

OFFICIAL REPORT

OF THE

STATES OF THE ISLAND OF ALDERNEY

HANSARD

The Court House, Alderney, Wednesday, 15th May 2019

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

Volume 7, No. 4

Present:

Mr Stuart Trought, President

Members

Ms Annie Burgess
Mr Mike Dean
Mr James Dent
Mr David Earl
Mr Kevin Gentle
Mr Christian Harris
Mr Steve Roberts
Mr Alexander Snowdon

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.

[THE PRESIDENT in the Chair]

PRAYERS

The Greffier

The President: Monsieur Greffier, I have apologies from Mr Louis Jean and Mr Graham McKinley.

Would you please proceed with the rest of the Roll.

The Greffier: I am obliged, sir.

ROLL CALL

The Greffier

The Greffier: Sir, the eight remaining Members are present this evening.

The President: Can you confirm for the record that we are quorate, please?

The Greffier: We are, sir.

The President: Thank you very much.

Rules 2, 3 and 20 suspended to permit election of new Vice-President

The President: Before we get into the main Billet, we have some other business to deal with this evening.

On Monday, I received notice of the Vice-President, Mr Louis Jean's immediate resignation. The States of Alderney having decided to prolong the election period for presidential elections and not having a Vice-President would mean that legally the States of Alderney would not be able to meet until July at the earliest.

As notice was only received on Monday, this precludes any other Item being placed on the Billet within the requisite amount of time for today's meeting under the Rules of Procedure. Therefore under Rule 24, I am asking the States Members to suspend Rules 2, 3 and 20 for the duration of this meeting, in order that you can elect a new Vice-President.

The States is therefore asked to resolve to suspend Rules 2, 3 and 20 of the Rules of Procedure for this meeting in order to elect a new Vice-President.

Monsieur Greffier, would you please call the vote.

The Greffier: Sir, would you like any option for the Members to debate that before the vote?

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The President: I do not think there is any need for any debate here. We will just call the vote, please.

A vote was taken and the results were as follows:

FOR	AGAINST	ABSTAINED
Ms Burgess	None	None
Mr Dean		
Mr Dent		
Mr Earl		
Mr Gentle		
Mr Harris		
Mr Roberts		
Mr Snowdon		

The Greffier: Sir, all eight Members are in favour.

The President: Thank you very much indeed.

That means that for the purposes of the rest of this meeting, Rules 2, 3 and 20 are suspended. So we can now proceed and discuss something which is not on the Billet before you.

Election of new Vice-President – Mr Dent elected

The President: So I would ask the States Members, do any of you have proposals for the position of Vice-President?

Please.

Mr Earl: Mr President, fellow States Members, I propose Mr James Dent.

The President: Mr James Dent.

Mr Dent, are you willing to accept the responsibilities of the position of Vice-President?

Mr Dent: Sir, yes I am.

The President: Thank you very much indeed. Do I have any other proposals? Mr Snowdon.

Mr Snowdon: Thank you, sir. I would like to propose Mr Roberts.

The President: Mr Roberts, are you prepared to accept the responsibilities of the position of Vice-President?

Mr Roberts: Yes I am, sir.

The President: Thank you very much indeed.

Do I have any other proposals for the position of Vice-President?

I have no other proposals. Therefore I will allow both Mr Dent and Mr Roberts to address the States briefly to explain why they think they should be the next Vice-President.

Seeing as you were called first, Mr Dent, would you care to rise and tell the States Members why you think you should be the Vice-President.

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Mr Dent: Mr President, thank you.

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Let me first say, it would be an honour to serve the Island in this position. This is normally an honorary position and in most circumstances, the services of the Vice-President are in fact only rarely called upon.

These are, however, not quite normal circumstances. For the next five to six weeks, the Vice-President will be discharging all the functions of the President. These will include production and issue of the Billets d'État and Deliberations for the June meeting; dealing with members of the public and other Government officers, including with the Lieutenant-Governor; organising civic and social events, including Vin d'honneurs, if necessary; and visits by dignitaries.

Sir, the Island is going through some difficult times and some effort will be required to discharge these functions. I would, however, like to think that over the last two and a half years, I have shown that I am hardworking, diligent and not one to shirk from my duty.

Fellow colleagues, I would also like to think that my experience in our Government over the last two years and the relationships that I have already established with organisations and people here on the Island, in Guernsey and in the UK, and also across the water in France, make me not only well qualified for position but if elected should make the task easier.

Finally, I do not doubt the qualities that my colleague, Mr Roberts would bring. He too has served the Island well, and would bring many admirable, though possibly different, qualities to the job.

Colleagues, this choice is yours. Thank you.

The President: Thank you, Mr Dent.

Mr Roberts, would you care to rise and address the States?

Mr Roberts: Yes, sir, just a few words.

Being the next senior States Member behind Mr Jean, I felt it was my duty to forward myself for the post.

Although this commitment is indeed voted on, it has been the custom for the longest serving Member to fill the post on most occasions for many years. I do feel that it would be perhaps inappropriate for the Leader of our States to hold this non-political position of deputy President, as it may well compromise good governance and constitutionally – but this would, I am sure, be unintentional.

I also feel strongly that Mr Jean wanted to keep his post, but has had to resign for family and personal reasons, and I feel it would be wrong for him to lose the vice-presidency for those very reasons. For that above reason, I ask for your vote so I can do this because this absence may be of a temporary nature, and when the situation improves for Mr Jean, I will be more than happy to stand down for the Father of the House and let him return.

I wish my good friend Mr Dent the very best of luck, and should you wish me to replace Mr Jean, I put myself forward for the House.

The President: Thank you very much indeed.

I would just like to clarify something for States Members. The position of Vice-President is not the position of President. Vice-President is elected by States Members. The President is elected by the public.

So this will be a first-past-the-post vote. You will be asked to call out the name of the person that you want to be Vice-President when the Greffier asks you to do so.

Monsieur Greffier, are you ready to ask the Members whom they want as their Vice-President?

The Greffier: Yes, sir.

The President: Please proceed.

A vote was taken and the results were as follows:

MR DENT MR ROBERTS

Ms Burgess Mr Roberts

Mr Dent Mr Snowdon

Mr Earl Mr Dean

Mr Gentle

The Greffier: Sir, with 5 votes to 3, it is in favour of Mr Dent.

The President: Congratulations Mr Dent; commiserations, Mr Roberts.

Mr Dent: Thank you.

Mr Harris

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Billet d'État for Wednesday, 15th May 2019

Convener's Report of the People's Meeting held on 8th May 2019

The President: We now move on to the business of the Billet, and could we start, please, Ms Burgess, with the Convener's opening report.

Ms Burgess: Thank you, Mr President, fellow States Members.

Just to say I was assisted by the Chief Executive and Acting Head of Finance; States Members present were six, with apologies received from Mr Harris and Mr Dent; obviously Mr President; the Minutes Secretary; and then noted were 14 of the public and five of the Press.

Item I was the Alderney Commission for Renewable Energy: Appointment of Commissioners.

The President: That is it for the moment, thanks.

While you are on your feet, would you like to give us the report on Item I, please.

Ms Burgess: Item I – Alderney Commission for Renewable Energy: Appointment of Commissioners.

It was questioned what criteria were used to appoint the new Commissioners.

I myself advised that there is limited activity in this area at the moment, hence the three members of the Civil Service being appointed to actually cut costs. It is required to have three Commissioners in situation, and these will be replaced by more qualified experts when it is required.

There were various questions. A comment was noted by a member of the public asking that they would like to consider having a States Member as one of the Commissioners.

It was also noted that currently there were no applications or licences to be processed.

The President: Thank you very much.

I. Alderney Commission for Renewable Energy: Appointment of Commissioners – Item approved

Item I

The States of Alderney is asked to approve, on the recommendation of the Policy and Finance Committee and in accordance with section 6 of the Renewable Energy (Alderney) Law, 2007, the appointment of Mr Paul Veron, Mrs Elizabeth Maurice and Mr Andrew Muter as Members of the Alderney Commission for Renewable Energy.

The President: So we move on to Item I.

Monsieur Greffier, would you please introduce Item I officially.

The Greffier: Thank you, you, sir.

Item I this evening is the Alderney Commission for Renewable Energy: Appointment of Commissioners.

A letter has been received from Mr Dent as Chairman of the Policy and Finance Committee, and the States of Alderney are asked to approve, on the recommendation of the Policy and Finance Committee and in accordance with section 6 of the Renewable Energy (Alderney) Law, 2007, the appointment of Mr Paul Veron, Mrs Elizabeth Maurice and Mr Andrew Muter as members of the Alderney Commission for Renewable Energy.

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The President: Thank you very much, Monsieur Greffier.

Mr Dent, I believe you wish to propose this Item?

Mr Dent: Mr President, colleagues, thanks.

The Tidal Energy Group mandate that was approved by P&F in November last year called on the Group amongst other things to give attention to the regulatory needs for the sector and to make recommendations in regard to the future of the Alderney Commission for Renewable Energy.

The recommendations we have here tonight are in line with the recommendations from that Group.

While considerations continue as to the likely direction and timetable for exploiting our tidal energy, the Group are conscious of the need, firstly, to minimise unnecessary state expenditure; secondly, to maintain the Commission in a form that will allow it to be resuscitated, and with relevant professional expertise whenever the need should arise; also to allow the Commission to continue any residual legal and other functions that are required and that are in the wider States' interest and to allow the Commission to undertake any functions that relate to possible non-tidal energy matters.

As many of you already know, any future regulatory body may take a different shape to the one we currently have.

Finally, if I may just emphasise the intended temporary nature of these appointments and commend your support for the motion. With these changes and the parallel closing of the ACRE office, I am advised that we should be saving the States of Alderney about £50,000 per year.

Thank you.

The President: Thank you, Mr Dent.

Mr Snowdon, I believe you wish to second this.

Mr Snowdon: I would like to second it. Can I reserve my right to speak, sir?

185 **The President:** You may.

Mr Snowdon: Thank you.

The President: Does any other Member wish to speak on Item I?

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Mr Earl: Mr President, fellow States Members, I realise the expediency of this motion, but I would like to draw everybody's attention to the fact that the proposal does say 'and to commence a process to seek a permanent replacement of the chairman.'

I think that is something that should be done as a matter of urgency because the problem that we have got is having a temporary Committee in place is sending the wrong messages out to people here and in Guernsey.

The President: Thank you very much, Mr Earl.

Does any other Member wish to speak on Item I?

No other Member wishes to speak on Item I? Mr Snowdon, please.

Mr Snowdon: Thank you, sir.

Just going on your point there, I think the Chairman has resigned from ACRE, the current Chairman, (**Mr Earl:** Correct.) so we cannot keep him on, as it were.

Touching on Mr Dent's point, you are quite right: it should save us a substantial amount of money. The Tidal Group is working very hard and I think we established yesterday that the Tidal Group is going to come back to P&F, and hopefully give P&F an update on where we may be headed with different ways forward, but we still need ACRE in place potentially for a solar farm if AEL put it forward, that has to be licensed, so you cannot get rid of it totally. And there are other issues that may come up at a later date.

So I would very much support this proposal. Thank you.

The President: Thank you very much, Mr Snowdon. Does any other Member wish to speak? Mr Dent, do you wish to exercise your right of reply?

Mr Dent: Mr President, I have nothing more to add.

Thank you.

The President: Thank you very much.

Monsieur Greffier, would you please put Item I to the vote.

The Greffier: Thank you.

The States of Alderney are asked to approve, on the recommendation of the Policy and Finance Committee and in accordance with section 6 of the Renewable Energy (Alderney) Law, 2007, the appointment of Mr Paul Veron, Mrs Elizabeth Maurice and Mr Andrew Muter as members of the Alderney Commission for Renewable Energy.

A vote was taken and the results were as follows:

FOR	AGAINST	ABSTAINED
Ms Burgess	None	None
Mr Dean		
Mr Dent		
Mr Earl		
Mr Gentle		
Mr Harris		
Mr Roberts		
Mr Snowdon		

The Greffier: Sir, all eight Members are in favour.

The President: Thank you very much indeed.

II. Questions and Reports –Three questions for verbal reply

Item II.

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The following questions had been received:

1. Question from Mr Dent for the two Alderney Representatives in the States of Guernsey, Mr Steve Roberts and Mr Alex Snowdon:-

Can you inform us of matters relevant to Alderney that were discussed at the last States of Guernsey meeting and also of any meetings you may have had while in Guernsey with politicians and officers there, relevant to Alderney affairs?

2. Question from Mr Roberts for the Chairman of the Policy & Finance Committee, Mr James Dent:

Is there any information regarding the revised PSO tender that you can share with this Chamber tonight?

3. Question from Ms Burgess for the Chairman of the Policy & Finance Committee, Mr James Dent:

Can you provide any updates on the current status of the Review of the 1948 Agreement?

The President: We move on to Item II, please.

The Greffier: Thank you, sir.

Item II this evening is Questions and Reports and I am in receipt of three questions for verbal reply.

The President: Thank you very much indeed.

We will take these in this order: first of these will be from Mr Dent to the Alderney Reps.

Alderney matters raised in Guernsey States of Deliberation

The President: Mr Dent, would you care to rise, please.

Mr Dent: Thank you, sir.

To our two Alderney Reps, each in turn:

Can you inform us of matters relevant to Alderney that were discussed at the last States of Guernsey meeting and also of any meetings you may have had while in Guernsey with politicians and officers there, relevant to Alderney affairs?

Thank you.

The President: Thank you very much.

Mr Snowdon, would you care to rise first, please?

Mr Snowdon: Thank you, President.

So we had the Equality meeting with Deputy Yerby, and we went through the different aspects of Equality, and that was also with civil servants from Social Security and Policy & Resources. I think yourself and Mr McKinley met with them in 2017. Maybe the view of the States may be different to what it was then on things such as minimum wage.

We also touched a little bit on the Tourgis project with certain Members, but obviously we did emphasise that due diligence was going through and it was a bit early to say how that was proceeding.

During the debates, the PSO did come up and it was highlighted by senior Deputies in Guernsey, the concern of medevacs being taken out of the next PSO stage. So I think that is something we do have to be quite concentrating on how Alderney resolves this going forward, and I did highlight this at P&F yesterday, that we do need a medevac service in place going forward, and that was quite hard highlighted during the debate in Guernsey.

Not minor, but on a different issue, the WI had a meeting with a Committee down there about different aspects that GSC need to resolve with pavements and lights.

Touching on the Aurigny operations, as you know, we did write to Chris Green on behalf of myself and Stephen also on behalf of P&F and the whole States, about our concerns with Aurigny. I think that sums up most of our meetings.

As you already know, Mr Dent, on 17th June we will be going down to discuss what we are doing with the 1948 Agreement. That is on 17th June with me, yourself and Mr Earl.

I think that is really all the stuff that has come up at the last meeting – unless you have any further questions for me. But Mr Roberts may want to add a few bits.

The President: I will decide on that, thank you. Mr Roberts, do you have anything to add to that?

Mr Roberts: Yes, sir, please.

Thank you, Mr Snowdon. I think that was pretty comprehensive about everything we did.

Item V on the Billet was a statement from Economic Development, Deputy Parkinson. I took the opportunity to ask the following question: 'Have Aurigny consulted with the States of Guernsey and Economic Development about the impact of closing operations in Alderney, thus removing it to London Gatwick, and reflected on indirect impacts on the tax and insurance take from the whole Bailiwick in taking jobs from the Islands?'

The Chairman answered that he indeed did not know of this and asked the Chairman of STB had they been consulted.

The Chairman of that Committee then shook his head. I firmly believe that the Deputies and Committee did not indeed know. In fact it was proved to me.

Myself and Mr Snowdon have asked the Scrutiny Committee to launch an investigation of the company for the fact they were not acting as an economic enabler – the very reason the company were purchased for, and found to be in breach of terms in that. This is indeed pending and we await further notification.

I made a further speech later on our need for medical charters, vital to Alderney's geographical position. We met as many people as we could, including Guernsey Chamber of Commerce, Social Security Policy, CareWatch and Equality. In all, a good meeting.

Alderney has many, many friends in Guernsey Deputies, some voicing concern at our current situation and the 1948 Agreement moves; but we are forming good relationships and Alderney is making those within the whole House. We have had our now usual Thursday meeting with P&R and spoken on several issues, including our aspirations for Alderney. This was a very relaxed meeting that can only do good.

We got back to Alderney by the skin of our teeth, on the Guernsey runways amendments running late, and all in all a very good meeting for Alderney.

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Thank you.

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The President: Thank you, Mr Roberts.

Does any Member have a secondary question for either Mr Roberts or Mr Snowdon as a result of the answers they have just given? We have no secondary questions.

Revised Public Service Obligation (PSO) tender

The President: In that case we move on to the next question which is a question from Mr Roberts to the Chairman of P&F, Mr Dent.

Mr Roberts, would you care to rise and ask your question.

Mr Roberts: Mr Dent, is there any information regarding the revised PSO tender that you can share with this Chamber tonight?

Mr Dent: Mr Roberts, thank you for asking.

I can confirm that the States of Guernsey Committee *for* Economic Development is now commencing the tendering process.

The Committee for Economic Development have undertaken consultations with those who tendered last time and indeed with some organisations that initially indicated a willingness to tender but which in the end chose not to.

We have also been consulted and a number of our concerns, though not all, have been taken into account.

A few key features of the revised tender process will be: first, only applicants with a passenger aviation track record and currently holding an Air Operator's Certificate (AOC) will be permitted to tender.

Secondly, rather than requesting that applicants bid for both the scheduled passenger and patient transfer services, they will now be able to choose whether they wish to apply for just one of these or both.

Thirdly, passenger service proposals must provide connectivity to both Guernsey and Southampton.

Fourthly, the call for tenders will be based on a single timetable and that timetable will be the Alderney preferred enhanced schedule that was incorporated in the first invitation to tender.

Lastly, tenderers will be asked to submit an in-principle proposal based on at least three aircraft.

The intended implementation timetable is: this week there is to be a call for expressions of interest; towards the end of May a formal invitation to tender will be issued; close to the end of June, there is the intended deadline for responses; in the week commencing 15th July, interviews will be held with shortlisted candidates; and by the end of the first week in August there should be confirmation of a preferred bidder.

This will then be followed by a September States of Guernsey meeting, where there will be a debate on the recommended solution and the budget requirements.

We have expressed two principal concerns. The first is the short period for responding to the invitation to tender of five weeks; and the second the level of long-term risk that either Alderney or Guernsey may be required to absorb, should the appointed concessionaire fail to deliver the services required. The Committee *for* Economic Development's intention is that the PSO commences at the latest on 30th March 2020.

One other concern is of course the current state of the regional aviation market.

Thank you very much.

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

Does any Member have a secondary question for Mr Dent as a result of the response he has just given?

Mr Snowdon.

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

It goes back really to what I just raised a minute ago with the Guernsey updates: medevacs – you are not really highlighting how we are going forward with medevacs. If the PSO is not going to have medevacs in, that is quite a serious thing, in my opinion, going forward. How are we going to have medevacs on Island?

Thank you.

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The President: Mr Snowdon.

Would you care to respond to that, Mr Dent?

Mr Dent: It is not my decision to remove the medevacs from the PSO contract. It was the Committee *for* Economic Development's decision.

Thank you.

The President: Thank you, Mr Dent.

Does any other Member have a secondary question for Mr Dent, as a result of the response he gave to the original question? No?

Review of the 1948 Agreement

The President: In that case, we will move on to the third and final question, which is from Ms Burgess to the Chairman of Policy and Finance, Mr Dent.

Ms Burgess, would you care to rise and ask your question?

Ms Burgess: Thank you, Mr President.

Is Mr Dent able to provide any updates on the current status of the Review of the 1948 Agreement?

Thank you.

The President: Mr Dent.

Mr Dent: Thank you, Mr President.

Yes, I think that at this moment I can say only four things.

Firstly, the review has *not* yet started. Secondly, we will shortly be meeting with our opposite numbers from Guernsey to discuss the scope and terms of reference for the review, and Mr Snowdon alluded to that in his own report earlier.

Thirdly, we do not intend to conduct negotiations via the media. We need to build trust between the two Governments and there will need to be space for private negotiation. However, we are committed to consult with our public before implementing any outcomes from the Review.

And fourthly, essential to our own requirements will be a condition that the Review looks beyond our financial relationship at our economic relationship – something that I believe P&R are in fact sympathetic to.

Thank you very much.

Oh, if I may, I would like to take this opportunity -

The President: Can we just see if there any secondary questions for you first, please?

Does anybody have any secondary questions for Mr Dent, as a result of the response he has just given?

Mr Snowdon.

Mr Snowdon: Thank you.

I would just like to ask Mr Dent, would he also like the independent chair included when we get to that stage? I think that is quite an important thing going forward, that we have the independent chair when we do get any further with these talks, before we get too far into talks.

Mr Dent: Mr Snowdon, I think you all know that I would like to have independent arbitration of all sorts there, when the time is necessary.

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The President: Thank you, Mr Dent.

Does any other Member have any secondary questions for Mr Dent?

Thanks to President Stuart Trought for his eight years of service to Alderney

The President: Mr Dent, I believe you wish to do something else, and seeing as we have suspended the Rules for today, I will allow you to rise. (Laughter)

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Mr Dent: Thank you, Mr President.

Before you close the meeting, the members of the Policy and Finance Committee, which as you know encompasses all States Members, have asked me to express their thanks to you for your service to the Island over the last eight years. We all wish you the very best for the future – and I am very pleased that we have suspended the Rules and allowed me to make that statement.

I would like to add that Mr Roberts, I believe, has a few words that he wishes to say as the longest-standing Member of the Assembly who is here today. Would that be acceptable?

The President: Mr Roberts, do you wish to rise?

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Mr Roberts: I would like to, sir.

The President: Please do so, and keep it brief. (Laughter)

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Mr Roberts: I would love to, sir! I will do my very best.

At this meeting of the States, I find myself in the position of being the longest-serving States Member present and I could not let the moment pass without saying something about your final meeting as President.

You have served this Government and Island for eight years as its President, bringing us continuity and consistency in civil leadership and in the way the States works.

Your personal contribution to the leadership of this Island has been immense. You have rebuilt strong external relationships so that Alderney has a high profile with the UK, through the Ministry of Justice and through the parliamentary links you have nurtured. You have reinvigorated our links with Normandy neighbours at a political and community level. You have re-established a relationship with the Bailiwick of Jersey, which has long been neglected. You have worked tirelessly to ensure we have strong relationships with the Lieutenant-Governor and within our Bailiwick of Guernsey. I congratulate and commend you for the way you have raised our profile and raised our game.

STATES OF ALDERNEY, WEDNESDAY, 15th MAY 2019

Mr President, you have been admirably qualified to guide the States through some difficult changes. Your membership of the Honourable Company of Master Mariners has enabled you to navigate through some treacherous waters and as Members of the States, we may have sometimes been inclined to take the wrong turn, go about things the wrong way or ignore the Rules of Procedure – but you, sir, have kept us on the straight and narrow. You could say we all have the scars to prove it! (Laughter)

'Firm but fair' has been your motto and I think I speak on behalf of all my colleagues when I say that we appreciate the dignity and integrity that you have brought to the office of President. You have been no Donald Trump, with no tweets. A good sense of humour is needed in that very office, and at my wedding in 2015, my wife opened the door in her white dress, only to find you standing there with a live duck under your arm as a present for my wedding.

I can now inform you, that drake still is well performing. (The President: Good!)

Sir, in conclusion, may I raise an imaginary glass with my colleagues in the States and propose a toast to you to thank you for everything you have done and wish you all the very best for the future.

To Mr Stuart Trought, President of the united States ... of Alderney. (Laughter and applause)

The President: Thank you very much for the sentiments you expressed there; and thank you all very much for the way in which you received them.

I would just like to say it has been a great honour and privilege to work with you and serve the people of Alderney for the last eight years.

On that note, Monsieur Greffier, would you please close today's meeting.

PRAYERS

The Greffier

The Assembly adjourned at 6.01 p.m.

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