alderney think? I say let's find out.

America at election times in the United States quite often ask propositions of the electorate on various issues, the legal status of cannabis being one. Every two years we have elections; it would be possible maybe for them to take a plebiscite at the same time requesting a view from the people of the Island. Now, if the people of the Island are against it then we do not have to waste any more time or money or resource discussing it. Many times the States have an idea, spend time and money investigating it only to find there is no support for it. So would it be more sensible maybe to do it the other way round? That would perhaps be the truly democratic thing to do.

The President: Thank you, Mr Birmingham.

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

Mr Jean: What can I really say? We seem to be a springboard for innovative, new debate. I do not believe in the pecking order, really, or that we should be out in the forefront on these things. We do not have the legal skill, we do not have the legislature, we do not have the policing, we do not have the security. Where is all this going to come from? What is it going to cost?

I cannot believe some of what I have heard here this evening, I just cannot believe it. And I think that what we are doing is actually unfortunate and quite dangerous for this Island's reputation.

To some extent I agree with Mr Dent ... Mr Dean, not Mr Dent, I do not agree with him. We should, even before we entered into a debate like this, before we even talk ... although I am very grateful it is without resolution. I would say for all the Members a state of preparedness is something surely wise for each and every one of us. I would not say, perhaps, that many of us are in that state of preparedness. I certainly did not think, for instance, about the relationship we have

with France – I did not think of it, no, I admit that. These are interesting things. How do we fit in? Where do we fit in with this jigsaw puzzle? That really is what we need to know.

710 The way things are, for me, at this present time I could not contemplate such a thing as this and one of my dearest wishes is that this States would stop trying to be the forerunner of the big debate and the springboard for these kind of debates. Some of them are dangerous, some of them are not possible for Alderney and Alderney should not be taking part in them and others are dangerous. I think that this one reputationally has the ability to be dangerous. I do not think it is
715 good even in any way to look at what was regarded as a different attitude towards decriminalisation, taking this lightly and looking at the fact that children or young people should not be penalised for experimenting. I think it is all wrong and I think I would flatten this – chuck it in the bin, get rid of it and do not bring it back.

If this is going to go on I would say it is time that this Government stopped. No more Alderney
720 Government – it is that serious, I am getting sick of it. Let's have this taken over and get rid of it, take it to Guernsey and let Guernsey run this place because I am sick of this and I am sick of this innovative nonsense, which we should not be taking part in.

The President: Thank you, Mr Jean.

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

Mr Tugby: Sir, much to my amazement I actually support what Mr Dean has been saying tonight, (*Laughter*) which is very rare for me to agree with him, but I actually do support it, what he has said.

730 I think where Mr Dent has gone wrong in bringing this forward, he should have just thought about looking at the possibility of cultivating it here, would there be any benefit in that? Not start talking about making it legal to use and everything else, because that has muddied the water straight away.

Over the years, in the last 50-odd years, I have been employing different men, and occasionally
735 I have had one who has been taking drugs, I have spoken to them about it and they regret ever going on to it, because it is just like smoking, very hard to stop. And when you stop getting quite high and euphoric that is when you start to look at something else and that is why when you look at what is going on in England at the present time, with all the drug abuse and everything else and 50% of the crime is caused through drug abuse, they are just looking to feed their habit. That is
740 why I would never agree with this.

As for making it not to be an offence to actually take it, personally anybody who is supplying it I would say jail for life, no ifs or buts, and take any money or any assets they have away. That is the trouble with some governments, they are too 'nansy-pansy', pandering to the people who really they do not want to upset because they might not get back in next time. Well, I am not like
745 that, I say what I feel and I will continue. If I upset some people so be it, but I will say what I feel.

Sir, drugs is only the start of it, once they get onto that it does affect them. One lad who worked for me he said, 'I have got to go back to England because I cannot get enough here and I want stronger.' And off he went, that was the end of him, he was a good lad, quite brainy, but he got mixed up with the wrong crowd at one bit and he got hooked on it when he was away and when
750 he came over here he could not get enough. So that is why I would *never* vote for it, for any form of it. Maybe we could investigate very strict controls on growing it, but that would be way down the line before we could even consider it.

Everybody else has said an awful lot here tonight but I am totally against what some of the other people have said and that is it, sir. If it was a vote I would definitely vote against it without
755 any shadow of a doubt. I am amazed that we are spending so much time this evening talking about it when there is so much else wrong in Alderney which is much more important than this nonsense, but that never seems to come to the Billet or into the meetings for some unknown reason, how we can improve things over here. And that is where the Government is going wrong.

760 We are getting side-tracked on to these stupid ideas instead of keeping focused on trying to sort out all these problems.

Thank you.

The President: Thank you, Mr Tugby.

Does any other Member wish to speak? Mr Barnes.

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Mr Barnes: Thank you, Mr President.

I actually said before the meeting I was not going to say a word on this subject because, quite honestly, I look around the table here and I am sure your level of understanding of this product is probably as low as mine. However, I certainly agree with Mr Tugby's thoughts, and to agree with Mr Dean and Mr Jean, it takes me a lot of courage to say so. Mr Birmingham's utopia, I found that quite amusing. But surely we should have started by getting the opinions of people like the Police, HSC, the doctors, the lawyers, before we even discuss it, to see if it is even feasible.

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Thank you.

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The President: Thank you very much.

Mr Roberts, you reserved your right to reply, would you like to speak?

Mr Roberts: Yes, thank you very much.

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In this debate there are really two or three issues and we have to look at them in separate ways before the issue gets clouded with ignorance and misinformed data.

You will have heard or will hear many blind prejudices tonight, and I believe to get to the core of such an issue on this controversial debate you will need to come in from a neutral position and look at the world as a neutral and then collate your view.

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The main issue is that emotive word 'cannabis' which is very much associated with crime, punishment and wrongdoing. Jamaica is supposed to be the centre of cannabis and it is legal there, but they never had it until the 1840s when Indian migrants introduced it from the sailing boats, hence the word 'ganja'.

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Now I see it as two main opticals. One is the use of cannabis for recreational use, much in the same way as one or two do in Alderney. There are different types of cannabis, some more with CBD, some others high in THC. THC also eases pain but gives a high, much in the same way as a pre-med before an operation. The main elements are derived from cannabis. CBD has medical uses, THC is the psychoactive element.

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Let's deal with the first issue, which is CBD and the illnesses it can relieve. In the same way we take various drugs to treat our very own problematic conditions CBD can help many diseases, with Sativex, a product made from the former. There are 127,000 people suffering from Parkinson's in the UK, and in Guernsey alone we have 139. Arthritis, lupus, strokes, Alzheimer's, multiple sclerosis, IBS, hepatitis, epilepsy – the list is endless that can be eased with CBD. To me it is one of the great discoveries and recognitions of use in recent years and the medical industry cannot get enough of cannabis for producing CBD, as its late arrival discovery. So now you must agree, cannabis now looks a different proposition to our preconceived perceptions of this demon plant. Many countries continue to liberalise and relax laws to supply and expand the medical needs and I see no reason for Alderney not to legalise this plant to be grown commercially for medical supply.

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We already have the most sunshine in the UK. Indeed, cannabis could replace the lost tomato export, it might even replace Jersey Royals. It is not like we are going to rename Alderney as Columbia. Opportunities must not be missed. Obstacles will be put in place, turn those obstacles into opportunity. To me, to allow the first part to go forward is a no brainer and to give a former quote, 'It does not cook your brain.' So I support legislation to be drawn up for a licence, to license growing opportunity in Alderney for the medical trade. It can create jobs, a large Government tax levy, the same as tobacco and alcohol.

810 Now to the second element which is a double take, two law changes, and I refer to the possession and the penalties of cannabis. Some countries have legalised and some have not legalised. Some have decriminalised, there is a massive difference. In my view alcohol is a drug that damages our very society, at this very time: it is addictive; cannabis is less addictive. Most fights and crime on the streets and pubs and nightclubs in our society are alcohol-related and not
815 cannabis-related. And yet alcohol is legal. Some of us have the ability to handle it responsibly, some do not. Alcohol kills 10,000 souls every year in the UK. Cannabis causes very few deaths in the UK.

A viable alternative to legalisation is decriminalisation, and decriminalisation means a reduction in legal penalties from what we have in place at this time. I do not believe there would
820 be an appetite or support for total legalisation within the public at this time for fear of what the change may bring. That is for the future, whatever my personal view may be. I would question that total legalisation would be as bad a scenario as some paint tonight, I do not believe that. They say the wrong people would come to Alderney. Would they be the wrong people? People from many walks of life use cannabis – professionals, wealthy people may be attracted too and our
825 Island could gain many millions from high taxation as businesses thrive. It is a question for the future, but you can dwell on that one.

One Guernsey Deputy stated to me he has attended a bunker party and he thought it was legal in Alderney. Decriminalisation, I would support this option for now, along with very small amounts not arriving with any conviction at all. Decriminalisation is changing the way forward, saving
830 money and time and protecting the young's futures. Do you all in this Chamber realise just how common cannabis is, even in Alderney? How much violence is caused by drink? There is little caused by cannabis. A criminal record can affect a young person's future for ever – lower opportunities for their career, bans from travelling abroad, ruining a young life for something less harming than alcohol. One small piece of weed at the moment and you will have a criminal record
835 and I feel that is wrong. How many persons in this Chamber tonight, in all their lives earlier on have smoked one joint – how many of you? Well I have. I admit it, and I am still here. I do not smoke anything now, I just thought I would put that forward. I support decriminalisation.

Some worry about Alderney and its reputation. I think Alderney would gain a positive reputation as its own jurisdiction – brave enough to face the modern issues. The islands and the
840 UK, Europe and the world will be watching tonight, make no mistake. It is a bit like that old film, *The Mouse That Roared*, anybody remember that? Some will bring up that old chestnut, Amsterdam. Amsterdam is built on the red light districts. Alderney is hardly likely to attract clients for that, because there is no-one here good looking enough! (*Laughter*)

845 **A Member:** Excuse me!

Mr Roberts: And even less in Guernsey.

The President: Mr Roberts, I would ask you to moderate your language, please.

850 **Mr Roberts:** Sorry, sir, just a slip in my writing.

The President: Do not make any more.

855 **Mr Roberts:** A bigger threat to our society within the drugs trade are legal highs. These drugs are made from some substances like Ajax, rat poison and other noxious substances, including baby powder. A law must be tailored to stop this poison that killed 2,074 people in the UK in 2016 alone. (**A Member:** Hear, hear.) And this is a legal high, mostly young men, and it was a three-fold increase in instances in that year. This rubbish must be stopped and the penalties must be very
860 severe indeed.

To conclude, I have had many calls on this subject as well and it supports much of what I have said tonight. Alderney and its reputation will not suffer from its bravery to debate and possibly decriminalise and legislate. Well done to bring a controversial issue to this table. It will not attract the wrong people, that is rubbish. It will, however, enhance our agricultural future with our high
865 levels of sunlight. Many farms are solar powered anyway for costings and Alderney can play its part in easing the pains of the sick, through the supply to the medical industries new needs. Let us take this opportunity and run with it. Let us be in control. It can only up the economy and make a statement to the world, just what Alderney people are made of.

Access to France being jeopardised is a joke, it is scaremongering. Legalise and create an
870 industry for the cultivation of medical cannabis, decriminalise small amounts of recreational cannabis for personal usage, reduce the levels of when a charge is brought to aid the Police, courts and law charges, huge charges and to the effects on young people's lives. And do not worry, I would advocate that every household will be asked, even if I have to deliver them myself. Nothing will be done without your permission. You will have your say on this vote but I believe it is time to
875 show Alderney is a strong island that far belies its size.

The President: Thank you, Mr Roberts.

Mr Dent, do you wish to exercise your right of reply? (*Interjection by Mr McKinley*)

Mr McKinley, there is somebody speaking, would you mind, please.

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Mr Dent: Mr President, colleagues.

I would like to thank everybody who has spoken, including those who have spoken against it because I think we have heard a wide range of views, I think that is important and I think that is the purpose of this Chamber. The purpose of this Chamber is not always to debate things at the
885 end of the journey, it is to debate things at the beginning to see whether there is an appetite for further debate.

Mr Jean has raised the question, as he always does, of what is it going to cost? Well, let me assure him that in my view this is not going to cost anything, it is to make money. And we would want to do this for a licence.

890 Mr Dean referred to ...

The President: Mr Dent, I think we have a point of order – I hope it is a point of order, Mr Jean.

Mr Jean: It is. The point of order I raise is that I did not talk just about the cost in the singular;
895 I talked about the cost in the plural.

Mr Dent: I thank you for your point.

The President: Thank you very much.

900 Continue please, Mr Dent.

Mr Dent: Mr Dean referred to the border problems that he expected to have with the French imposing extra controls on us, just like I imagine the way they impose extra controls on the Dutch coming across their borders at the moment. If we have the same problems as the Dutch have in
905 entering France I would be very pleased because I think we have rather more problems than the Dutch at the moment.

I am interested that an awful lot of the people who spoke against it seem to forget that I concentrated during my own speech on the medicinal side and legalising the growing of THC-free cannabis. This was the main thrust of my argument. It remains the main thrust of what I
910 would like to see happen.

My last point here is really to do with another point that Mr Dean raised in the huge, traditional cost in the US from medical expenses as a result of cannabis use. Well, I have seen evidence and I

915 hope to be able to provide him with the medical research papers, when I find it again, that in fact
in the 19 states where it has been legalised, this is where it has been legalised for recreational
purposes, that the cost of drugs administered through Medicare at least has gone down
substantially. These are in fact mainly because of pain relief drugs that are no longer being
prescribed so in fact it is costing the United States Government far less.

920 One more point, plebiscite, all of you know that I support plebiscites on certain subjects. I think
that is the right way to govern Alderney, particularly on issues such as this. Nobody should think
that us 10 should have the right to impose any sort of change of this nature. If it ever came down
to it, it would really have to be, in my view, through a plebiscite.

Thank you very much.

The President: Thank you, Mr Dent.

925 That concludes the debate without resolution on Item V.

VI. Air Pollution Survey – Item debated without resolution

Item VI.

The States is asked:

To debate the Air Pollution Survey without resolution

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

The Greffier: Thank you, sir.

930 Item VI this evening is the Air Pollution Survey. 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
debate the matter without resolution.

The President: Thank you very much indeed.

935 Mr Barnes, were there any comments on this at the People's Meeting, please?

Mr Barnes: Yes, sir, there were quite a few comments on this Item.

It was noted that no air samples were taken to accompany the survey. The survey was
produced in-house, which amounted to very little cost.

940 Mrs Paris advised that the main concerns resulting from the survey were vehicle emissions and
bonfires. It is important that the States look at this. A small amount of testing in the built up areas
on vehicle emissions should be looked at. Mrs Paris also stated that she hopes to hear interesting
debates and thoughts at the States Meeting.

945 The Chief Executive stated that we do not have environmental legislation in Alderney, hence
why the States are having this debate. This will also tie in with the overarching Energy Policy which
is currently underway.

It was stated that the States have come far in the last 10 to 15 years, when the Island's rubbish
was burned at the Impot which led to poisons in the soil and potentially affected the milk.

It was noted that in the first paragraph of the Billet submission, the general consensus felt that
air pollution is not an issue in Alderney. This is not a priority.

950 Mrs Paris advised that it is not just the Government's role to react, but to inform, educate, and
raise awareness. Not many responses were received, but that does not mean it is not an important
issue to raise awareness on.

Thank you.

955 **The President:** Thank you, Mr Barnes, as Convener.
Mrs Paris, I believe you wish to propose this for debate.

Mrs Paris: I do, sir.

960 I think I have a rather hard act to follow, however, air pollution, perhaps a bit of a let-down but at least it has the merit of being entirely local.

The response to the Air Pollution Survey, as Mr Barnes has mentioned, was relatively small, although it was in line with various other surveys of public opinion that have been done recently. The numbers were not that far adrift, except for the traffic survey which was responded to in huge numbers. True to the General Services style, it was produced in-house and it was posted out with the Water Board bills at very little cost and the General Services Committee did decide
965 unanimously to bring this forward for debate.

I think we do recognise that there are now so many scholarly studies on the effects of air pollution on health that we do need to generate some awareness of this. All of those studies are probably best summarised in the House of Commons air quality report which was published in
970 March 2018, and the main air pollutants of current concern include nitrous oxide, the particulate matter and ozone. All of these are invisible to the naked eye, so although the days of London smog and the burning of our rubbish at the Impot are long gone, it does not mean that the problem no longer exists, it may just be that we cannot see it.

I am mindful of one particular comment in the survey which was that most of the hot air comes from the States! So I am going to keep this as short as possible. To sum up, it is increasingly clear that the ongoing scientific research is that it does not take much exposure to various pollutants to have a bad effect on health, especially on the more vulnerable sectors of the community, such as children and the elderly. Worryingly, there is less and less consensus about what are safe levels. There is obviously no appetite here for legislation, judging by this survey, either of our own or just following Guernsey's example, but nevertheless, 75% of those who did respond raised concerns and these concerns did generally reflect concerns about older, larger vehicles, diesel and petrol fumes and, I have to say, the Alderney habit of leaving the engines running while going about doing errands. Many of them also expressed a desire to penalise diesel and large cars and have incentives for people to buy smaller and possibly electric cars. I think, given all the scientific
985 research, it is my own view that we should not ignore the concerns that have been voiced here. We could very easily and cheaply run some tests in Victoria Street at a busy time and that might well put all our minds at rest. And although there have been some criticisms tonight, mainly the apparent pointlessness of debate without resolution in general, the comments made here, plus the survey results, will feed back to a General Services meeting to review any action that we feel
990 we might take.

So the debate actually fulfils three objectives: one, it helps to raise public awareness of what is a very serious issue worldwide, which we may or may not be immune from; it informs the General Services Committee in this case of the views of the States Members who do not sit on the Committee, so they can be taken into consideration; and further research could help inform future energy and traffic policies both from a health point of view and environmental damage from
995 greenhouse gases. So I do look forward to hearing the views of my colleagues, I think.

The President: Thank you very much, Mrs Paris.

Mr Barnes, I believe you wish to second this.

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

I am seconding this Item as it probably is important to pick up the debate on air pollution. All I can say, we do not have air pollution today. In my lifelong experiences, I can remember as a youngster in the Manchester area thick smogs when you used to put your scarf around your face
1005 twice and you came home and your mum took it off you and put it straight in the wash because it was just full of carbon particles – that is pollution.

1010 I came to the Channel Islands since the 1940s, I came and I saw clean air. Certainly there is pollution all around: diesel fumes, burning fumes, I had forgotten radon and many more. Some of these things can be limited by being more responsible, just actions like picking your dog litter up or not leaving plastic bags in the middle of the green recycling – it is our own responsibility. I think it would be useful to take a few air samples and put the myth to bed once and for all and compare these samples with places like London, Athens, and Beijing, there is pollution. Being in the English Channel we have little control over our air because probably 99% of it will come in on the wind and disappear just as quickly.

1015 Thank you.

The President: Thank you, Mr Barnes.

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

1020 **Mr Birmingham:** Thank you, Mr President, fellow Members.

1025 I see it that the issue of air pollution and air quality in Alderney can be divided into two distinct areas. Firstly, there are day-to-day activities such as exhaust gases from vehicles or smoke from chimneys and secondly, other activities that are less frequent such as waste burning or garden bonfires, which might be considered nuisance pollution. Guernsey has a nuisance law that deals with some of these issues such as light, noise and particulate pollution and there is an argument that adoption of that law might help with some of the bad neighbour air pollution issues, for example, indiscriminate burning of garden waste. However, it is important that issues around our air quality and levels of day-to-day pollution should be investigated and quantified because even if they are shown not to be a problem that is a good thing, and not just on health grounds but also as a marketing bonus for the Island, showing that we can proudly say that we have a high quality, non-polluted environment.

1030 The survey referred to concerns relating to emissions from the power station and also that no air quality testing had been done and so, as a board member of AEL, I feel I should address those issues. During 2017, as part of the preliminary work on the power station upgrade, AEL performed air quality monitoring testing to establish a baseline assessment of the current levels of nitrogen oxides generically and nitrogen dioxides specifically near the power station. We will repeat testing during 2019, once the new power station configuration has been commissioned, and we will publish the full findings of that analysis at that time.

1035 The European Clean Air Directive sets ground air NO₂ concentration limits. The current limit in force since 2010 is 40 micrograms of nitrogen dioxide per cubic metre of air. Now AEL set up 10 sampling tubes in locations around the power station, two of these were removed by persons unknown, and eight were recovered and sent for testing. At the end of the test period seven of the eight tubes recovered showed nitrogen dioxide levels of less than 1 microgram per cubic metre. In other words, 40 times less than the standard and that is barely indistinguishable from background levels. Only one tube showed elevated levels, but that was still only 1.5 micrograms per cubic metre. Interestingly, that tube was at the end of Braye Street and it is believed that the elevated levels arose from a combination of power station emissions, emissions from the properties in that area themselves and probably vehicle emissions from traffic, which is one of the Island's busiest road junctions.

1050 Based on manufactured published data, the new engines that AEL plan to install will run with lower emissions than the ones we have currently and the configuration of the new stack design will give better dispersion of the exhaust gases, reducing localised concentration levels even further. Now, I hope this information will help dispel any concerns that may have been raised in relation to emissions from the power station. Of course, it would be nice to be able to eliminate emissions completely but that would require power production from means other than burning fossil fuels. However, the power station upgrade will allow for AEL to start investigating other means of energy production to plug into the system, which I hope will lead to further improvements in air quality.

1060 In the longer term, reduction in emissions from vehicles can be reduced by the take up of more
electric vehicles and this is an area the States might wish to consider incentivising. However, I
think this will require a reconsideration of the decision by the States of Guernsey to abolish road
tax in favour of a rise in fuel duty some years ago. In my opinion, that issue as a matter of
consideration is one that will have to happen anyway as electric vehicles become gradually more
1065 established and petrol and diesel consumption begins to fall. All this fits together as part of a
longer-term energy strategy which I hope the States will develop in conjunction with AEL.

The President: Thank you, Mr Birmingham.

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

1070 **Mr Jean:** So much has been done over the years to make things run electrically, more user
friendly and with regard to emissions people have been aware for years about things like since
the States itself stopped burning plastic, switched to the air curtain burner, exported the waste
and did not burn any more of the black bonfires that used to fire up like pyres in the sky – dreadful,
now then you really did have something to worry about.

1075 As Mr Birmingham has said, the old black stones are going, they did burn a bit of oil. So much
has been done to recognise, to realise, to be cleaner and also about energy consumption in the
home itself through low energy bulbs, through A-rated fridges and freezers, so much has been
done.

1080 For Alderney I do not see this. I agree with the people who talk about the puff from a north
easterly and it is gone. I really agree with Mr Barnes's approach, he is so right. The smog you see
in Beijing and what you experienced in your youth is incredible. It was just incredible people had
to live like that and for a long time in the cities there have been the Clean Air Acts and all the
various things to do with it. But what on earth is this to Alderney? Electric vehicles – not yet, let
time come on, let's see what comes but this is overkill, over the top, too much, not necessary. The
1085 public in the main are right to have just missed it and not very many have contributed to it.

There we are, that is my view.

The President: Thank you, Mr Jean.

Mr Dean.

1090 **Mr Dean:** A bit of a revelation tonight. I find myself agreeing with Mr Barnes (*Laughter*) which
is not something I often say in this Chamber!

1095 In the response to say it was rather disappointing, I would say it is less than 10% of the
population, which is extremely disappointing. I would actually like to put a myth to bed because
all vehicles are responsible for pollution, be that buses, trucks, cars, petrol, diesel, hybrid vehicles,
even electric vehicles. So let's not go down the road by thinking if we electrify Alderney all our
pollution problems are over, because they are not, they all create particle pollution, which comes
from wear on brake discs, wear from tyres and the dust they create from driving on the roads. So
one of the issues that we could deal with quite easily is we can actually have a States road sweeper
1100 and we could actually sweep our roads and look after them. That is something we could do very
easily.

1105 If we were to take it a little bit further and encourage all electric vehicles, the additional
electricity we are going to use to charge them, will it actually raise our carbon footprint and not
lower it? I appreciate the power station is being upgraded and I listened to what Mr Birmingham
said and I was quite surprised about the results from the survey and I think that tells us all we
need to know. I do agree with Mr Barnes, you only have to go to London for the weekend and
blow your nostrils and your tissue is as black as the ace of spades, and that certainly does not
happen here. We could go to an extreme and ban all vehicles and that would all be sorted – that
is not practical and it is not even viable. I do agree we have far more pressing issues to deal with
1110 so, for me, I suggest we park the debate, give it a ticket and tow it away.

Thank you.

The President: Thank you very much, Mr Dean.
Mr Roberts.

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Mr Roberts: It is well known within the Committee that I did not support this direction. Mrs Paris has this view, which I fully respect. I believe we have a far more pressing problem, which I think the public will be more in touch with, and Mrs Paris has to be commended for forwarding the pollution problem.

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The very small response from the public consultation validates my argument. The people of Alderney know that the air we breathe here is second to none. About 15 years ago, when cars were in a far worse state than they are now, I was working at the airport with a close friend of mine and two travellers checked in with lots of equipment. We casually enquired what they had been doing in Alderney, 'We are checking the air' they said. The concern at that time was that radiation was causing higher cancer rates on the Island and the travellers were conducting a survey to test the clarity of our air at different points around the Island. The two men smiled at us when we both asked, 'What is it like, then?' 'You won't get better anywhere in the world', they said, 'We cannot fault it, it is fantastic and we have tested all over. The people of Alderney are very lucky.' Now the point they had made when they left I already knew, and still know now, and I know it to be true. Here we are very lucky. The worst emissions over here come from oil fired boilers and the power station, which I am relieved to hear from Mr Birmingham are far lower than what I thought they were. But you can forget the rest. We live on an island surrounded by the sea, with the clarity of air consistently clearing the air we breathe. Visitors to the Island state the air is so good they get tired out, that speaks for itself, and it backs up my knowledge that our pollution levels are miniscule.

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But we do have a problem here, a far more pressing issue that needs to be redressed immediately, a pollution issue and that one is plastics, the pollution of plastics. That is our opportunity for contribution to the world's problem, one that has been recognised far too late with the oceans around us, plastics. Our seas our suffering; our fish stocks and sea creatures are dying from plastic –

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The President: Mr Roberts, can I remind you we are talking about air pollution, please.

Mr Roberts: It is still pollution, sir.

1145

The President: Exactly, we are talking about air pollution.

Mr Roberts: Okay, I wanted to do something on plastics.

1150

The President: Well, you will have to do that at another time in another venue, please.

Mr Roberts: Then you have cut short a very important issue.
Thank you, sir.

1155

The President: Does any other Member wish to speak on Item VI?
Mr Dent.

Mr Dent: Mr President, colleagues, one of the reasons I like Alderney is the clean air we are able to breathe. Until recently I, in fact, had no cause to believe that it was not clean.

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I was going to say that I would feel easier participating in this debate if we had full data and I thank Mr Birmingham for the data that he has provided because I was unaware of some of these results. It would be useful if we knew what the pollution levels were in other parts of the Island, and maybe that is not so difficult to obtain. Clearly there are a number of people here who believe

that action is needed against what they believe is almost certainly an invisible hazard. So I think this debate in this Chamber of itself can only be a good thing.

1165 I will say then, that I support the call for some, albeit inexpensive research on actual air quality and in the areas we do not have data, and if there are volunteers out there that could help us with this task that would be useful.

1170 As an economist, I am a great believer in market forces. If there are social costs associated with diesel vehicles then yes, let us price to discourage their import. I also like the idea of electric vehicles. If people are prepared to charge their vehicles during off-peak times when the demand for electricity is low and if Alderney Electricity are prepared therefore to give us a discounted price, let's go for it. I have always been a supporter of bespoke solutions for Alderney. The one size fits all policy that frequently comes from Guernsey often suits us. But having said this, I am probably one of the few people that has spoken of the advantages of at least environmental protection enabling legislation. It is all too easy to say we do not need it. Woe betide us if something suddenly happens. No one foresaw the PFOS problems and the old boy scout motto of 'be prepared' is not such a bad thing. There are simply too many unknowns out there.

1175 Thank you.

1180 **The President:** Thank you, Mr Dent.

Do either of the two remaining Members who have not spoken ...? Mr Tugby.

Mr Tugby: Sir, it is something that we have been talking about here tonight and there is no major problem in Alderney and, at the end of the day, the extra cost of going all electric vehicles or anything like that would be just an extra burden on the people in Alderney. Everything is expensive here as it is – fuel is about 30 pence a litre or more dearer than Guernsey. I think it is now £1.70-odd and the last time in Guernsey I think it was £1.20, so if we are going to start having to have better, newer vehicles and do the work and everything, the cost would all go up. For example, for a lorry you would have to spend at least £100,000 to get a new lorry, that would be minimum price to use once a week, maybe once a month. It is just not a viable proposition, so that is one of the reasons, if you are going to bring in more legislation to make things different, it would just add extra cost to the public of Alderney, perhaps that is why a lot of them never bothered to reply to the survey because it would just add extra costs.

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1195 The air quality here is excellent, in my opinion, and there is no reason whatsoever ... I am sure a couple of the jets flying overhead cause more pollution in Alderney than any cars do in Alderney at the present time, or lorries for that matter.

1200 If we did something and brought in legislation for it – Guernsey has not, nobody else seems to be bothering. They are doing a lot of talking about it. England is looking at 2040 for banning diesel cars, they might bring it forward because of EC regulations, even though they are hoping to get out of it. It is just adding extra cost to living in Alderney. When the quality is excellent anyway I do not see any point.

1205 The air burner at the Impot is not exactly brilliant because, where I live, occasionally, if the wind is in the right direction we still get smoke, so either it is not being used correctly when they are putting it above the actual fans that keep it down ... because that is where it went wrong with the previous one, they used to put too much stuff in and it used to burn above the actual blow list which did not keep it into the actual tank and that was causing a bit of a problem. Hopefully any problems like that can be addressed, but apart from that I would not recommend going any further with legislation.

1210 **The President:** Thank you, Mr Tugby.

Mr McKinley, do you wish to speak on this matter?

Mr McKinley: No, thank you, sir, it has all been said.

1215 **The President:** Thank you very much.
Mrs Paris, do you wish to exercise your right to reply?

Mrs Paris: Yes I do, sir, thank you.

1220 I think I would make the first point that because we cannot see it does not mean it does not exist. Everyone has said, without exception, they do not think there is a problem here on the basis of no factual evidence whatsoever.

1225 There has been, however, figures from Mr Birmingham to do specifically with the power station and I think it is very good news that there is not a problem there, but it also begs the question that why are AEL so forward thinking as to think it is a necessary thing to do when the rest of us do not need to. Because after all, you are checking something which everybody else feels there is no need to check. I think the power station news is very good. I think also the electric vehicles – because I know AEL now have an electric vehicle and they are, in a way which I thoroughly approve, actually testing to find out some facts about how things work and what they are testing is whether it is cheaper to run an electric fleet than it would be to run other sorts of cars. I do not want to pre-empt what Mr Lancaster might say about this, or even Mr Birmingham, but I know there is a general feeling that it could actually be more economic to do that and I would be very interested to see when those figures come in.

1230 Thank you, Mr Jean, for your congratulations which are more than I deserve, on the progress that we have made and all the things that we do not do any more like burning the rubbish and all the rest of it. That all comes from an awareness that we have issues and I think it took quite a long time for the awareness that we did not like the idea of burning the black bag waste, to actually get through into policy. This is merely, as Mr Dent says, an effort to be prepared because it is clear we do not have facts, apart from Mr Birmingham's facts. My view still is it would be perhaps wise just to do some testing in Victoria Street and hopefully, as Mr Birmingham has found out at AEL, there will not be a problem. But at least if we did know there was a problem we could do something about it.

1245 I think also, perhaps, we should hopefully having raised the awareness of this, might just make some people turn off their engines when they leave their cars or they are standing still having a chat or whatever, on an economic basis, if nothing else, but they are using petrol while they are sitting there.

It has been very interesting to hear everybody's opinion and obviously we will take it back to General Services and we will discuss it. We were well aware that there was not any real feel for any sort of legislation but I do not think we should be considering that because we cannot see that we have a problem that we necessarily do not have a problem.

1250 But thank you very much for all your contributions, it has been very interesting indeed.

The President: Thank you very much, Mrs Paris.
That concludes the debate on air pollution.

**VII. Proposed Amendment to Rules of Procedure –
States Meetings –
Item agreed**

Item VII

The States is asked:

to resolve in exercise of their powers to prescribe rules of procedure applicable to meetings of the States under section 45(1) of the Government of Alderney Law, 2004, that the following amendments are made to the States of Alderney Rules of Procedure, as amended (additional words, shown in bold italics, are added to Rule 17 (1)):

*(1) At any States meeting a Member may put a question concerning States' business to the Chairman of any States Committee **or to one or more of the Alderney Representatives in the Guernsey States of Deliberation** for a verbal reply provided that he has given notice thereof in writing, at least seven days prior to the date of the meeting, to the President and to the Chairman of the Committee **or Alderney Representative** to whom the question is to be put.*

(2) No discussion shall arise out of a question put under this Rule.

*(3) Where a question has been put to a Chairman of a Committee **or to an Alderney Representative** under this Rule, the President may allow a supplementary question to be put by any member if it arises from the reply to the original question; but the Chairman of the Committee concerned **or Alderney Representative** may decline to answer if, in his opinion any answer given by him might be inaccurate or misleading*

*(4) A member may at least fourteen days prior to the meeting, place a question on any subject in accordance with this Rule for Written Reply by addressing the same to the Chairman of the States Committee concerned **or to one or more of the Alderney Representatives in the Guernsey States of Deliberation** and by furnishing a copy thereof to the President.*

*(5) Where a question is placed in accordance with paragraph (4) of this Rule, the Chairman of the States Committee concerned **or Alderney Representative** shall, subject to paragraph 7 of this Rule, furnish a written reply thereto by addressing the same to the Member who placed the question and he shall furnish a copy of the reply to the President, who shall cause a copy of the question and of the reply thereto to be printed in the Deliberations of the meeting at which the question was put.*

(6) The placing of a question in accordance with paragraph (4) of this Rule or the receipt of a reply thereto shall not preclude the Member who placed the question or any other member from addressing a question on the same subject at any meeting in accordance with paragraph (1) of this Rule.

*(7) The President may, on the grounds of public interest, rule that a Question placed in accordance with this Rule shall not be answered by the Chairman of the States Committee concerned **or Alderney Representative** or that the Question need not be answered by him.*

(8) An Alderney Representative may decline to answer a question, whether verbal, written or supplementary, put to him under this Rule if, in his opinion, he is precluded from so doing by any provision of a code of conduct to which he is subject by virtue of section 20F of the Reform (Guernsey) Law, 1948 or by any other duty attaching to his position as an Alderney Representative, including (for the avoidance of doubt) his membership of any Committee of the States of Deliberation of the Island of Guernsey.

(9) In this Rule, 'Alderney Representative' means a member elected in accordance with section 3(a) or (b) of the States of Guernsey (Representation of Alderney) Law, 1978 as a representative or alternative representative of Alderney in the States of Deliberation of the Island of Guernsey.

The President: We move to Item VII, please.

1255 **The Greffier:** Thank you, sir.

Item VII this evening is the proposed amendments to the Rules of Procedure. 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 resolve in exercise of their powers to prescribe rules of procedure applicable to meetings of the States under section 45(1) of the Government of Alderney Law, 2004, that the amendments as laid out in the Billet are made to the Alderney Rules of Procedure.

The President: Thank you very much, Monsieur Greffier.

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

1265 **Mr Barnes:** There were no comments on this particular Item.

The President: Thank you very much, Mr Barnes.

Mr Dent, I believe you wish to propose this.

1270 **Mr Dent:** Mr President, colleagues.

Rule 17 of the Rules of Procedure for States Meetings currently sets out the procedure whereby any States' Member may put a question concerning States' business to the Chairman of any States Committee. The Rules of Procedure currently do not allow States Members to ask questions of the Alderney Representative from the Guernsey States of Deliberation. The business conducted by our Alderney Representatives in the Guernsey States of Deliberation is becoming increasingly important. It is particularly important given our dependency on Guernsey for transferred services, for the financial support to our transport services and much of our Brexit negotiations. It is also important that we are able to obtain the best possible understanding of States of Guernsey business.

1280 It is consequently right that the States of Alderney provides procedural arrangements for questioning our representatives on the Guernsey States of Deliberation. These procedural changes will improve the transparency in which the States operates and will allow us to shift some of the business that currently occurs in P&F to this more open forum.

1285 I would like you finally to know that the new procedure protects our Alderney Representatives who may decline to answer the question if, in their opinion, they are precluded by legal reasons or because of any duty attachment to their position as an Alderney Representative, such as their membership of any Committee of the Guernsey States of Deliberation. Whilst this should currently not be a major problem for our representatives, should the situation ever change, and we were able to participate more fully in the wider affairs of the Bailiwick, we cannot expect them to disclose confidential business.

1290 Thank you.

The President: Thank you, Mr Dent.

Mr Birmingham, I believe you wish to second this.

1295 **Mr Birmingham:** Thank you, Mr President, fellow States Members.

Over the last year we have seen the reinvigoration of the use of questions by the Members of the States to Committee Chairmen. In the past it was a tool by which States Members are able to undertake scrutiny in a proper public forum of the States Chamber. This has fallen into disuse because of the 10-man Policy & Finance Committee. States Members did not ask questions in the States because they were getting their questions answered behind closed doors in Policy & Finance meetings. A previous Alderney Representative actually made this point on social media over the last week, that the Alderney Reps can answer questions in Policy & Finance so they do not need to reply to questions in the States Chamber. Well, that is all very well, but for me that raises a few issues. What if a States' Member who wishes to ask a question is not a member of Policy & Finance? What would be the procedure by which that individual could get a question

1310 answered? I am not a member of Policy & Finance – what if I wish to raise a question? What about
transparency? How will the public know the Alderney Rep's answer if it is given behind closed
doors in a Policy & Finance meeting? Policy & Finance is not the States. And what about
communicating a message to the public? An Alderney Rep could use the media but there is always
1315 the danger of being misquoted and sometimes as amateur politicians with no training, we can
misspeak when talking to the media and sometimes that can cause confusion on a subject. If a
question is asked in full States, the Alderney Rep has time to prepare a clear, well considered,
properly researched answer to the question, which will help inform the public and be part of the
Hansard record, so there is no danger of being misquoted.

1320 As the Chairman of Policy & Finance has pointed out, there are several important issues that
our Alderney Reps deal with that have direct impact on States of Alderney policy and, of course,
on members of the public in Alderney. It is only right that from time to time Members of the States
should have the ability to ask Alderney Reps questions on relevant subjects as those reps are
elected to their position by the full States in the same way as committee chairmen are elected,
albeit on the recommendation of a plebiscite. I see no reason why they should not be open to
questioning in the same way. Plus there may be matters that are not States of Alderney policy but
about which members of the public have specific concerns. I am minded of the issue of mental
1325 health provision, over which there was significant concern some time ago. It is not an area of
States of Alderney policy but many people have concerns over it. The ability of a States' Member
to raise a question in full States on a subject like that would allow an Alderney Rep to state their
position on an issue, which might be subject to a States of Guernsey debate, which may stimulate
a conversation by which an Alderney Rep may decide to rethink their position as they may be
better informed after input from the community.

1330 It would not take away their right to vote as their conscience dictates. That, of course, is as it
should be. It would just mean that they would be better informed when they make their decision
and that must be a good thing. It may also aid the reps by being more empowered when asking a
question in Guernsey States on behalf of the members of the community by being better
informed. I fully support this motion, which I believe may help the Alderney public understand
1335 how our sometimes fraught relations with our Guernsey neighbours works and I believe could
create a mechanism that strengthens the hand of our reps when raising questions and voting in
the States of Guernsey.

The President: Thank you very much, Mr Birmingham.

1340 Does any Member of the Alderney States wish to comment on Item VII? Mr McKinley, I believe
you do.

Mr McKinley: Thank you, sir.

1345 Very briefly, because Mr Birmingham has really said all that needs to be said. Certainly we do
have a chance to report to the States in Committee when it meets. We also have a chance to
report to the Policy & Finance Committee, but we do not have a chance to answer questions from
the public about what is going on in Guernsey or what has been going on in recent States meetings
in Guernsey and the posing of a question here, with advanced notice, we are talking about a
week's notice, I think, so it gives us time to do our homework, particularly if it is not on an issue
1350 that is related to a recent States meeting but is on some other issue, and he mentioned health,
social care and mental health. Yes, I think we should be able to answer the question. It gives us
time to speak to the relevant authorities down in Guernsey, to get the full detail and give the full
answer so I fully support this amendment.

1355 **The President:** Thank you, Mr McKinley.

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

1360 **Mr Jean:** I am taking a different stance on this, completely different – do not be surprised. Why should this be allowed, when there is already a constant exchange of information? We have States in Committee, we have questions, in the P&F Committee we have questions and we have reports. On top of this I have constantly sent in articles to both *The Press* and *The Journal* over the last six years, and I mean a lot of stuff. I am sure that if asked both *The Journal* and *The Press* will bear this out. Not all of my articles get published, space is tight at times, but they do their best and I send them in anyway. Over the last five or six years many of you will have read my letters and work.

1365 In Guernsey the second reason I am not for this is because Mr Dent, as Chairman of P&F is intent on the Alderney Reps asking questions for him in the Guernsey States. I have explained this is not necessary in my opinion. I am against that because there are other ways to do this, it is so easy to do it: being a leader of the States of Alderney, contact can be made direct and it simply is not necessary for us to do it.

1370 I am against this because I am already giving a clear and steady stream of information to all parties and I also realise this is a two-fold attempt to force Alderney Reps by the use of this legislation to ask questions that they want to ask in Guernsey, and I might not agree with them. I have, over the years that I have been the Alderney Rep in Guernsey, and that is a long time, been subject to many attempts to control my output. I have been told that I must take the Alderney view. I always tell Guernsey the Alderney Government view, I cannot help it that the views of this Government are often so different from my own, so I shall not do that if I think it is wrong.

1375 I ask the States not to support this. You will strip the Alderney Reps of their independence, or at least some of it. You should also remember we are subject to a plebiscite, it is a public election and I have those members of the public to answer to as well if I am doing a bad job and that happens every two years. Sir, I have always fought to move independently. I have always asked the States to understand that I must move freely and independently, as an Alderney Rep. And if I am subjected to rigorous control or forced to do the bidding of this States the work I am doing in Guernsey will be more difficult for me.

1380 The last reason is clear, under these rules I am not a chairman, I have not been for a long time. There is, in my opinion, no good reason to change the Rules of Procedure to effect this change when any question that you have ever wished to ask me I have willingly answered and would do so tomorrow. That also goes for Mr Birmingham, who as he explained – and I think I am going to take up a few of his points in a minute – as he is not a member of P&F he is perfectly free to contact me by email, perfectly free to phone me or perfectly free to come and see me if he has a question. Now, I would rather see it that way and I would rather see it continue that way for all the reasons that I have said.

1385 But there is another reason as well and I have explained this in the past too, and it is important that it is well understood. Sometimes you may go to Guernsey with a set view in your own mind of what you want to do or what you think is right. The soporific body of the Guernsey States in its wisdom expounds and expands on the view of that particular subject, you find yourself either changing through amendment or changing your view completely because of some of the wisdom of that body, and that is the kind of freedom I have to have. And what this is about it is trying to exert more control. It is more control that is not necessary and it would not be a good thing, and I would ask those Members of the States not to support this and to understand and trust in me that the way I have always worked and done this job is the right way. If you want to manacle me and control me more this is not the way to do it and I ask you to keep yourself free of this.

Thank you.

1400 **The President:** Thank you, Mr Jean.
Does any other Member ...? Mr Dean.

Mr Dean: Thank you.

1410 I was not going to speak actually but I think Mr Jean has completely got the wrong end of the stick. It is all about the Guernsey Reps that are elected to go down and fight our corner in Guernsey. It just gives us the opportunity here. I, like I am sure many of my colleagues, listen to it on the radio but it is not the same as actually hearing it from the horse's mouth and it just gives us the ability to formally give Mr Jean or Mr McKinley a question and have a proper answer back in the Chamber and from that we can probably ask a supplementary question on it.

1415 I do not see what the issue is. I really think, Mr Jean, you are not understanding what –

Mr Jean: I am sorry you have missed the point; you have missed the point completely.

1420 **Mr Dean:** That is all I would say.

The President: Thank you, Mr Jean – he is speaking. Thank you.
Does any other Member wish to speak on this Item? Mrs Paris.

Mrs Paris: Thank you, sir.

1425 I think, as with Mr Dean, I am confused as well. My understanding of the whole thrust of this is that we are attempting at all stages to try and be more transparent. We are aware of accusations that P&F is the States *in camera* and that not enough debate is brought before this Chamber.

1430 For me, all that we are trying to do here is to give Mr McKinley and Mr Jean another possibility to actually say what they are doing and what is happening in the States of Guernsey in a manner which is more public than they otherwise do it anyway. They both report very well to both Policy & Finance and to States in Committee. I do not see this as being any more onerous than that. I think it would be fair to say I think McKinley agrees with that, that this is simply a different forum and probably saying exactly the same things, but it does give the opportunity for us to ask questions and for them to answer, in a public forum which is recorded on *Hansard* that everybody hears, it goes out on the radio as well. And I cannot see a problem with that myself but, maybe as
1435 Mr Jean was saying, we are missing the point.

The President: Thank you, Mrs Paris.

1440 Does any other Member wish to speak on the subject? Mr Tugby.

Mr Tugby: Sir, I do not see a problem with this situation at all because we are not dictating what Mr Jean says in the Guernsey States, all we are going to do is ... I know we hear it in the States in Committee and in Policy & Finance meetings we go to, we would report from them if there is anything of interest. All this is asking for is to say it out in the public if we want to actually
1445 ask a question about what has gone on, well then we can ask it and we are not dictating what you say in the States in Guernsey. All we are saying is when you come back, say it in public so everybody can listen.

The President: Thank you, Mr Tugby.

1450 Mr Barnes.

Mr Barnes: I certainly agree with the last three speakers but I think, Mr Jean, you are totally missing the point here. In this particular instance you are going to get 14 days, like Mr McKinley said, so you can actually research the question and give an answer. Whereas in States in
1455 Committee if they ask you a question you have got to give the answer off the hoof or do not give one.

The President: Could I just make a point of order there, please. It is seven days under the legislation you are proposing.

1460

Mr Barnes: Sorry, seven days.

The President: Thank you.

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

1465

Mr Roberts: Just very briefly.

I also do not see it as a problem. I believe a question was asked by Mr Jean in the States of Guernsey regarding something lately and I believe you asked it very well and I commend the way you speak on Guernsey States.

1470

Mr Jean: Thank you.

The President: Is it a point of order?

1475

Mr Dean: A point of order, yes. On the amended Billet I have got here it does say:

A member may at least fourteen days prior to the meeting,

The President: Is that for a Written Question?

Mr Dean: Yes.

1480

The President: And for a verbal question, which is what Mr Barnes is talking about, is it seven days?

Mr Dean: Apologies, sorry.

1485

The President: It is quite alright.

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

Mr Barnes: I was trying to make the point that in States in Committee Mr Jean and Mr McKinley do not get any chance pre-hand, it is off the cuff there. In this instance it is, as you say, it is written 14 days, verbal seven days.

1490

The President: Thank you very much.

I think that concludes what everybody wishes to say on this so, Mr Dent, do you wish to exercise your right of reply?

1495

Mr Dent: I think I have no need to say anything more.

Thank you.

The President: Thank you very much.

1500

Monsieur Greffier, would you please put Item VII, proposed amendment to Rules of Procedure, to the vote.

The Greffier: Thank you, sir.

1505

The States of Alderney are asked to resolve in exercise of their powers to prescribe Rules of Procedure applicable to meetings of the States under section 45(1) of the Government of Alderney Law, 2004, to make the following amendments to the States of Alderney Rules of Procedure, as set out in the Billet.

A vote was taken and the results were as follows:

FOR

Mr Tugby
Mr Birmingham
Mr Roberts
Mrs Paris
Mr McKinley
Mr Dent
Mr Dean
Mr Barnes

AGAINST

Mr Jean

ABSTAINED

None

The Greffier: Sir, 8 votes to 1, that carries.

1510

The President: Thank you very much indeed.

**VIII. Questions and Reports –
General Services Committee –
Coastal defence solutions regarding erosion**

The President: We now move to Item VIII, please.

1515

The Greffier: Thank you, sir.

Item VIII this evening is Questions and Reports and I confirm receipt of one question from Mr Birmingham to the Chairman of the General Services Committee.

The President: Thank you very much indeed.

1520

Mr Birmingham, would you like to rise and put your question to the Chair of General Services, please.

Mr Birmingham: Thank you, Mr President.

1525

The Glacis at Fort Grosnez is an area of major importance to the Island, currently containing vital infrastructure in the form of the transport fuel compound, the recycling centre and the harbour maintenance shed. It also represents a significant development opportunity for the Island in respect of the possible siting of renewable energy technology to help with the Island's long term energy security and the availability of waste heat from the power station upgrade for use as a business incubator to seed new economic opportunities which could create jobs and income for the States of Alderney in the form of rates.

1530

In the light of this, shouldn't the rapid erosion of the western glace into Crabby Bay be of considerable concern to the States, not least due to the significant safety threat that it poses to the transport fuels compound and as States landlord will General Services be urgently looking at coastal defence solutions as a priority to stabilise the area and allocate funds within the upcoming 2019 capital works budget in order that work could commence as quickly as possible to mitigate the erosion problem before the situation deteriorates any further?

1535

The President: Thank you, Mr Birmingham.

Mrs Paris, would you like to rise and respond to the question, please.

1540

Mrs Paris: Certainly, I will and I have to say I think this is an excellent way of getting things so that everybody knows.

The General Services Committee are very well aware of several areas of coastline where we have some erosion problems. We are trying to list them in some sort of order of priority and there are two areas which are being monitored very closely, one is Crabby and the other is Corblets Bay.

1545

Because of the implications of vital infrastructure which could be put at risk in either of those particular situations, so they are the ones that we pay most attention to.

1550 Yes, we do want States funds from 2019 to do some substantial work. We keep hearing that AEL are going to bring forward some suggestions of what they would like to do to redevelop the Grosnez area and we look forward to that with anticipation because obviously as part of the process of maintaining that area it would be nice to have some ideas for a start of what you would like to do with it.

So thank you for the opportunity to say it.

1555 **The President:** Thank you, Mrs Paris.

Does any Member have a supplementary question arising as a result of the response which Mrs Paris has just given?

There being no questions, that is the end of the States' business for this meeting.

Monsieur Greffier, would you please bring the meeting to a close.

PRAYERS

The Greffier

The Assembly adjourned at 7.39 p.m.