



OFFICIAL REPORT

OF THE

STATES OF THE

ISLAND OF ALDERNEY

HANSARD

The Court House, Alderney, Wednesday, 16th October 2019

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

Volume 7, No. 9

Present:

Mr William Tate, President

Members

Ms Annie Burgess

Mr Mike Dean

Mr James Dent

Mr David Earl

Mr Kevin Gentle

Mr Christian Harris

Mr Louis Jean

Mr Graham McKinley

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. in the presence of
Lieutenant G T Workman RN (Rtd),
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

Tributes to:

**former President of States of Alderney, Sir Norman Browse FRCS FRCP FKC; and
former States Member, Mr Raymond Berry**

5 **The President:** Would you please just remain standing for a moment. Before we proceed with this evening's business I want to just say a few words about two of our respected public servants that we have lost recently, and I refer of course to Sir Norman Browse and to Raymond Berry. Men from very different walks of life, but men who were committed to public service and to making this Island a better place for us all to live.

10 Sir Norman, I need say little. There have been obituaries in the major English newspapers, which speaks volumes about the respect in which was held, not just here, but also nationally and internationally in the UK. And I think that we were extremely fortunate to have a man of his calibre take up the cudgels and occupy this chair for almost 10 years, and deliver in a way which always had the wellbeing of the Island in his heart.

15 Raymond Berry of course, from a very different background, but nevertheless made a huge contribution to this Island. He started with the States in 1965 as an apprentice, and 44 years later he retired. A massive contribution to our Island, and he then followed that up with public service and served as a States Member from 2011 to 2014. His background brought a different perspective, but a welcome perspective, and one which created balance within this Chamber. And so, we miss them both. Could I now please just ask you to observe a minute's silence, and then
20 we can get on to the meeting this evening.

Thank you.

Members stood in silence.

The President: Thank you. If you would like please now to take a seat.
Mr Greffier, would you take the roll call please?

25 **The Greffier:** Certainly sir.

ROLL CALL

The Greffier

The Greffier: There are eight Members present.

Apologies for absence

The President: I think we have received apologies from Mr Roberts; and Mr Jean who is not here presently, but subject to his flight landing on time, he will join us as soon as he is able to. He had a commitment in Guernsey today which he could not avoid and so hopefully, he will be with us and then can take part in the debate.

**Convener's Report of the People's Meeting
held on 9th October 2019**

The President: Mr Earl, you convened the People's Meeting?

Mr Earl: I did.

The President: Would you like to give us your basic report, please, about the numbers?

Mr Earl: Sir, if someone would like to give me a copy of the minutes, please? Thank you.

As you quite rightly said, I was Convener and I was assisted by the Chief Executive and the Acting Head of Finance. There were a total of eight Members there, excluding the Convener, Minutes Secretary, 78 members of the public and six members of the press. Apologies were given from Mr McKinley, and the Convener welcomed Guernsey Deputy Dawn Tindall.

The President: That is fine for now. (**Mr Earl:** Okay.) Mr Earl, thank you, and I will call upon you again in a moment.

**Procedural –
To take Billet No. 3 first**

The President: Everybody has obviously seen that this evening that there are three separate Billets, which is somewhat unusual, it has been suggested, but they have all been issued for very good reason and although we have got a lot to get through this evening, I think that at the conclusion of the evening we will all think it was time well spent.

In order to be able to deal with these Billets expeditiously, it is my intention to deal with Billet No. 3 first.

Billet d'État No. 3 for Wednesday, 16th October 2019

I. New Connaught Care Home – Extension – Item approved

Item 1.

The States of Alderney is asked to approve:

The recommendation from the Policy and Finance Committee to provide funds for delivery of the New Connaught Care Home Phase 1 Loft Conversion at an amount of up to £190,000.

The President: Would you then, please, Mr Greffier, deal with Item 1 on Billet No. 3.

The Greffier: Thank you, sir.

55 Turning to Billet 3, Item 1, the New Connaught Care Home – Extension. A letter has been received from Mr Dent as Chairman of the Policy Committee, and the States of Alderney are asked to approve the recommendation from the Policy and Finance Committee to provide funds for delivery of the New Connaught Care Home Phase 1 Loft Conversion at an amount of up to £190,000.

60

The President: Thank you.

Were there any observations made about this Item at the People's Meeting, Mr Earl?

65

Mr Earl: Mr President, as far as Item 1 – which is the New Connaught Care Home – is concerned, a member of the public queried the choice of wording regarding Alderney's demographic used in the report, and that was it.

The President: Thank you very much indeed.

Now Mr Dent, I understand that you wish to propose this?

70

Mr Dent: Mr President, thank you.

The New Connaught Care Home is a state-owned care home managed by an independent board of directors. The States had previously agreed to consider the provision of financial support and a support to the local community.

75

As you will have noted from the accompanying paper, this is the first phase of a larger project for extension. Although the States is paying the capital costs for this work, the Committee *for* Health & Social Care in Guernsey contributes to the accommodation cost for all those who are eligible. The Policy and Finance Committee has, however, agreed to revisit the current financial model – a more sustainable model with a mechanism for capital cost recovery may therefore be considered at some future meeting. And with these thoughts in mind, I urge you to approve this Item.

80

Thank you.

The President: Thank you.

85

Mr Earl, I understand you wish to second this Item?

Mr Gentle: Sir?

Mr Earl: No, I think it is –

90 **The President:** Sorry?

The Greffier: Mr Gentle sir.

The President: Mr Gentle, I apologise. Mr Gentle, I have it down as being seconded by Mr Earl,
95 but if that information is incorrect and it is you, please take the floor.

Mr Gentle: Thank you, sir. It is my pleasure to second this, sir.

 Mr President, fellow colleagues. The Connaught extension project was prioritised by General
Services following various reports outlining the requirements for the Island's increasing aged
100 population. The Care Home currently provides a variety of care and support to 24 Island residents.
It is vital for the Island's ageing population.

 The extension is designed to help ensure resilience in the care home provision on the Island
over the longer term, and will enable a response to the healthcare demands of our population
with opportunities to support advanced care and long-term nursing care.

105 As Mr Dent has already said, the overall project proposals deliver changes in three phases.
Phase 1: this one is the loft conversation. Phase 2 is the substructure – stuff below the ground –
and Phase 3 is actual above ground – the building of the rooms. And this first phase will provide a
purpose-built office space with training facilities on the top floor of the current building. This will
then enable the subsequent base of building the new extension.

110 This project reflects well on the States of Guernsey Supported Living and Aging Well Strategy
(SLAWS) relevant to Alderney, and the focus of this strategy is to have an adaptable and
continuously improving care and support system that is fair, person-centred, enabling and
sustainable.

 Since 2017 the need for further provision has been evident, and there has been ongoing
115 investigation into feasibility for an extension which has finally led to the current proposal. In
population terms, the last Alderney census in 2018 showed a very high dependency ratio of 0.83,
retired age and child residents versus those of working age; or to put it another way, as of March
2018, Alderney had an old age dependency ratio of 0.68, which means that for every 100 people
between 16 and 64, there were 68 aged 65 and over. At the time there were 739 over 65, 37% of
120 our population.

 The point was made at the People's Meeting about using projections, and I understand that
person's point, which is why I am going to try and avoid them. But the straight fact is that our
population is ageing and will continue to do so without the economic enablers that a robust and
resilient air service can provide that would allow us to attempt to keep the younger generation
125 here, and also attract new younger families here.

 Once phase one is complete, then it potentially can progress. It will comprise the much needed
30 completed additional rooms, as opposed to the original proposal of only 10 completed in the
plan previous to May of this year, as well as supporting communal spaces and tailored rooms for
clinics.

130 The staff will also benefit from new purpose-built offices and more storage for equipment,
housekeeping and other items, plus the usual amenities. It will also include the installation of a
new lift which will provide a much-needed service and support to the current single lift when out
of service.

 When I was first appointed to the New Connaught Extension Board, the projected cost was
135 upwards of £2.3 million for a total of 14 rooms with only 10 completed. I think I would have
struggled to get that sort of money. But it was discovered that the bathroom did not comply with
basic regulation requirements regarding minimum dimensions and there was no provision for an
automated roof dormer window that opens in the event of the loft filling with smoke, which meant
that a building licence would not have been issued on the grounds of fire health and safety.

140 Proper project management and completed plans have seen the total projected cost now
down to below £1.9 million and I stand here today a lot more confident.

The option of doing nothing was not advisable due to the Connaught care facilities being regularly at maximum capacity and, as the March 2018 figures show, coupled with the fact that people are living longer, it suggests that demand will only increase. Apart from Le Mignot Hospital, which provides 14 long-term nursing care beds and eight acute beds, the Connaught is the only facility which provides care of which they offer a wide range.

A new extension is the preferred option of which the initial delivery is this loft conversion. It will provide significant and essential office space, training facilities and storage, as well as being a stepping stone for the delivery of the goal – the extension.

Thank you.

The President: Thank you, Mr Gentle.

Would any other Member ... ? And might I just ask, when Members want to speak if they can make it very clear; I think last time I might have missed one or two. So anybody like to start?

In that event, we can take that one then, I think, Mr Greffier, as approved.

The Greffier: Thank you, sir. So that concludes Billet No. 3.

Billet d'État No. 2 for Wednesday, 16th October 2019

I. Replacement Harbour Crane – Item approved

Item I.

The States of Alderney is asked:

To authorise the Policy & Finance Committee to recommend to the Policy and Resources Committee of the States of Guernsey that approval be given to purchase a Sennebogen E2200 HMC Mobile-Hydraulic-crane at a budgeted cost of £850,000.

The President: May we now turn please to Billet No. 2, and the first Item. If you could deal with that, please, Mr Greffier.

The Greffier: Thank you, sir.

Billet d'État No. 2 – Item I, Replacement Harbour Crane. A letter has been received from Mr Dent as Chairman of the Policy and Finance Committee. The States of Alderney are asked to authorise the Policy and Finance Committee to recommend to the Policy & Resources Committee of the States of Guernsey that approval be given to purchase a Sennebogen E2200 HMC Mobile-Hydraulic-crane at a budgeted cost of £850,000.

The President: Mr Dent, would you care to propose this?

The Greffier: The Convener's report, sir.

Mr Earl: I think it is my turn.

The President: I have to say my information is definitely – *(Laughter)* Sorry, Mr Convener –

Mr Earl: Would you like me to read the Convener's Report?

The President: Mr Convener, would you like to give us your report, sorry?

180 **Mr Earl:** This is Billet d'État No. 2, Item I, Replacement Harbour Crane. It was queried whether leasing a crane would be a better option.

Ms Burgess advised that this had been researched thoroughly, but this option does not meet the specific requirements for our needs and would not work as a manageable service.

185 It was noted that environmental factors are the main cause for the deterioration of the crane, hence the need to replace it every six to seven years.

It was requested that expert advice be sought to ensure value for money.

The President: Thank you.

Now Mr Dent, please take the floor.

190

Mr Dent: Mr President, I am pleased to propose this motion but wish to reserve my right to speak until later, if that is okay.

Thank you.

195 **The President:** I am sorry but I do not see really any reason why that would be appropriate. It is a fairly straightforward matter, it is your proposal – surely you propose your case?

Mr Dent: I ask this simply because this is something that originated in GSC and I think it should be appropriate that the GSC should have the first speech.

200

The President: But you have proposed it, so please propose –

Mr Dent: If that is your wish, fine, I have no problem.

205

The President: Thank you.

Mr Dent: Mr President, colleagues, we have a General Services Committee and a Finance Committee and I believe it is right and proper that we entrust the members of those Committees to discharge their responsibilities in a professional manner. I understand that much prior research was done and that the proposition tonight is the result of that research and the GSC decision. It was also discussed at the Finance Committee meeting in September that considered the Budget, and although I was not party to the presentation from those in the Harbour Office who undertook the investigation, I have only heard good things about their work. I would consequently like to thank them.

210

215 Thank you very much. I commend this motion to the Chamber.

The President: Thank you.

Mr McKinley, you would like to second this, I understand?

220

Mr McKinley: I would like to, sir, and may I speak now, please?

The President: Of course.

225 **Mr McKinley:** Mr Dent said some of the things I wanted to say already, but I shall try not to repeat them too much.

In 2012, following the failure of the Kobelco crawler crane at the Harbour and a critical health and safety review, a decision was made to purchase a replacement. A detailed review of

alternative options was carried out and the crane was replaced with a modern purpose-built, wheel-based harbour mobile crane which was built by the German machinery company, Sennebogen.

At that time, the maximum life of the replacement crane was considered to be 10 years. However, due to the exceptionally harsh conditions at the Harbour, it is already starting to show signs of deterioration and the recommendation is that it needs to be replaced before it becomes unreliable – and we all know that there were problems with the crane a month or so ago.

The machine has performed all tasks required in a highly satisfactory manner, apart from that unfortunate period a few weeks ago, and has proved to be fit for purpose, although replacement life is now considered to be six to seven years, rather than ten years.

The replacement provision has been included in the capital programme and a detailed business case has been prepared to support the approval to spend. The paper summarises the case for the Committee to make recommendations to the States, which will need to be considered by the States of Guernsey.

Three types of crane were considered at the time of the previous replacement and following detailed appraisal, the strategic decision was to switch to a mobile crane. The issues and options considered prior to procurement, I shall outline now.

The crawler crane is excellent and it was very good before the Commercial Quay was finished and flattened, if you like. At the time it was slightly bumpy, as people may recall. However, when the crawler crane came on, it used caterpillar tracks. It made some serious dents and holes in the Commercial Quay and therefore was not really able to move very much. That was one option and we decided actually that the better option probably was the mobile crane.

There was one other option which is the telescopic jib crane, but the problem with that is that in high wind conditions it cannot work very well.

The options therefore were either the Sennebogen cargo wheel crane, or the other two which I mentioned. The cost, incidentally, of the Sennebogen one is *considerably* less than the other two options, at just under £800,000; the other two being £2.3 million and £1.5 million.

So the question of whether to lease or buy: because of the length now down to six or seven years, rather than 10 years, we really thought it would be better to buy, because actually over that period of time the States recovers actually rather more than it would spend over that time. It would cover something in the region of £150,000 to £280,000 a month for use of that crane, which is a fee, if you like. So the question was to lease or buy: we decided to buy – or we would prefer to buy.

Annual return, as I say, is at the figures I mentioned, and annual maintenance would also be conducted by Sennebogen or their preferred maintenance team.

So I leave it to you now to decide, but we decided on the mobile option from Sennebogen.

Thank you.

The President: I think – did you £850,000 a year, not a month?

Mr McKinley: No, no, £850,000 is the cost of the crane.

The President: Yes, but then you were talking about how much the States would get in?

Mr McKinley: Sorry, £150,000 – per year.

A Member: Per annum.

The President: Per annum? Okay, thank you.

Mr McKinley: Thank you, sir.

280 **The President:** Would any Member wish to speak on this Item?
Close! *(Laughter)*

Mr Snowdon: Thank you, President and fellow colleagues.

 No, I just wanted to say, I think you are referring to the business case, Mr McKinley, in your
285 proposal. I am not quite sure if I have actually had the business case. I have got the items in the
Billet here, but I do remain a little bit concerned that we go back to the original purchase of the
crane, where it was meant to last 10 years and due to the harsh weather conditions it is lasting
only seven years, I am led to believe. I am concerned, going forward, that we are just going to be
in the same situation, going forward with a new crane, that it will only last a certain amount of
290 time. Surely – I know everyone works very hard at the Harbour and they have given GSC very good
advice – but what is the maintenance programme to try and get it back to 10 years or even longer
rather than keep renewing it?

 My concern is that I do not think the States has got the money it used to have, going forward,
and £850,000 is a lot of money and I think in 10 years' time I hope we have got lots of money but
295 I just get concerned that – or in seven years' time with this new crane – that we may not have the
money to replace it then. I would like to know really what happens.

 Also, we touch on the leasing. I look at it here, I know it did up at P&F also, but it is still not
really – the manufacturer is saying that they are not for leasing, but is the manufacturer the only
person that can lease it? There is not a company we could go to or anything, a leasing company
300 or something that would give us the thing? Is it just the manufacturer or are there any other
option? I just wanted more clarification that that leasing option was not something that we should
be looking at. I know you are trying to say that there are different criteria for the crane in Alderney,
but I just wonder if there is something else.

 So I would just like a bit further clarification before I make up my mind on this. And it also
305 touches on a risk assessment in the document, which is in 'Do nothing' at Item I, and I do not think
I have actually seen that risk assessment, what it is referring to.

 Thank you.

The President: I do not think you can reply to those, Mr McKinley. The proposition is –
310

Mr McKinley: I can reply to the first question; I cannot reply to the second.

The President: Well, I think we can perhaps avoid that issue if I invite Ms Burgess to make a
contribution.

315 **Ms Burgess:** Thank you. Thank you, Mr President, fellow colleagues.

 I understand your concerns. I myself had similar concerns so I actually took some time and
looked into it for my own peace of mind, because I am very aware of the costings of this. But what
is interesting is this: the current crane we have, as we have all now said, it has not lasted as long
320 as we had originally hoped. But it is interesting to note that over the six-year period, having
consulted with the Harbour Office, that it has actually comfortably recouped the actual price that
it cost with the income it has received. So when asked – at General Services we asked the Harbour
Office – if we looked at the worst scenario and said that the new crane would only last six or seven
years, how does that work with the amount we get back and the amount we have spent? It
325 basically works out that the worst scenario is that we break even.

 We are kind of hoping that lessons have been learned from the last crane, that we might be
able to extend the life a little bit longer – but at the very worst scenario, as I say. So we are actually
hoping to start to go into profit. This crane is actually beginning to go into profit for the amount
of income and the costs.

330 I was also a bit concerned because I too was interested in the maintenance lease. I thought
that was something we should look at, because again this is a high cost spend, and because of all

the peculiarities of our Harbour and the set-up, it would have to actually be adapted. The crane itself has to be adapted to meet our particular needs. That does not start to work quite so well with leasing a crane, plus the fact that this new crane, even though it is the cheapest option, it can actually lift four to six times more than we can do now. Now, that is a very good point and I think it is worth noticing.

Also, the idea of maintenance and engineering: again I looked into that because I had concerns when we were discussing this, and by speaking to the Harbour Office and to the crane drivers – I do not know if that is the right word – actually the whole process is very intensive. The engineer from the company actually comes over after certain working hours. So every 500 hours of use, the crane actually has an engineer that visits – it is part of the ongoing deal – and makes sure that everything runs. Plus the actual crane drivers themselves have a weekly, a daily and a monthly check, and it is all listed down in their logs.

So if anybody has actually got any concerns, the Harbour Office are really happy for you to all look at their logs. So everything is done as best it can. So it to me looks like the only option that really makes sense for us.

Thank you.

The President: Thank you very much indeed. Would anybody – ? Mr Gentle.

Mr Gentle: Thank you, sir, colleagues.

We purchased the crane in 2012-13, it starting working first in July 2013, and it cost, with the addition of insurance etc., for the ease of maths, £780,000. Up until the end of September this year it has earned £1,115,000. So subtract the cost from the earnings and we have got £335,000. The after maintenance costs have to be factored in, but I very much doubt they cost £335,000.

Does anybody still think leasing is the way to go?

£335,000 over the seven years it has been in operation is about £48,000 to £50,000 a year over its life, with the same again last year, minus a bit of maintenance.

I have got nothing else to say.

The President: Thank you, Mr Gentle.

Does anybody else want to make a contribution? Mr Earl.

Mr Earl: Mr President, fellow States Members.

Mr Snowden and Ms Burgess made some very good comments about maintenance programmes. But at the end of the day, the fundamental problem is that the crane lives in what is probably the worst possible environment on the Island. It is subject to a saline atmosphere which causes corrosion.

I would like to suggest that General Services give some thought to some kind of shelter for the crane when it is not in use. Now, that itself creates a problem because the crane cannot be driven with the jib in the horizontal position. It can only be in a 30-degree position, which would need a very big shelter in order to do it.

But there is a different way of doing it if you think laterally, and that is actually to park the crane, lower the jib and then to wheel some kind of shelter over it. Such a shelter would not be cheap, but I suspect if it could lengthen the life of the crane by two or three years, back to say ten years, it would pay for itself.

Thank you.

The President: Thank you. Food for thought.

Would any other Member like to contribute to this discussion? Mr Harris.

Mr Harris: Mr President, fellow colleagues.

I just want to thank Ms Burgess and Mr Gentle for laying out the facts in such a succinct way. It is obvious we need a crane. We are an Island where everything comes in by harbour and as evidenced by a few months ago, we have real problems without it.

So this is not a spend, it is an investment and I support it fully.

The President: Thank you very much.

Would anybody else like to speak? No? Mr Dent, would you like to sum up, please?

Mr Dent: Mr President, very briefly, and quite simply, we need a crane, and we need a bespoke crane, and in such circumstances leasing is not an option. So I think that is the simple conclusion. Thank you very much.

The President: Thank you very much indeed.

Mr Greffier, would you move to the vote, please?

The Greffier: Thank you.

The States of Alderney are asked to authorise the Policy and Finance Committee to recommend to the Policy and Resources Committee of the States of Guernsey that approval be given to purchase a Sennebogen E2200 HMC Mobile-Hydraulic-crane at a budgeted cost of £850,000.

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, that is all eight Members present in favour.

The President: Thank you very much indeed.

II. Code of Conduct for State Members – Item approved

Item II.

The States of Alderney is asked:

To approve the revised Code of Conduct, the changes to the Rules of Procedure and to instruct the Law Officers to prepare a change to the Government of Alderney Law, 2004 to confer Absolute Privilege on States Members in States Meetings.

The President: Item II is complicated. So I am going to take it very slowly so that I can follow it and hopefully we will navigate our way through it.

Mr Greffier, would you put, please, Item II.

The Greffier: Thank you, sir.

410 Item II this evening is the Code of Conduct for States Members. 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 the revised Code of Conduct, the changes to the Rules of Procedure, and to instruct the Law Officers to prepare a change to the Government of Alderney Law, 2004 to confer Absolute Privilege on States Members in States Meetings.

415 **The President:** Thank you.
Mr Earl.

Mr Earl: You want me to –

420 **The President:** Convener's report, please.

Mr Earl: Convener's report, thank you.

425 Item II was the Code of Conduct for States Members. It was suggested by a member of the public that this was inappropriate and unnecessary for Alderney. Mr Dent responded that the States of Alderney should be adopting appropriate standards and stronger processes which are appropriate to a more mature democracy.

The Chief Executive advised that civil servants are governed by a Code of Conduct which is in place and was established by the States of Guernsey.

430 It was noted that the revisions to the Code addressed deficiencies in the current Code and have been drafted to meet the standards set out by the Commonwealth Parliamentary Association (CPA).

Deputy Dawn Tindall advised that the States of Guernsey follow the CPA framework, but it is important to understand that the Code needs to be underpinned by the appropriate values and behaviours.

435 **The President:** Thank you.
Mr Dent, you wish to propose this Item. Yes, please carry on.

440 **Mr Dent:** Mr President, colleagues, there are two items here, the Code of Conduct and an Item on Privilege. Let me first work through the Code of Conduct; and I would like to start by thanking our CEO for the work that has gone into this. I am particularly pleased that our Code of Conduct will be meeting Commonwealth Parliamentary Association standards. I want the world to see that our democracy and our parliament, small though it is, are following the standards that are now deemed proper to other jurisdictions. High ethical standards, good behaviour and the means for ensuring both are important and I think that, amongst others watching us, the Department of Justice will be pleased to see that this is important.

450 Achieving Commonwealth Parliamentary Association standards means strengthening our Code in a number of ways, with clearer, more detailed guidance on the disclosure of interests, with proper publication of those disclosures of interest – that is to say, not just making them available at the Greffier's Office – with a much stronger complaints and investigation process and, most importantly, with an appeals process, and with sanctions and penalties which are graded according to the seriousness of the offence.

We will also have a defined proper order of business for the conduct of a hearing and a hearing report available to a Member being brought before the panel and available prior any hearing.

455 Members who are called to account for themselves will be allowed a representative to accompany them to the hearing. All of this in fact seems to me to be exceedingly good practice, balancing as it does the expected behaviour of States Members against the rights of those who might have actions taken against them.

Finally, let me turn to parliamentary privilege. For some time in Alderney we have enjoyed a rather lesser form, something called 'qualified privilege'. Qualified privilege is protection from the penalties of a lawsuit for defamation for acts committed in the performance of a legal or moral duty. For qualified protection we must operate in a way that is free of malice. Other legislatures enjoy unqualified privilege. These other legislatures believe it is important that Members should enjoy a full freedom of speech.

I would like to think that we in Alderney are mature enough to have earned the same rights as are enjoyed in Westminster and in Guernsey, particularly should we enact the Code of Conduct that we have also here before us tonight.

Thank you very much.

The President: Thank you, Mr Dent.

Mr Gentle, I think you are going to second this motion.

Mr Gentle: Sir, Mr President, colleagues, I am very happy to second this Item as I support these changes to the Code of Conduct.

Some people say that Alderney does not need this sort of thing. Frankly, I am baffled by that argument. Why should Alderney not have good standards of conduct and behaviour? Why should Alderney's community not have some assurance that its politicians, us sitting around this room tonight, can be held to account if their conduct falls below the standards we agree?

At the People's Meeting we heard one contribution that dismissed these changes and urged us to vote against them. I respect the fact that person was able to express their opinion, but I disagree profoundly. Their criticism was that the seven principles of public life, which are set out at the beginning of the Code, are platitudes. I disagree. These principles, which began life in the early 1990s and were referred to then as the Nolan Principles, are important because they set the tone for the behaviours and values which elected politicians are expected to demonstrate. The rest of the Code of Conduct is about norms and process. But the seven principles of public life address culture, rather than process, and culture is just as important as the rules.

I welcome the clarifications of declarations of interest. We must be open with ourselves and the public if there is any reason why we might be biased.

Finally, I support the move to introduce absolute privilege, rather than qualified as we have now. But with power comes responsibility and if we make that change we have to have a Code of Conduct which is fit for purpose.

Thank you.

The President: Now at this point, I would like to explain that we have handed out, or we have made available, documents to members of the public, setting out number of amendments which are being sought in respect of this proposition. So I will ask, if I may, the Greffier to give us details of those amendments.

The Greffier: Yes, sir. In their entirety?

The President: No, I think probably you can cut them down a bit.

The Greffier: Thank you, sir.

The President: Discretion.

The Greffier: I am sure I will be corrected by various States Members if I veer or am incorrect in this very brief synopsis.

Various parts of the rules are amended, changing various dates in relation to the retention of documentation, initially for 12 months, for periods of seven years. There are various changes in

connection with the complaints process and the distribution of the outcome of meetings and reports; and the necessity for Members to attend any such conduct meeting should they arise on various grounds, including mental health and wellbeing.

515 **The President:** Very succinctly put, if I may say so.
Mr Earl, I think at this stage you have a motion.

Mr Earl: I do indeed, Mr President.

 Mr President, fellow States Members, I request without formal notice being given that
520 Standing Orders are suspended with effect that Rule 14 does not apply for this Item on the Billet.

 In explanation, the purpose of this request is to enable States Members to decide whether it will vote on each amendment individually or vote on the amendments together *en bloc*, so to speak. Given that this Item has been discussed at two successive Policy and Finance Committees, where these amendments could have been proposed, the States should have the option of the
525 dealing with them individually or as a whole.

The President: Thank you.

Do we have a seconder for that proposition? Mr Gentle.

530 **Mr Gentle:** Yes, sir, I would like to second that.
Thank you.

The President: Thank you very much indeed. Now this –

535 **The Greffier:** Does Mr Gentle wish to speak at all, sir?

The President: Sorry, do you wish to speak, Mr Gentle, at this stage?

Mr Gentle: I have nothing further to add. Thank you.
540

The President: Thank you very much indeed.

 Just for the benefit of the members of the public, what this would effectively mean is that rather than dealing with each of these amendments individually, the Members can decide whether they think it is appropriate to deal with them all together. So it would just be either to
545 approve the amendments or not.

 So Mr Earl has asked whether the principle that is set out in the Rules of Procedure, that each one should be dealt with separately, should be suspended for the purpose of this particular Item.

 Now I am happy to waive the notice requirements, although Mr Earl did very kindly let me know earlier, and that being the case, I am now going to invite in the normal way our Members to
550 speak on this proposition if they wish.

 Mr Snowdon.

Mr Snowdon: President, fellow colleagues. Are we speaking on Mr Earl's –

555 **The President:** Yes we are.

Mr Snowdon: – Item at the moment, not the actual – ?

The President: No, no, we –
560

Mr Snowdon: Okay, I just wanted to pick up one point, if that was okay. I think Mr Earl referred to as being discussed twice at P&F. I think you may remember at the last P&F, I did want some

amendments put into the Code of Conduct, or discussed, and I think there was a little bit of pressure at the time that we should not do that – we did not have enough time to do that for some reason – from some Members. I will not go into any further things, but I do not think, actually, I was told that I should bring an amendment here, is what I was told at the time.

So I would just clarify that is why you have an amendment here.
Thank you.

The President: Okay, thank you.

Would any other Member wish to speak? Mr Earl, would you like to exercise your right to sum up?

Mr Earl: Yes. Thank you, Mr President, fellow States Members.
On 2nd October –

The President: Mr Earl, may I just stop you there? Is there anything you wish to add to what you have already said in your opening at this stage? And then depending upon what happens, we can then deal with the main body of the amendment.

Mr Earl: Just in reference to Mr Snowden's comment: he did, I quite agree, mention that he may wish to bring *an* amendment to the States, not 15.

The President: Okay, thank you very much indeed. So now, Mr Greffier, can we move, please, to a vote?

The Greffier: Thank you, sir.

For clarification, this is a vote to suspend Rule 14 of the Rules of Procedure in relation to the amendment raised as against Item 2 on Billet No. 2 this evening. In short, there will be a single vote as opposed to 15 individual votes on the various changes.

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 Snowden		

The Greffier: Sir, that is eight Members in favour.

The President: The process now, ladies and gentlemen, is that I shall now invite Mr Snowden to move his amendments to the original proposition. One final matter, Mr Snowden – sorry, I should have mentioned this – I know that this was to be seconded by Mr Jean. We have been fairly hopeful that he would have been here by now, but clearly he is not. I understand that Mr Dean is happy to second the amendments and I am quite happy to allow that to take place. Thank you.
So the floor is yours.

Mr Snowden: Thank you, President, fellow colleagues.

I would like to just give you a little bit of background to this really. I think that actually, looking at the new Code of Conduct and everything, it is all good, it is all fantastic as Mr Gentle said.

However, I have issues with it and I think it really stems back to, actually, a tearful Deputy of the States of Deliberation explaining her Code of Conduct and how she had no support and how she just felt very isolated with the whole experience going forward. So I took that point, and Mr Roberts was with us at the time a few months ago down there. I had actually looked to the proposals that we have got here, which I am led to believe are – some – from Guernsey.

These proposals really try and put the Member in more of a situation where it is more of a relaxed process going forward, rather an interrogation. If something wrong has happened at the end of the day, the right way will hopefully come with the Code of Conduct panel. However, I think that the current wording with certain items puts a tremendous pressure on that Member. I do not know how many of you – hopefully none of you, but some of you may potentially have Code of Conducts in the future – it is quite a harsh experience to go through; it is almost like going on trial. So if we could try and make things a little bit easier, but still having the rulebook there, for that Member that may be going through something, may be feeling isolated ... I think we had three Members on the States of Alderney who have done a Mind course wellbeing thing, something or other, which is great, absolute wonderful. But then think about those Members that may be going through a Code of Conduct and they may be innocent, but they have still got to go through that process.

So these items are just really to try and make things a little bit more ... 'relaxed' is not the right word, but one of the items goes on about you have to do your submission in seven days. Now, what happens if you are quite stressed about getting that issue of the Code of Conduct or you might be off-Island. But then that item follows on and says you get a Code of Conduct for not actually submitting your comments in seven days. I cannot actually see how that can be right going forward at all.

So I have tried to put this in a way that is not so pressurising for the Member but it is still there; the item is there. And if that Member is wrong they will get the full whack of the panel, to put it bluntly.

But I just want to go through it really quickly; I know the Greffier has kindly gone through it already, but the first two basically increase it from 12 months to seven years – that is your declaration of interest should be on the website for potentially seven years, rather than 12 months. I think that is important because as States Members, you may be dealing with the rubbish bins down at the Harbour, or we may be dealing with a massive multi-pound project or business or something, and I think that is very important that your interests on the public record for a few years after, rather than 12 months, suddenly disappearing and then who knows what may happen before or after. So I think that is an important thing. So I have changed that, potentially, to seven years.

There are a few other changes in here. I will not go through all of them, but if I go back to the mental health one and wellbeing, and it is also physical health, that instead of you being forced to go to that panel hearing, you do have a clause that if you have some sort of mental health or physical health issue, you should have the right to make the panel aware of that and they should not force you. Maybe they can come up with a different time to come to that panel hearing, rather than force you into that hearing, which may actually, if you have got a mental health problem, it is not going to do you much good getting into another issue.

There are some other issues that I have put in here. Basically, Code of Conducts – I am talking from personal experience a little bit – but they get a bit side-lined from what actually were the issues, and rumours start going around that it maybe something unrelated to what it was. So therefore if there is a serious breach, it should go in the public domain, obviously, and it goes on to actually say that the States of Alderney here should pass the resolution, rather than the Code of Conduct panel, that it is discussed here. If it is the worst kind of breach, where you have to actually expel a Member, that happens here in the public so these Members with a recommendation from the Code of Conduct panel to us, with the evidence – which I believe will be in the public domain as well – and then it is for us to make that final decision to expel a Member. It is actually quite a serious thing, I believe, to expel an elected Member.

655 One of the items at the back: basically the current Code of Conduct is if you are not actually expelling a Member, you can suspend the Member for two months. The new proposal is six months. I was thinking, well, six months is quite a long time, and if someone has done really something – not for me to determine, obviously the Code of Conduct panel – quite bad, it might be best to expel them, rather than put a six-month ban where they may only have seven months
660 left in their term. So that is quite a long time. So I one way, if you actually banned them now then that seat would become vacant for someone else to do that job, if that was the case and the outcome of it. So I have also put that into some of the amendments as well.

I could go into more details but I know we are a bit pushed for time tonight. I would very much like to just tell Members this is very much sincerely done for those Members that might find
665 themselves in a situation where there is a lot of pressure on them, with mental health and wellbeing and they may feel isolated, and I think these proposals actually may make it slightly better for that Member. It is still a very hard thing going forward.

This may be for general debate, but I think we can actually work with Guernsey, because if Guernsey have indeed got major problems with the way that they are handling their ... not the
670 panel, but how Members have mental and physical issues with going through the stress – I think one Member was up to two years going through a Code of Conduct, which was a tremendous amount of time when you are still in a public office. So I think we could work better with the other Islands about how we come up with a way of actually looking after those Members.

But these are very much sincerely done. So I open up to you to comment.

675 Thank you.

The President: Yes, thank you, Mr Snowdon.
Mr Dean.

680 **Mr Dean:** Mr President, fellow colleagues.

In the absence of Mr Jean, I am happy to second these amendments and I commend Mr Snowdon for them putting forward.

However, I do still have issues because it does not go far enough. Unfortunately I was not at the last P&F meeting, but at the P&F meeting before, I did voice my concerns and I was assured
685 that they were going to be addressed. They have not been. So I am torn, really.

I do like some of the amendments to the original proposal. However, as an elected States Member, by the people, you are put in a privileged situation where you have access to every single thing you need. If you need to get in touch with a Law Officer, you can. If you have got any issues, you deal with a civil servant or the Chief Executive and you are party to all the information that
690 you need.

However, the moment a Code of Conduct comes in, all that falls away and you are left on your own – *seriously* on your own. And that is the issue. It is an issue –

The President: With respect Mr Dean, that is straying away from the amendments that have
695 been submitted.

Mr Dean: Okay, I shall sit down now, sir, and I shall speak later.

The President: Thank you.

700 Would any Member like to speak? Mr Gentle.

Mr Gentle: Thank you, sir.

The President: On the amendments themselves.

705 **Mr Gentle:** Yes sir; colleagues.

I thank Mr Snowdon for bringing up physical health, mental health and wellbeing and so on, I think on three occasions in his statement. It was not that long ago I stood in here championing the draft of legislation for that very matter.

710 Mr Snowdon's amendment states at 13.2.2:

Members are required to co-operate fully and promptly with a Hearing Panel during any investigation or Hearing even if the Member concerned considers that the alleged breach of the code or abuse of privilege is unsubstantiated or true, unless they are not able, by reason of poor mental or physical health, to do so.

I think it would be highly unusual to include a clause to this effect. The rules of natural justice would allow any Member, any one of us, to make representations about our own health which could be taken into account by a panel. There may be other circumstances not mentioned, which could also be relevant. Bereavement, ill-health of a spouse, a child, I could go on.

715 The Code cannot define or prescribe such mitigating factors and the danger is that this will be perceived by the people out there as a get-out-of-jail-free card for any Member facing a complaint.

It also says unsubstantiated or truth – I think it means untrue. Would you want to accept an amendment saying it is true?

720 **The President:** Well, I think that could have been for Mr Snowdon to put, but I certainly would not object. It makes sense.

Mr Gentle: Okay.

725 **The President:** But I think that you have made that point now, so I do not think it actually needs to be amended. Thank you. Are you ... ?

Mr Gentle: Yes, thank you.

730 **The President:** Oh, thank you very much.
Mr Earl, please.

Mr Earl: Mr President, fellow States Members.

735 On 2nd October, a special Policy and Finance meeting was convened to discuss a number of important issues, including fishing post-Brexit, the revised Code of Conduct, good governance and the harbour crane. Potentially all of these could have been contentious. However, the meeting, which was attended by eight States Members, was perhaps the most constructive and harmonious Policy and Finance meeting I have attended since being elected.

740 **The President:** Mr Earl, interesting though this is, does this actually touch upon the amendments themselves?

Mr Earl: This is purely by way of an introduction, Mr President.

745 With regard to the Code of Conduct, the Policy and Finance Committee resolved unanimously that the States of Alderney is asked to approve the revised Code of Conduct, changes to the Rules of Procedure and request the Law Officers to prepare changes to the law which would confer absolute privilege on States Members in meetings of the States. May I just repeat: the Policy and Finance Committee *resolved unanimously*, and that included Mr Snowdon.

750 Given the circumstances, it is extremely disappointing that Mr Snowdon should now introduce 15 amendments, given the fact that he had two weeks to consider the draft Code of Conduct prior to the special Policy and Finance meeting on 2nd October, but failed to do so.

The fact that these amendments have not been scrutinised at Committee level is obvious to see. Amendment 3 has of the effect of deleting the current wording which sets out the process for making a complaint. I do not think Mr Snowdon intended that, but that is the effect.

755 Amendment 6 makes no grammatical sense, as it has been badly drafted. Amendment 9 also has grammatical errors and spelling mistakes.

Apart from the drafting errors amendment 3 adds nothing of value to the process. If there is a business or other relationship issue in respect of any complainant, then the subject of the complaint can point that out in any hearing.

760 Amendment 4 is quite simply superfluous. The States already has the ability to draw on the advice from the Law Officers; it does not need to be said.

Amendments 5 and 8 are also unnecessary. Any hearing panel would be bound to take into account the circumstances which a Member wished to place before them. We cannot exact one specific set of circumstances while ignoring others. What if a Member who was the subject of a complaint was caring for a spouse with mental or physical health problems? Would these circumstances not be considered by a panel? Well, of course they would. We do not need to specify these issues. We must also avoid the public perception that the States Members have a get-out-of-jail-free card. Every case should be treated on its merits.

770 Amendment 6 reduces the transparency of the outcomes of the Code of Conduct hearings and I cannot support it. Transparency about outcomes is essential to help assure the public that we as politicians are abiding by the code and if we are not, there are consequences. The same is true of amendments 12 and 13.

Amendment 9 is another attempt to hide the process from the public. It is ambiguous because it does not define what 'serious' means. I am afraid I cannot support it.

775 Amendments 11, 14 and 15 really bring us to the crux of what these changes are trying to do and this is why the amendments as a whole could be seen by some as a wrecking amendment. The draft code provides for a degree of independence in Code of Conduct considerations. Politicians place themselves under a solemn obligation to abide by the code and if they are found to have breached the code, that finding is made by an independent panel and the panel determines what the consequence of that breach should be. This is an essential principle if we want to build public trust in politics and government.

780 These three amendments have the opposite effect. They reduce the penalties and place the decisions about penalties back in the hands of politicians. Should such an amendment be approved, it would send entirely the wrong message to the people of Alderney.

785 And on that point, I am going off-piste to say that in some ways I have some sympathy with the comments Mr Snowden has made and also with the comments that Mr Dean has made – but this is not the right way of doing it. Mr Snowden had the opportunity to raise these points at the last States meeting – I believe he did; he does not – and there is another way of course and that is quite simply for us all to approve this motion tonight and for Mr Snowden or Mr Dean, or whoever wants to, to bring this matter back to Policy and Finance, where it can be debated professionally and properly, and if necessary brought back as an amendment to the code.

790 Thank you.

The President: Thank you very much. Would anybody else like to speak?

795 Mr Dent.

Mr Dent: Mr President, colleagues.

800 I spent much time examining these amendments and trying to figure out what exactly they were meant to achieve. It was not easy, and the first thing that I noted is what my colleague Mr Earl has just talked about. The wording is loose and in many cases, I think it is open to a wide-ranging interpretation.

805 We have just heard an example where I believe the wording is exactly the opposite of what was intended – however that may be. There is another case where I simply cannot believe that he wanted the text replaced; I believe in this instance it might have made more sense if that text had been added.

I do not want to go into a whole pile of detail. I think a number of the suggestions are fairly harmless, but in fact add nothing to the already proposed Code. The remainder to me seemed to be a mixture of attempts to over-protect States Members, to reduce visibility and to take the teeth out of the reforms.

810 I find, for example, the suggestion that we might agree to a non-disclosure of hearing outcomes particularly galling. Mr President, colleagues, not only must justice be done, it must be seen to be done. This is one of the basic principles of the British judicial system and I simply cannot see why it should be otherwise. If a hearing finds that there has been a breach, it should be a matter of public record; and if there has been no breach, then this should also be known.

815 Thank you very much.

The President: Thank you.

Would any other Member care to speak? Then would you care to respond, Mr Snowdon?

820 **Mr Snowdon:** Thank you, President and fellow colleagues.

Thank you for everyone's contribution, firstly. Just touching on Mr Gentle's comment, I think it is essential mental health and wellbeing are in there. It is an important thing and you may say that the Panel are going to take it into consideration and everything, but if it is in black and white they definitely have to. So I think it is important that that is in there. And with the amount of
825 publicity, which is fantastic and the new Mind Centre, I think it is important that States Members somehow have got that they go through ... You know, if you are walking down the street you are going through different phases of people coming up and talking about, whether it be Aurigny or the crane or something, and sometimes it can get overwhelming to you. So you may have your own issues and problems and the person right next to you may be going through something you
830 do not know and if you go through that Code of Conduct process, that is all putting a lot of pressure on you. So I think it needs to be in black and white and that is why I put it in black and white, to answer Mr Gentle's point.

Going back to Mr Earl – quite into P&F at the moment, which is fantastic, but it is quite good it is in here too actually. I think it is quite a good example we are having a debate about something
835 that we would normally discuss at P&F and we are actually in the Chamber. And hopefully, with good government reform, we will have a lot more in here. [Inaudible] earlier.

Just answering your point, you say that I raised it at P&F. I did raise it at P&F, and I wanted to put amendments in at P&F, but I felt under pressure from – not naming any names ... that there was too much going on and I was not able to. And the CEO advised at the time that I could bring
840 amendments in this Chamber and that is what I have done. So I appreciate your saying I should have brought it up at P&F, but I did actually try to, and I think there were other issues, maybe, of the day taking over and everything, and maybe this one was not felt as important as the other things on the list. But I do not think I was actually given the chance to go for that and to be honest, we could actually listen to the recording if he wanted to get down to the nitty gritty of it.

845 **Mr Dent:** yes, justice absolutely needs to be done. I would just like to clarify that these ... I think I started it maybe Thursday or ... no, Wednesday, Tuesday last week on this – it has gone to the Law Office a number of times and rewritten to the right terminology of the Law Office and that has happened a number of times. So actually the text in here has been through the Law Office over the weekend and it came actually I think first thing on Monday morning – the final – at
850 something like 11 o'clock, and I needed to get it to the President at 12 o'clock, and then you got it following on later on the day in States in Committee.

I cannot remember who said it, but someone said these amendments are sort of harmless. They are harmless, I cannot remember which States Member said it, but I do believe they are harmless, but they are meant to try and aid a States Member a little bit that is going through a
855 tough patch.

I think just because Guernsey has got the Code of Conduct – we seem to be copy and pasting some of it out for us – does not mean it works for us. And these items I think are very important

going forward and actually say that the seven year one, which is actually a declaration of interest on the States website, and I think actually raised this originally – why our declaration of interest was not on the States website which got taken down – would be, therefore, a substantially longer time than it is currently, when it is not actually on the website at the moment. So instead of the 12 months, it goes to seven years, so it is actually quite stronger on some of the stuff as well and I think it is actually trying to go forward and be a stronger way with the Code of Conduct.

But I do understand – was it Mr Earl's point where he said maybe we could pass this tonight and rewrite it or think again. I think if that event happens tonight, then I will consider doing that. I hope it does not, but I would consider doing that. So I would hope that Members would vote for this or we will debate it another time, maybe in this Chamber again.

Thank you.

The President: Thank you, Mr Snowdon.

Monsieur Greffier, would you now please move to the vote.

The Greffier: Thank you sir.

This is the amendment as laid by Mr Snowdon to Item 2, the Code of Conduct for States Members, on Billet No. 2 this evening. That is, for the sake of clarity, the 15 numbered amendments which we received on 14th October.

A vote was taken and the results were as follows:

FOR

Mr Snowdon
Mr Dean

AGAINST

Mr McKinley
Mr Dent
Mr Gentle
Ms Burgess
Mr Harris
Mr Earl

ABSTAINED

None

The Greffier: Sir, with 2 in favour and 6 opposing, that motion does not pass.

The President: That motion fails.

We therefore return to the original proposition which Mr Dent has already opened, Mr Gentle has already seconded, so I can now invite any Member who wishes to speak on the substantive motion.

Mr McKinley.

Mr McKinley: Thank you, Mr President.

Mr President, fellow States Members, as a Member of the Good Governance Group, I am acutely aware of the challenges we have in terms of good governance. The next Item on the Billet gives us an opportunity to make some progress. But this change around the Code of Conduct is about good governance also, and I support it.

When the public vote for us, they put their trust in us and I think that every Member of the States is acutely aware of that. (**A Member:** Hear, hear.) The Code of Conduct gives assurance back to voters, firstly that there will be transparency about any conflict between our private interests and our public roles; secondly, that we will conduct ourselves in ways which do not bring the Government into disrepute; and thirdly, that if there is any question about our conduct there is an independent way of deciding whether we have conducted ourselves properly. So in my view, we must adopt the standards which have been published by the Commonwealth Parliamentary Association. They represent good practice. Why would we want anything less?

Thank you, sir.

The President: Thank you.

Mr Roberts: Mr President, can I request to join the States? I have just arrived from Guernsey.

905 **The President:** You are very welcome to, but this particular Item is already in discussion so I would invite you to wait until the next Item.

Mr Roberts: I will wait, yes.

910 **The President:** No, by all means come and sit down.

Mr Roberts: Right. I do apologise, sir – just got back from Guernsey.

The President: No, I think we admire your dedication.

915

Mr Roberts: Thank you.

The President: Would any other Member like to speak on this motion?
Mr Snowden.

920

Mr Snowden: Thank you, sir, and fellow colleagues.

I will support this tonight. However, it has got flaws, and I think I have tried to outline that already with the previous Item with the amendment. We go back to what support are you giving that States Member again. You have got the mental health, the wellbeing, and then you have suddenly got no legal representation as well, if you wanted any legal representation or help with it. I believe some Members have actually had to take their legal advice and had an outcome when they ... well, without talking about the situation, but they have had an outcome and they are innocent. You could spend about £1,000 or £2,000 on representation and you have got nothing for yourself to defend yourself with, currently. So I do agree with Mr McKinley, it is a step forward – in the right way, hopefully. However there are ways that need to be improved in this.

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I think we actually go back to whole Code of Conduct and the panel. Should we be actually putting that Code of Conduct Panel somewhere else like Guernsey or Jersey to be completely independent, or another place? Should it actually be on Island?

I think going forward we need we need to have a real strong look at the Code of Conduct Panel ... not the Code of Conduct Panel; the Code of Conduct legislation and what we are actually bringing in, because I think the States of Alderney is very keen on just copying and pasting quite a lot of stuff, and actually we sometimes need stuff written specifically for Alderney. So I think it is very important that going forward we do bring this back, so maybe Mr Earl, as you previously said, we bring this back to P&F.

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I would also like to know how this relates to the Civil Service Code of Conduct, because I think it was raised at the People's Meeting that States Members can look at that. I do not know if that is correct or that is not correct.

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But I think going forward the Code of Conduct, though will support this tonight – without my amendments unfortunately – going forward I think we do need to make a good judgment on the way forward with all of this, because I do not think it is actually going far enough for – 'protection' of the States Members is not the right word – it is supporting a States Member going through the process. And you have got to remember that States Member may be innocent in this process and I think there needs to be some sort of ...

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And the worst thing is if we get a Code of Conduct, they go through this whole process, they get stressed and everything, and they actually resign, and actually that Code of Conduct was not upheld and they did not do anything wrong. But you have lost that member of the public who has put themselves forward in quite a hard position in our community and you may lose them from

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the States of Alderney. So I think we need to have some sort of 'support', is the word I was looking for, for Members going forward, and I hope my fellow colleagues may support me or one of you might bring that to P&F to see how we can support people going through this.

Thank you.

The President: Thank you.

Mr Jean: May I be declared relevé, sir?

The President: You certainly can.

Mr Jean: Thank you. May I enter?

The President: Please do.

Mr Jean: Thank you.

I am sorry –

The President: A most unusual place to stand for a Member of the States!

Mr Jean: Thank you very much!

The President: We are partway through an Item at the moment, Mr Jean, so please, if you would wait until we get to the next Item and then you can make your full contribution.

Mr Jean: May I just say that I probably wish to make a contribution to this Item, the Code of Conduct.

The President: But you have not been here throughout the hearing.

Mr Jean: I do not think that really makes any difference; I seconded the amendments with Mr Snowdon.

The President: But the amendments were seconded, unfortunately, by Mr Dean. We have dealt with the amendments. The amendments failed. We are now dealing with the main proposition, which has been opened, seconded, there have been a number of Members spoken on it and I think it would be wrong to allow someone to come in at this stage and to make a contribution, not having had the advantage of hearing the rest of the debate.

Mr Jean: Well, I have to say I will accept, but I am not pleased and I do disagree with what you are saying. I think that considering the kind of day that I have had – and Mr Roberts – we both should be allowed to participate.

The President: I am afraid – I have a great deal of sympathy with you, Mr Jean – but this is a matter of process. A debate has started. People may then want to come back and talk about what you have said, they have already had their contribution, so I think I am grateful that you will accept my decision on this. But I do recognise that this is not one that sits comfortably.

Mr Jean: I am disappointed, I almost feel like leaving.

The President: Now Mr Jean –

1005 **Mr Roberts:** Yes, can I just register my protest as well, Mr President? This is an Item that we actually pulled all the stops out to get back for. Unfortunately, we were a little bit late for both different reasons, but I would like to register my protest that I am not allowed to vote on this as well.

1010 **The President:** Well, you did not register that protest when I made the point to you when you came in. But the same principle applies to you.

Mr Roberts: Well, it is the same answer to Mr Jean.

1015 **The President:** I acknowledge that you neither of you are happy with that decision, but that seems to me to be the right way.

Mr Jean: It also is –

1020 **The President:** Mr Jean, really, that matter is now closed.

Mr Jean: Okay, well I will just tell you that in the States of Guernsey, if you are relevé and you come in during an Item, you may speak. That is all I can tell you.

1025 **The President:** Okay. Thank you.
Would anybody else like to speak on this Item?
Mr Dean.

Mr Dean: Thank you, sir, fellow colleagues. I will finish what I started earlier and I could not
1030 finish.

Picking up on Mr McKinley's point, why would we not want it? We would not, but why cannot we have something that is specific to Alderney? Why do we have to adopt something that everywhere else has got?

Picking up on Mr Snowdon's point, I have been on the unfortunate end of a few Code of
1035 Conducts and it does take its toll. And like I was saying before, as a States Member you are party to every piece of information you need. The moment you get a Code of Conduct, all those avenues close off to you. You no longer have any access to the Law Office, you cannot go and see the President because the President will actually be chairing the Panel. So there is not anybody on the States who can go and see and have a conversation about it to deal with it. And as an elected
1040 Member, that is a shocking treatment to a States Member.

Until we actually get something in place where there is some assistance for a States Member, I cannot support this because, as you can see, it is unfinished, it does not deal with all the issues we have. I do not see the point in passing something, then to bring an amendment back to P&F to discuss it. It already tells you, what we have here is not a finished piece of work.

1045 We talk about good governance and all the rest of it. I have raised my concerns at P&F, I was assured they were going to be dealt with; they have not been. Unfortunately I was not at the last P&F meeting. And for me, I cannot support this. Not that I am against it; it does not go far enough and it does not deal with issues and some protection for a States Member and unless you have been through that process, you will not understand.

1050 That is all I have got to say.
Thank you.

The President: Does any Member wish to speak? In that event, can we move to the vote please, Mr Greffier.

1055 **The Greffier:** Shall we allow Mr Dent to sum up, before we do that?

The President: Oh sorry, I do apologise, yes.
Mr Dent.

1060

Mr Dent: In that circumstances, I do not feel I have anything to add.
Thank you very much.

The President: Okay, thank you.

1065

The Greffier: For the sake of clarity sir, did you want to take this as three votes in relation to the Code of Conduct, Rules of Procedure, Absolute Privilege, or as a single proposition?

The President: I think for the sake of completeness, three votes, please.

1070

The Greffier: Thank you sir.
In which case, firstly, the States of Alderney are asked to approve the revised Code of Conduct.

A vote was taken and the results were as follows:

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

The Greffier: Sir, 7 votes in favour and 1 against. That passes.

1075

The President: Thank you.

The Greffier: The States of Alderney are asked to approve the changes to the Rules of Procedure.

A vote was taken and the results were as follows:

1080

FOR

Ms Burgess
Mr Dean
Mr Dent
Mr Earl
Mr Gentle
Mr Harris
Mr McKinley
Mr Snowdon

AGAINST

None

ABSTAINED

None

The Greffier: Sir, all Members in favour.

And finally, the States of Alderney are asked to instruct the Law Officers to prepare changes to the Government of Alderney Law, 2004, to confer Absolute Privilege on States Members in States meetings.

1085

A vote was taken and the results were as follows:

FOR

Ms Burgess
Mr Dean
Mr Dent
Mr Earl
Mr Gentle
Mr Harris
Mr McKinley
Mr Snowdon

AGAINST

None

ABSTAINED

None

The Greffier: So again, all eight Members in favour.

The President: Thank you.

Could we move Item II, I please?

1090

**III. Good Governance –
Item approved**

Item III.

The States of Alderney is asked to resolve:

(1) That the States should move to a system of governance where executive and legislative powers are better separated as soon as possible;

and

(2) The Civil Service and Law Officers, guided by the Good Governance Group, are requested to draft appropriate changes to the Structure of Government, Law and Rules of Procedure for public consultation and for consideration and decision by the States.

The Greffier: Thank you, sir. Item III this evening of Billet No. 2 is Good Governance.

A letter has been received from Mr Dent as Chairman of the Policy and Finance Committee. The States of Alderney are asked to resolve (1) that the States should move to a system of governance where executive and legislative powers are better separated as soon as possible; and (2) the Civil Service and Law Officers, guided by the Good Governance Group, are requested to draft appropriate changes to the Structure of Government, Law and Rules of Procedure for public consultation and for consideration and decision by the States.

1095

The President: Thank you.

1100 Mr Earl, were there any comments at the People's Meeting?

Mr Earl: Just one comment, Mr President.

In respect of good governance, a member of the public commented that in reviewing governance, the States should take a look at the governance system adopted by the States of Guernsey in 2012. That was the only comment.

The President: Thank you.

Mr Dent, I think you wish to propose this motion.

1110 **Mr Dent:** Mr President, I was going to suggest that I reserve my right to speak because I thought it would be more appropriate that the members of the Good Governance Group spoke before me. I take advice from you as whether I should continue or sit down.

The President: Personally I would prefer you to continue, to set the scene.

1115 **Mr Dent:** Okay, with that in mind, I will do that.

Mr President and colleagues, we have long grappled with the inefficiencies of our government system, the lack of scrutiny and our slow pace of decision-making. It is time for reform. When previously brought to this Chamber, ideas for change had been rapidly scuppered. The public have indicated that they want change but previously State Members have voted for the *status quo*.

Our system of governance needs, however, to change if we have to fight hard our cause and be heard in places outside Alderney. Executive government has replaced our committee system in almost all other jurisdictions. Amongst the UK's Crown Dependencies and Overseas Territories, only Alderney, Sark, Guernsey, and Tristan da Cunha retain governance structures dominated by committees. Everywhere else has moved on. Guernsey, although I have listed in amongst the three remaining jurisdictions with committee government, does have a system that limits the size of its committees to manageable levels. Their system, with its limits on the size of their committees, requires committee decisions to be scrutinised by the entire States.

1130 In some respects the Guernsey system is a halfway house between the system we share with Tristan da Cunha, and the full executive government we see almost everywhere else in the world. Guernsey's system is not however the halfway house that I would recommend. Each of the Guernsey committees, responsible as they are for policy in their own areas, seem soon to find themselves at loggerheads with all the other committees.

1135 We live in an increasingly complex world. In my nearly three years on the States, I have seen committee decisions deferred and even reversed at a subsequent meeting. Our system might have worked well when we could ponder slowly over every issue and decisions were not needed quickly. Well, that world sadly no longer exists.

1140 And one more thing: we seem rarely to make policy in advance of a crisis and we go back again to when I joined the States nearly three years ago. I envisaged us sitting down and developing clear policies on things like economic development, the environment, transport, housing, heritage, health, social issues, education and infrastructure. I was naïve in the extreme. The only real policy document that we seem to have developed recently is the Land Use Plan.

1145 There are those that argue this is because of the poor quality of our politicians. I would argue no: it is because of the poor quality of our system. Continued slow Government decision-making and a vacuum in policy is already causing huge problems. I have seen businesses who start by looking favourably on our Island but soon start backing off and looking elsewhere. And we find it difficult to deal with Guernsey or the UK, because we have of course first to agree a committee position and when asked by outsiders for a position, we cannot give it until the relevant committee or committees have met and deliberated, and far too often we have only been able to come up with inconclusive and sometimes even contradictory positions.

1150

In the real world we have to make rapid, joined-up decisions. We have also had situations recently where committee decisions clearly arrived at in the most democratic of manners are impossible to implement. Too many decisions are deferred and then deferred again. We are ruled by the calendar of our monthly timetable for our committee meetings, not by the intelligence of our Government. I have been told many times we need stronger Government and more effective leadership and I could not agree more. If we are going to survive we need to change.

If I may now quickly make my last point: if everyone on the States is a Member of the executive, how can that executive *ever* be effectively challenged? Only by separating the legislative and executive functions do we stand any chance.

So I commend the work done by the Good Governance Group and the courage they have used in bringing this proposition to the States tonight. It is long overdue. They have helped us to simplify this issue by putting forward the proposition that we should decide in principle whether we wish to move to a system where the executive function of government is better separated from the legislature. If we decide that movement is the way we want to go, the details can follow. I think we should.

Thank you.

The President: Thank you.

Mr Earl – I think.

Mr Earl: Yes, are we taking the ... ? We have an amendment.

The President: Yes but if you would second the proposal, I will then deal with the amendment.

Mr Earl: Okay.

Mr President, fellow States Members, I am happy to second the motion but I reserve my right to speak, if that is okay with you – otherwise I will speak now.

The President: Please, I would rather you speak now and then we all know what you think as the seconder.

Mr Earl: Okay, it is not a problem.

Mr President, fellow States Members, tonight my comments are also addressed to the people of Alderney, who are the ones who have to put up with a form of government which is clearly not fit for purpose.

Three years ago the Constitution Unit of University College London was commissioned to produce a report into the way the Island was governed. The report entitled 'Alderney's Choices' was published in September 2016. Better known as the MacDonald Report, after its author Andrew MacDonald, the report called for drastic action. However, despite support from the people of Alderney, nothing has ever been done to implement the recommendations contained in that report.

Essentially, the MacDonald Report was a call to action. It considered the current state of Government and administration of the Island and found both in need of radical reform. It also argued that Alderney's future is at risk if its conclusions were ignored.

The following is an extract from the executive summary of the MacDonald Report:

Fundamental reform – to the way political power is generated through elections and to the way it is used – must, ultimately be shaped by the citizens of Alderney. And so the report does not offer a lengthy catalogue of remedies. Instead, it sets out a way in which the debate over reform might be conducted and brought to a conclusion. And it offers three guiding principles for the reforms themselves. Finally, it suggests the principal considerations which should shape the renewal of the Civil Service.

So what does Item III of Billet No. 2 request States Members to approve? Firstly, the States of Alderney is asked to approve that the States should move to a system of governance where executive and legislative powers are better separated as soon as possible.

1200 The term *trias politica*, or separation of powers, was coined by an 18th century French social and political philosopher known as Montesquieu. His publication, *The Spirit of the Laws*, is considered to be one of the great works in the history of political theory and jurisprudence. Under his model, political authority of the state is divided into legislative, executive and judicial powers. He asserted that to most effectively promote liberty, these three powers must be separate and acting independently.

1205 As such, the separation of powers is one of the defining features of Western democracies; that is with the notable exception of the States of Guernsey and the States of Alderney, all of which leads to a crazy situation where everybody is responsible for everything. The net result is the dysfunctional government we have today.

The second resolution we are asked to vote on tonight is:

the Civil Service and Law Officers, guided by the Good Governance Group, are requested to draft appropriate changes to the Structure of Government, Law and Rules of Procedure for public consultation and for consideration and decision by the States.

1210 Let me make it clear that States Members are not being asked to make any decisions other than to authorise the Good Governance Group to put forward proposals, as I have just said, 'for public consultation and for consideration and decision by the States.' While the Good Governance Group has considered a number of alternative forms of Government which could meet in the future needs of Alderney, such as perhaps the one used in the Falkland Islands, it has not come up with any final recommendations. Approving this resolution is simply the first step on the road to good governance.

1215 At this point, I would like to remind State Members that this and the previous resolution were approved unanimously by all those present at the last P&F meeting. Should anyone be minded to change the way they vote this evening, I would first ask them to consider the message such a decision would be sending to the people of Alderney.

1220 Finally, may I remind those States Members of something they often forget: the people of Alderney want change. They are tired of the lack of leadership and direction. They are also tired of the lack of any type of strategic planning, let alone the failure of States Members to work together as a team to deal effectively with key issues such as, for instance, air links.

1225 Fellow States Members, I commend this resolution to you.

The President: Thank you, Mr Earl.

Now, at this stage, Mr Greffier, you have received an amendment to this proposition.

1230 **The Greffier:** Yes sir.

The President: Could you please deal with that amendment?

1235 **The Greffier:** Certainly sir. It is an amendment to Item III on Billet No. 2 this evening, in relation to the second paragraph of the proposition. The text should be replaced with the following:

'(2) That the Policy & Finance Committee (guided by the Good Governance Group) liaise with the Law Officers' Chambers and appropriate staff and recommend appropriate changes to the Government of Alderney Law and Rules of Procedure which the Committee will then arrange to be sent out for public consultation and for further consideration and decision by the States.'

The President: Thank you.

So as we did on the last occasion, we will now debate these amendments.

So Mr Snowdon, these are your amendments, if you would care to move them.

1240 **Mr Snowdon:** Thank you, sir.

Would you like to just second? The seconder is Mr Jean. Do you want me to put the amendment?

The President: Mr Jean, you are going to second these?

1245 **Mr Jean:** Indeed I am, sir. Thank you.

The President: Thank you.

1250 **Mr Snowdon:** Thank you, sir.

I just want to say well done to the Good Governance Group. Actually I think, without going into the history too much, you are the first Good Governance Group to actually get something in this Chamber, so well done for getting to that stage.

1255 This is actually just meant to be a very simple amendment with the insertion of the Policy and Finance Committee, but the Law Officers have very nicely written the whole paragraph to you again, just to insert that.

1260 I appreciate that you are having a workshop, and I do not know – Mr Earl might know the date, he is quite good with dates – when we had the workshop with the Good Governance Group. I appreciate we have had that, but we have not had anything since then. Good governance is essential going forward and I think it is important that all Members really tell the Good Governance Group, through Policy and Finance, if that is the way we want to do it, the issues that we find with good governance.

1265 I think as has been highlighted before this amendment came, the current process is not working and it is holding back the Island back. So this amendment is just to make sure that the Policy and Finance Committee are all going to be involved in that process.

1270 I would just like to comment, which I do not think is anyone's fault, but item (2), the original one, the Law Office did say it seemed to be worded a bit oddly. I am not quite sure if you really meant to put, 'Civil Service and Law Officers, guided by the Good Governance Group.' It might be the Good Governance Group guiding the Law Office and Civil Service. So technically I am not quite sure, I do not know if anyone had any legal advice on what they put in for item (2), the original one – but it did seem, apparently, odd.

So I would just I would just like to say that this is just inserting Policy and Finance. Do I get to close this as well, after we debate it –

1275 **The President:** Yes, you do.

Mr Snowdon: – if we want it? Okay, I will come back.
Thank you.

1280 **The President:** Mr Jean, you are going to second this?

Mr Jean: I am going to second this and I will reserve my right to speak, if I may sir.

The President: Very well.

1285 **Mr Jean:** Thank you.

The President: Would any other Member wish to speak?
Mr Gentle.

1290

Mr Gentle: Thank you, sir.

Mr President, colleagues, this one is a bit briefer – I have only scribbled it down.

I am on Good Governance. Policy and Finance appointed me. They constantly move me.

1295

As far as I remember, the Good Governance Group mandate states that the group talks to States Members to understand whether or not there is the support for a new system and if that support is obtained, to then develop proposals for a wide-ranging consultation with the community before going to the States for debate and decision. I think that is something similar to what Mr Earl said before.

1300

What that says to me is: the Good Governance Group is already involving P&F, and to me this amendment is unnecessary and pointless, and I will be voting against it.

Thank you.

1305

The President: Thank you.

Would any other Member wish to speak?

Mr Earl: Can I speak?

The President: No, you have already spoken.

1310

Mr Earl: Okay, alright. This is about the amendment, that is all. But do not worry.

The President: I will be guided by the Greffier.

1315

The Greffier: He is quite right, sir, Mr Earl has not spoken on the amendment. He has spoken on the main Item, not the amendment.

The President: Sorry, please do.

1320

Mr Earl: I would just like to pick up on a point that Mr Gentle made and that is: may I remind States Members that the Good Governance Group is a subcommittee of P&F, in the same way as ATAG and TEG, as we like to call them – that is the Air Transport Action Group and the Tidal Energy Group. As such, the Good Governance Group is ultimately responsible to the Policy and Finance Committee, which is why this resolution clearly states ‘for consideration and decision by the States’.

1325

May I remind you that the mandate of the Good Governance Group is to promote an Island-wide discussion regarding effective governance for a sustainable future. Over the past nine months we have reviewed the MacDonald Report, identified what we believe is wrong with the present system of government and considered alternative forms of governance.

1330

The Good Governance Group also hosted the recent workshop in order to solicit the views of States Members and I am afraid I could not find the tape, Mr Snowdon, but I did look. Based on the research we have done, the next stage is to draft proposals, consult with people of Alderney and subsequently present those proposals to the whole States for consideration and decision at that stage.

1335

The President: Thank you. I think, Mr Dent, you also wanted to speak.

Mr Dent: Thank you, Mr President. And again, only just a couple of words.

1340

The mandate of the Good Governance Group, in my view, is clear, it is adequate and it is proper. This amendment, if anything at best it duplicates what has already been said in the mandate for the Good Governance Group. At worst, it may actually confuse. So I would hold it is unnecessary and I shall be voting against it.

The President: Thank you. Any other Member wish to speak?
Mr Jean, if you would care to speak about the amendment, please?

1345

Mr Jean: Thank you.

In speaking on the amendment I am supporting it because basically I think I have got a chance of a snowball you know where, getting what I want with this here. There is a report in the *Guernsey Press* talking about the move to executive government. I am not happy about it. I see the people
1350 mainly who are speaking in favour are the people who will be the executive government, with the rest of the States side-lined.

However you might feel you have been persuaded or spoken to and given jobs to do, you will find that there will be less openness and more executive government will mean an entirely different thing. I am already seeing signs that alarm me at People's Meetings about –

1355

The President: Mr Jean, I hesitate to interrupt you, but you are speaking at this stage about the amendment that you have seconded, which is the amendment brought by Mr Snowdon. If that amendment either passes or fails, we will then go back to the main debate and then you can put your case in relation to the main Proposition.

1360

Mr Jean: Okay. I will sit down. I will desist, but you know that I do not approve of it.

The President: Well, you are going to get your opportunity, Mr Jean.
Would any other Member like to speak on the amendment itself? No.
1365 Mr Snowdon, you may respond.

Mr Snowdon: Thank you, President, fellow colleagues.

Just to clarify to Mr Jean, I think if you wanted to vote against number one, because I have got one and two here, that would be your right, if we get to that stage. Just to make that clear. Because
1370 all I am saying –

Mr Jean: I actually have not got a copy of the finished amendment.

The President: I am sorry, we cannot allow a discussion to go on in the States Meeting. The
1375 amendments were served.

Mr Snowdon: Okay. Shall I just carry on, sir?

The President: Yes please do. I find it difficult to think that you can suggest that Mr Jean could
1380 vote against a Proposition that he has seconded.

Mr Snowdon: I think absolutely. Do you have to vote in favour for something you seconded? Is that actually in the Rulebook? I would like clarification on that. Or that is another debate.

1385

The President: If we move on and you can close.

Mr Snowdon: Okay. Thank you, sir.

Just going back to the comments about the Good Governance Group. This is where I get a bit confused with it with our sub-groups and working groups. My understanding is the Good
1390 Governance Group is a working group, and I may be corrected if I am wrong, not an actual committee group. It is slightly different to a subcommittee of the P&F. Is it actually a subcommittee of P&F or a working group? There is a difference there, because we have different

working groups. The Finance Committee is a sub-committee of P&F, is it not? I am not asking for an answer.

1395

Mr Dent: Point of correction.

Mr Snowdon: Point of correction?

1400

The President: No. No points of information. Are you saying ...?

Mr Dent: Point of order.

1405

The President: A point of order. Are you saying it is a point of order? (**Mr Dent:** Yes.) Very well.

Mr Dent: Point of order.

The Good Governance Group has a mandate from P&F and I think that makes it very clear what it is a subcommittee of.

1410

The President: Thank you. Sorry, Mr Snowdon.

1415

Mr Snowdon: Thank you. So we are definitely saying it is a subcommittee the same as the Finance Committee and it is not a working group, because those would be two different things so I would not want to get that wrong in this chamber? But if you are sure that that is the way forward then thank you for that. So, yes, just going back to this item here. Personally, I think I think the Members might have said it as well, when they were actually speaking, that it has got to come back to P&F, that you will be consulting with P&F and that is in your mandate. This just makes it clear, surely?

Thank you.

1420

The President: Thank you very much.

Mr Jean: May I ask, sir, the items be voted upon separately?

1425

The President: Yes, they will be voted on separately.

Mr Jean: Thank you.

1430

The Greffier: Just for the sake of clarification, sir, I believe the amendment only seeks to amend the wording of paragraph (2) of the original Proposition?

Mr Snowdon: Yes, sir.

The Greffier: Then shall there be a second item in that case, sir?

1435

The President: Yes please.

1440

The Greffier: In which case, if you are happy, sir, the States of Alderney have been asked to consider the amendments to Billet II in that, paragraph (2) of the Proposition for Good Governance now read:

That the Policy & Finance Committee (guided by the Good Governance Group) liaise with the Law Officers' Chambers and appropriate staff and recommend appropriate changes to the Government of Alderney Law and the

Rules of Procedure, which the Committee will then arrange to be sent out for public consultation for further consideration and decision by the States.

Mr Jean.

1445 **Mr Jean:** Against, because I am worried we are not going to vote for one separately. You have taken two together, here.

The President: The other two will be voted for later.

1450 **The Greffier:** This is the amendment, we are dealing with, Mr Jean.

Mr Jean: Yes, it is paragraph (1) of the amendment.

The Greffier: Paragraph (1) does not amend the original Proposition.

1455 **The President:** It is the same as was originally put.

Mr Jean: One, 'That the States should move to a system of governance where executive and legislative powers are better separated as soon as possible'?

1460 **The President:** Yes.

Mr Jean: You mean to say that is not being amended?

1465 **The President:** No.

Mr Jean: In the main Proposition?

The Greffier: We have not got to the main Proposition, yet.

1470 **Mr Jean:** Okay, then, fine. I will vote for it.

A vote was taken and the results were as follows:

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

The Greffier: Sir, 6 and against and only 4 in favour. The amendment fails and the original proposition remains in place.

1475 **The President:** So we now return to the original Proposition which has been opened and seconded, so I can now ask would any Member like to be speak on the original Proposition?

Mr Snowdon: Point of order or point of clarification.

The President: Go ahead.

1480 **Mr Snowdon:** Thank you sir.

I just go back to being concerned about item (2). I do not know who this has actually come from but are the Law Officers happy with what item (2) says?

1485 **The President:** I do not think that that is a matter for anybody to answer here. It is a Proposition which has been put. It will be debated and it will be voted on and it will either fail or it will succeed.

Mr Snowdon: I appreciate that, sir, but is it technically okay to be in this Chamber? It has had Law Officers' advice, is what I am just asking?

Thank you.

1490

The President: It does not need to have Law Officers' advice to be in this Chamber. It is a Proposition put forward by Mr Dent and the Law Officers would have no role in that.

Mr Jean: I would like to speak on that, if I may, on that point.

1495

The President: That is my decision. The Proposition is as it stands. You have put an amendment in, that amendment has failed. We now move on and debate the original Proposition, which is the one which is on the Billet.

1500 **Mr Snowdon:** I appreciate that, sir, but I am just a little bit concerned that it disrupts the Civil Service and Law Officers. I just wanted to make sure that process was legally okay for this to proceed in this Chamber. If you saying it is fine, I will go with what you are saying. But I just believed there was apparently an issue with the Law Officers where I do not know if you are technically ... I mean, the States Members are setting the policy, not the Civil Service. I just want a clarification about that.

1505

The President: If it is passed, then anybody can look at that subsequently. But that is the Proposition before this House and that is the Proposition which will be voted on.

1510 **Mr Snowdon:** Thank you, sir.

The President: So do you do you wish to speak on this motion?

Mr Snowdon: In a minute, thank you.

1515

The President: Would anybody else like to speak on this motion? Mr McKinley.

Mr McKinley: Thank you, sir.

1520 I speak as a member of the Good Governance Group. The public are very much aware that progress towards governance reform has been slow and difficult. Indeed many might have expected to see more progress given the *Alderney Choices* report mentioned by Mr Earl, that was published in 2016, three years ago. In a subsequent public consultation there was support for change but we have not delivered the change.

1525 There are many reasons that have been put forward for the inertia. Fundamentally I think it is very difficult for us as politicians to lift ourselves out of the system of governance which we inhabit every day and agree about a new system. We all have a vested interest in how things are now.

1530 It is also too easy to get lost in the detail of how a new system should work. We know that everything is not working well now. But what you know is safe in the comparison with the uncertainty of what you do not know. The Good Governance Group has looked at examples elsewhere and there are many we can learn from.

The Falkland Islands have a particularly interesting approach which combines separation of the executive with allocation of portfolios of responsibility to all politicians, whether or not this is on the executive. It might offer a way ahead for Alderney. But first of all we need to decide what direction we are heading in. We need to decide in principle whether we wish to move to a system where the executive function of government is better separated from the legislature and if we decide that is the way we want to go. The details can follow.

We should make this change. It sets us on a course to address the challenges set out in Alderney Choices. It recognises that our current Government decision-making is slow and at times paralysed. It addresses the deficiencies we have in the independent scrutiny of decision-making and for those reasons I support the proposition in the Billet.

The President: Thank you, Mr McKinley.

Would any other Member wish to speak? Mr Harris,

Mr Harris: When I stood at the hustings many moons ago now, I spoke greatly about the change I wanted to see in Alderney. I am not going to pretend to have known all of the things that I wanted to change at that time, but fundamentally the system was not working to its full potential and Alderney was suffering as a result.

The public at the time stated vociferously that they wanted to see change in the way our Government works. I can only support the will of the people who I am privileged to represent and those people must be involved in this process as much as possible. And now, having seen the inner workings of our States, I can only agree with Andrew MacDonald when he states in his Report that Alderney has considered reform in the past, only to reject it. A repetition of that pattern would be perilous.

Thank you.

The President: Thank you, Mr Harris. Would any other Member wish to speak?

Mr Roberts: Yes, sir.

The President: Mr Roberts.

Mr Roberts: Yes, sir. I am totally unprepared for this because I have been in the States of Guernsey all day, I have written nothing. I have not read my paperwork but I have sat and listened here.

I am not a big fan of corporate government and I was collared by a couple of people in Government in Guernsey, who actually asked me the question of 'why are you not in Alderney defending yourself?'

We have real issues to defend in Alderney. You cannot blame other States Members for the system's shortfalls of before. Too much time is taken for a quest for power and not enough time is taken to sort out our real issues. This is going to cost us real money. You can deny it, but it is going to cost us real money. Get on with the issues.

Connectivity – this is half-baked thrusts for personal people power. Certain people. Executive government has been evident for a long time. It is here now. Let's not fool ourselves. It happens. Lots of stuff goes on here; we know nothing about it and it goes on behind our backs. 'We did not tell you that because we didn't really want you to know.' Corporate government has no place with this elected States Member.

Look, lots of people came and settled here and you are welcome. But why do you want to change it? Stop trying to change Alderney and start working, fixing our connectivity. You are fiddling while Rome burns!

Alderney is not the place you compare us with all these other jurisdictions. You talk about all these other jurisdictions. This is Alderney. Stop trying to follow somebody else's plan and get on with the job.

I am against it. Thank you.

1585

The President: Thank you.

Would any other Member ... ? Mr Jean.

1590

Mr Jean: I will start by saying that I am against it too, and it is going on at present. It is going on now and there are lots of items where the rest of the Members are not included.

What I am going to tell you: however you have been encouraged towards the bountiful flowering of this wretched executive government, however you have been encouraged or feel that you have a certain amount of power, you do not.

1595

If you vote for this tonight, you will be abrogating your own responsibilities to the people of Alderney – to the few who will be included in that executive government. This is wrong. This will mean that quite a section of the States will have no power at all. You will just be here to rubber stamp and these people will get up – they are going to get up and they are going to tell you that they are right and it is the right thing and the Government does not work; but actually the Government is not working because of them. The Government would work a lot better if the rest of us were fully involved, but that is not happening.

1600

We do not know much about the 1948 Agreement negotiations. We do know very little and we know very little about the PSO. This States, let us not fool ourselves, you are going to lose out, some of you, especially the new ones with relatively little experience, I promise you this; you are going to abrogate your responsibilities to others and there will be nothing left for you to do but rubber stamp and go around the little jobs that you have been given.

1605

Now, I mean it. It is up to you and you should be voting against this tonight.

Not only that; this has only had a go of a couple of months and all of a sudden, before the ink is dry ... I could not attend the last P&F meeting that this was discussed at, because that was a fortnight ago and I was away for the treatment of my wife. The ink is hardly dry. Woof! Whop! It is on the Billet. Here we are. Here it is. This is no cold turkey. It is sizzling hot and waiting to be carved, by the few.

1610

Do not do it. Vote against it.

The President: Than you, Mr Jean.

1615

Ms Burgess.

Ms Burgess: Thank you, Mr President, fellow colleagues.

I do not really have an awful lot to say on such a vast subject. The thing is I am looking at the Good Governance Group that have been working now, since it was set up in November – am I wrong there? (**A Member:** January.) January. So I mean it is not a quick thing. I am not on it so I do not know the details, but I have received information. So I am not sure that it is this ... you are suggesting it is rushed on us, because I do not feel it has been.

1620

I am appreciative of the work that is been done because again, like Mr Harris, when I stood up to stand, I did say I think change was needed because I was looking in and feeling things were not really working, as a member of the public. So then obviously you then come inside the workings and you realise it is not working, you were right. But I had said at the time I found it was hard to make any judgement calls until you are actually in and experiencing it.

1625

So some of your criticisms I am not quite sure of because we are dealing with it in the way that you are saying that we should not change. You are saying that it is not really working as it is, which I would agree with. So I have to admit I am not sounding too confident and probably not coming across at all well on this, but I just appreciate that the Good Governance Group have been working

1630

really hard on this, and I do think it is in response to the public and myself actually being here wanting to see some changes.

1635 This is not working. Much of this is not working because we are taking too long to do things. We have got to move on, we have got to get more proactive and I think I have to sort of rely on their good work and take that advice.

That is all, thank you.

1640 **The President:** Thank you.

Mr Jean: Sir, I would just like to raise a point of order. May I?

The President: Point of order.

1645 **Mr Jean:** It was explained that I am against change. I would just like to say that I am not against change, but I am against this particular change.

Ms Burgess: Okay. Understood.

1650 **The President:** Thank you, Mr Jean.
Mr Gentle, please.

Mr Gentle: Thank you, sir, colleagues.

1655 Richard Buckminster Fuller was, amongst other things, an inventor and systems theorist who stated that 'You never changed things by fighting the existing reality. To change something build a new model that makes the existing model obsolete.'

1660 On 24th May 2017, a requête was brought, I think with Mr Birmingham, before the States under section 45(4) of the Government of Alderney Law 2004, in relationship to the membership of Policy and Finance. That was ultimately defeated by five votes to four with one abstention. Quite how somebody can abstain, I am not sure. You are either for it or not. But never mind, they are no longer here.

1665 I have come to the conclusion that the practice of all States Members having a seat on P&F is not only bad practice but bad government. For me it fails in four fundamental areas and they are scrutiny, transparency, governance and logistics. Consensus government, committee government means every item of policy has to be voted according to conscience, which means anything contentious remains live.

1670 About half an hour ago we had a debate about the Code of Conduct, voted in favour of the proposal and now it is going to come back. Without executive or ministerial government and the absence of political parties to whip Members, there is nothing to bind the States to any particular line or pursue initiatives that benefit the whole community. In most legislatures, scrutiny is a critical part of a member's function. This function is wholly absent in the States of Alderney because we only have one body.

1675 It is especially important that this role is prioritised because there is no revising chamber to allow for better and further thoughts to prevail. So the fundamental question should be why do we have such poor scrutiny and how can we introduce a better level?

1680 Under our current committee structure, scrutiny is possible if the non-Members of the committee scrutinise the decisions of a committee in here. The non-Members of those committees then get to form a scrutiny function on behalf of the public by the use of questions to the chairs of the committees. This is clearly laid out in the Rules of Procedure and the Laws of the States.

The problem is that with P&F, this process breaks down because if every Member sits on P&F, as we know it today, then there is no one left to perform the scrutiny function. So from the point

of view of oversight, a 10-person committee falls desperately short of the required level for good governance.

1685 As the structure has been ingrained, use of questions to committee chairs has almost become non-existent. States Members might be satisfied but it does not inform the public. States Members, us, have forgotten how to be States Members when it comes to the scrutiny function.

1690 If everyone has been part of the process then they do not feel the need to publicly ask challenging questions. You may be able to criticise a proposal in a closed P&F meeting but how does that help the public? They may have the same doubts and concerns about proposal as a particular Member might. If the discussion of the decision is not held up to scrutiny in here, how are they to know that a particular Member has had an issue with the proposal has tried to revise it? They do not unless that Member briefs against the proposal in the press and that itself can create confusion.

1695 Should States oversight take place in the letters page of *The Journal* or the *Press*?. No it should take place in here. I believe a smaller P&F, by virtue of moving to a system where executive and legislative powers are better separated will remind States Members of their scrutiny obligation to the public and reinvigorate debate here.

1700 There is no arm's length regulating supervision; it is gone. We have done it successfully for the gaming industry. The AGCC regulates and AeGL, the States marketing company, pursues business. We could have the same model for the general States operations and it cannot happen if everybody sits on P&F.

1705 We are a small jurisdiction and one of our advantages should be that we are small and nimble and can react quickly. Smaller committees simply give greater flexibility. A short committee by way of an executive legislative split can reduce the chaos. We have turned into an ineffective talking shop. Members of the public have actually asked why are there no P&F minutes. It would take a full month of an officer's time just to transcribe them.

1710 The 10-person P&F Committee is viewed by the electorate as not a good idea and they believe that a lot of important decisions are taken privately behind closed doors in the Island Hall without any public involvement at all. That is not healthy. So for any Members who have previously hinted at reform then this is your chance to follow up on your election promises. Try it; you might like it.

1715 There is no real transparency. There is categorically no proper scrutiny other than debate. We are all together, no additional input. When you think you can go to a P&F meeting that takes five-plus hours and I can come here and be home by 6p.m., I am not aware of anywhere any democracy working this way.

1720 At the debate in 2017, Mr Dent stated that he believed that in his view this was about returning debate to this Chamber. It is not. It is about forcing debate back in here. Many people believe that P&F is States *in camera* and for much of the time these people are right. Mr Dent went on to say that most importantly he wanted those Members who may no longer be included in P&F to be put to the challenge. They will have the most important of all work. I would want them to scrutinise in public the actions and recommendations of whatever the new name is for what is presently known as P&F and hold that body to account in public. The system is too cosy.

1725 He wished that his colleagues at the time only voted into a new system those Members they knew would work hard for the Island and not vote for their friends and not even just vote for the Members who shared their views on the most pressing issues of the day. If someone is not open-minded, later votes in this Chamber will simply reverse all efforts.

1730 Remember, ultimately it is this Chamber that will have the final say. A smaller P&F has been tried before. It was stated in the same debate that it only breeds dissatisfaction within. Dissatisfaction is the mother of incompatibility and the Alderney States need to be compatible to work as one.

We cannot continue to be reliant on whatever a fractious and divided States will put up with on any given day when it can be sometimes be no concept of collective responsibility. My view is that I think there are two different views of what the States Members' job is. There is a few where the States Members say, 'I have been elected and therefore I am entitled to have my say.' Well,

1735 Mr President, my view is different. I have been elected to represent the people of the Island and serve them where I can best. My manifesto, same time as Mr Harris's, which was not that long ago, stated I was putting the people first. The people want reform, and as previously stated, before the MacDonald Report advocated it.

1740 We are elected as States Members by the public to do a job, not so throw our dummy out of the pram just because we are not being involved in decision. It is all about scrutiny and scrutiny should be done here and not behind a closed door, in the Anne French Room.

For me we have to move to an executive/legislative split. We need to trust our colleagues and only call them up when there is need. If we are to have proper government, we need reform and we need it soon. The committee system subverts the role of the States Assembly. Much more
1745 should be debated in public in this Chamber. The committee system prevents strong political leadership, as previously mentioned. We need strong leadership in particular when dealing with Guernsey, the UK and others.

And this is surely a pertinent observation date when we seem to be having so many difficulties with our neighbours. Some form of executive cabinet government focused on the implementation
1750 of policy would solve these problems. We would have faster decision-making, greater focus on delivering action, better debate, scrutiny of the States and easier dealing with third parties and it seems to me very sensible to be following the practice of almost all other legislatures in the world.

Reform is a genuine attempt to streamline our decision-making, making it more transparent and accountable. We need to show that we are open to ideas for change and improvement and
1755 that, actually, yes, we are listening to the public. We are representing them, not ourselves. I want reform. It has been made strikingly obvious to me that the people want reform. We can give the public what they have asked for and get a quick-win fix for ourselves into the bargain.

At present we have the States where everything is discussed before we get here, it subsequently leads to a watered down States Meeting where not much – apart from tonight – of
1760 any note is debated. As it stands at present there exists no function designed to hold decision-makers to account. States Meeting should be used, and I keep using the word, to debate, challenge and scrutinise policy proposals and matters referred from a Policy and Finance Committee of a smaller number of Members.

Only by having a transparent democracy can we all move forward and seek change. We have
1765 got to stop the tip-toeing around. I hoped when elected to offer low-key, no drama efficiency, a fresh outlook and new, justifiable ideas when needed and required. I wanted to see reform then and I still want it now.

We have to accept that our current form of Government is a post-war anachronism that really has no place in the 21st century. If I achieve nothing else whilst on the States then, to my mind,
1770 reform would not be a bad place to bow out.

I started with a quote so I should end with one from a man called Alvin Toffler, who was an American businessman, who died in 2016: 'We must learn how to discard old views. How and when to replace them. How to learn, unlearn and re-learn.'

Thank you.

1775

The President: Thank you, Mr Gentle.

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

Mr Snowden: Thank you President, fellow colleagues.

1780 I think Mr Gentle has touched on quite a few points there. We come back to actually what is working now and what is not working now. P&F is not working; it is quite simple. I mean we are going round and round circles debating things at P&F and it is not actually going forward, delivering for the Island the important things that we need to deliver.

So actually I wonder, why is that? Why is P&F not working? Is it because we have got 10
1785 different views, people clashing with each other or what is it? Personally I think let us get everything into the Chamber as much as possible. I know we get 'private and confidential'

stamped on this, stamped on that, but it is important the public see what we are doing and what we are progressing.

1790 I also think P&F has got too much power. It really has. You know things get stamped 'private and confidential' and the public have no idea what we are agreeing in that Chamber at all. I think, you know, that is a very dangerous thing to do to go forward with. I would like to see not just P&F but other committees ... I mean, how many Members has GSC got? Six Members on there? I should not really say, but there was a comment saying, 'Oh Alex, we are going to win on this one because we have got six Members on GSC' – not on anything tonight – 'there is no chance for you because we have got six Members who will vote for it.' Understandably, because it has been discussed at Committee.

1800 So when it gets here the people that are not on that Committee, we do not have a chance of making that decision any different because it has already been agreed in Committee. So we can try and split the committees down to smaller groups, less power, more power here, more people know what is going on, more scrutiny scrutinising decisions. But I think scrutinising – I probably do quite a lot and I seem to feel that I rub people up a little bit the wrong way, scrutinising things because, as Ms Burgess does remind me, we are a team, we are working together. But it is important to scrutinise each other, nicely, and go forward. But I do not think we do. I think we just become a bit too friendly with each other and just sort of follow the way forward on whatever that item is because that person seems to know about it, rather than actually saying let us scrutinise that decision going forward, rather than just that person seems to know what they are talking about.

1805 So if you go forward, what would work? I think there are 1,000 answers that might work for a decision going forward. But what I would like to see going forward is P&F reduced in number with power taken away from P&F. GSC looked at, maybe reduced in number as well. BDCC is only four Members at the moment, so it is quite a small Committee so, in one way, the other Members can scrutinise that Committee already.

1815 I would also like to see, I am not trying to pick on P&F so much but it is quite a powerful Committee. So if I pick on GSC a bit as well, what I would like to see with these two Committees is that there is some sort of scrutiny so that when the decision that scrutiny kicks in from some other committee or forum, which has got States Members on, to actually say are these guys doing the right thing? Rather than getting to the situation where we have six Members or 10 Members from P&F coming to the full States, no debate, stamping the decision, on to the next one; because we have not stepped back and scrutinised it because we have been part of the process of it.

1820 So I think that is a real flaw going on the current system and I would welcome the Good Governance Group to sort of recommend what proposals you could put forward to make sure that scrutiny happens. One thing that does concern me with scrutiny, which is a very important system, is the decision is taken, it might be a major decision and then the scrutiny comes afterwards.

1825 I am thinking, you have actually done a major decision for the Island – good or bad – and then scrutiny kicks in afterwards. I do not know how you can put it in parallel so if that decision is not a good decision, then that decision may get looked again before it goes to a final decision, and then the scrutiny panel, whatever, might come back and say that was an awful decision.

1830 So I think going forward we need to look at different models. We also need to engage with the public, which is very important. I do know from the previous Good Governance Group that we tried to get to that stage whenever we did. Also engagement with the school and education what they want to see and how they want their governance to work and everything.

1835 Also, I am sure I keep going on about this, but we need to strengthen our relationship with Guernsey; it is crucial we strengthen that relationship with Guernsey. I keep bringing up and you are probably sick and tired of hearing of it, but we need to build those relationships up and I think I will touch on something when it comes to the Guernsey update.

It is really important to build those relationships up so whatever Government model we are looking at it will have to be connected to Guernsey and we need to make sure that we build the

relationship with every single Member who is shadowing another committee in Guernsey to make sure that our system works.

1840 I could go on but I it is going to be a long night. So I will leave it. Thank you..

The President: Thank you, Mr Snowdon.

Has anybody not spoken who wishes to speak? Mr Dent, then, would you like to sum up, please?

1845

Mr Dent: I was not going to say anything in my summing up, but Mr Jean has challenged me, obviously. (**Mr Jean:** Indeed.) I just wanted to say to him that he knows everything about the 1948 Agreement that I know. He may not believe me, but he does and he has been fully briefed on the PSO process two weeks ago. He does not believe me on that either, but there you go.

1850

The President: Thank you.

So we now we can now move to the vote, Mr Greffier.

The Greffier: Thank you sir, did you want those as one or two parts?

1855

The President: I think we had better have them as two parts, please.

The Greffier: Thank you.

1860 Firstly, in that case, the States of Alderney is therefore asked to resolve: (1) that the States should move to a system of governance where executive and legislative powers are better separated as soon as possible.

A vote was taken and the results were as follows:

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

The Greffier: Eight Members in favour and 2 against, sir.

1865

The President: Thank you. Now, I think that concludes Billet No. 2.

The Greffier: Did you want the vote on the second part, sir?

The President: Sorry, I apologise.

1870

The Greffier: And (2) The Civil Service and Law Officers, guided by the Good Governance Group, are requested to draft appropriate changes to the Structure of Government, Law and Rules of Procedure for public consultation and for consideration and decision by the States.

A vote was taken and the results were as follows:

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

The Greffier: Likewise, sir, that passes, 8 votes to 2, and as you quite correctly identified, that is now the end of Billet No 2.

1875

The President: Well, we have been now going for two and a quarter hours. I am sure everybody would welcome the opportunity of a short comfort break. So I would suggest that we take 10 minutes before we move on to Billet No. 1 and I think, as I understand it, we have to have seven Members present at any one time to remain quorate?

1880

The Greffier: Yes, sir.

The President: So it will have to be done in shifts! Ten minutes. Thank you.

*The Assembly adjourned at 7.44 p.m.
and resumed its sitting at 8 p.m.*

Billet d'État No. 1 for Wednesday, 16th October 2019

I. The Economic Statistics (Guernsey and Alderney) Law, 2019 – Item approved

Item I.

The States is asked:

To approve the draft Projet de Loi entitled 'The Economic Statistics (Guernsey and Alderney) Law, 2019' and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Royal Sanction thereto.

1885

The President: Members of the States, we soldier on with Billet No. 1.

The Greffier: Thank you, sir.

Billet No. 1, Item I this evening is the Economic Statistics (Guernsey and Alderney) Law, 2019. A letter has been received from yourself, sir, as President of the States of Alderney. The States are asked to approve a draft Projet de Loi entitled 'The Economic Statistics (Guernsey and Alderney) Law, 2019', and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Royal Sanction thereto.

1890

The President: Thank you.

1895 **The Greffier:** The Convener's report, sir?

The President: Oh, sorry. Mr Earl.

1900 **Mr Earl:** I am quite happy to sit here! Mr President, fellow States Members, as you quite rightly said, we have moved onto Billet d'État No. 1, and it is item I The Economic Statistics (Guernsey and Alderney) Law, 2019.

1905 In the People's Meeting, it was noted that this could be onerous on businesses involved. It should be looked at to make sure that none of the changes become a burden. It was queried whether the Chamber of Commerce has been consulted. Mr Dent advised that this has now been passed in the States of Guernsey, and that it is important to realign ourselves in Alderney.

A second point was it was queried what the benefits are of the GDP statistics; this is not clear. Mr Dent advised that data about various sectors that contribute to GDP is useful information and that concludes all the comments.

1910 **The President:** Thank you. Mr Dent.

1915 **Mr Dent:** President, colleagues, as the Convener has just stated this legislation has already been enacted in Guernsey but before it can come into force, it must be enacted also here. The Policy and Finance Committee discussed this in April and approved it. The Law provides for the collection, compilation, analysis, abstraction, calculation and publication of statistical information on economic activity and trends of businesses in Guernsey and Alderney. I do not believe it is particularly onerous on businesses.

1920 It provides a mechanism for all the things necessary for the undertaking of a census of economic activity. For effective planning, we do need data. All too often we in Alderney rely on our personal perceptions when making decisions that affect our future. We lack good data. This Law should go a long way to ensuring that this is a thing of the past.

1925 Three years ago, when I first became involved with some of the problems that Alderney was facing, I was surprised at the lack of hard evidence for some of the assertions that were being made in Government and in public. We had, for example, little idea of the real importance of our visitor economy and of the contributions that this and other sectors were making to our well-being.

1930 Three years on, we have rectified by some of the most pressing needs. For example, we now have regularly updated access to information from the electronic census work undertaken by Guernsey. Just as a last point, I would like to say it is not just about GDP; it is really about the composition of the various sectors of our economy and being able to sort what is important and what is not.

The President: Thank you.

Mr McKinley, I understand you want to second this?

1935

Mr McKinley: I do, sir, and I would just say briefly, Mr President, fellow States Members, I have nothing to add to those words spoken by Mr Dent and I would suggest that we support this.

Thank you, sir.

1940 **The President:** Thank you. Would any Member like to speak? Mr Gentle.

1945 **Mr Gentle:** Mr President, colleagues, I shall be voting in favour of this but I heard something said at the People's Meeting that made me take a further look at the Projet de Loi and I think I did not have to look past Part II, section 6(a) to find a reference to GDP, that Mr Dent has just mentioned.

Everybody knows I am no economist but I find it mystifying that we still put so much store in Gross Domestic Product, the income generated within a nation's borders. How do we measure the GDP in certain sectors in Alderney? How do we measure the GDP of somebody who gives up work to care for a sick parent in Alderney?

1950 Now, GDP might be great when it is possible to put a monetary value on annual output and therefore income to compare it to the previous year. Governments expect, demand and depend upon continual GDP growth, conveniently forgetting that billions of people worldwide lack the money to express their wants and needs in the marketplace and that many of the things we most value are not for sale.

1955 I assume that the price that people are willing to pay for product or service is good enough for calculating utility gained. Add that to the fact that consumers always prefer more to less, buy one get one free, and it becomes easy to conclude that continual income growth and therefore output growth is a decent proxy for ever-improving human welfare. If only that were true.

Thank you.

1960

The President: Thank you. Would any other Member wish to speak? Mr Snowdon.

Mr Snowdon: Thank you, President, colleagues.

1965 Only to be brief on this one. Myself and Mr Roberts, we have had this Item in Guernsey and it was passed by the States of Guernsey. I just wanted to say at the time of the debate there were concerns raised in Guernsey about the cost this would have on businesses to implement. Maybe Mr Dent could clarify that position for Alderney?

Thank you.

1970 **The President:** Thank you. Any other Member? Mr Dent.

Mr Dent: I will just briefly say that the costs imposed on businesses, I think are well outweighed by the benefits to the planners and those who are trying to direct the economy and the States direction and indeed the Government.

1975

The President: Thank you very much. Could we move to the vote, please, Mr Greffier.

The Greffier: Thank you. The States of Alderney are asked to approve the draft *Projet de Loi* entitled 'The Economic Statistics (Guernsey and Alderney) Law, 2019' and to authorise the Bailiff to present a most humble petition to Her Majesty, praying bringing the Royal Sanction vote thereto.

1980

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 Jean		
Mr McKinley		
Mr Roberts		
Mr Snowdon		

The Greffier: Ten Members in favour, sir.

The President: Thank you.

**II. The States' Register of Contact Details (Guernsey and Alderney) Law, 2019 –
Item approved**

Item II.

The States are asked:

To approve the draft Projet de Loi entitled 'The States' Register of Contact Details (Guernsey and Alderney) Law, 2019' and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Royal Sanction thereto.

1985 **The President:** Can we move now, please, to Item II.

The Greffier: Thank you, sir.

1990 Item II this evening is the States' Register of Contact Details (Guernsey and Alderney) Law, 2019. Again, a letter has been received from yourself in your capacity as President of the States of Alderney and the States of Alderney are asked to approve the draft Projet de Loi entitled 'The States' Register of Contact Details (Guernsey and Alderney) Law, 2019' and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Royal Sanction thereto.

1995 **The President:** Thank you. Mr Earl.

2000 **Mr Earl:** Here we go again. Item II, which is the States' Register of Contact Detail: basically, it only generated a small comment. It was noted that this system can be implemented through an IT system. It was queried whether this is in place, or a new system that will need to be paid for. Deputy Tindall, who was at the People's Meeting as a guest, stated that this programme is being rolled out over two years under the FDS in Guernsey for Health & Social Care. I would ask Mr Gentle if he knows what FDS is? No. Anyway, it is being rolled out under the FDS.

The President: Okay. Anybody else.? Now would you like to propose this Mr Dent?

2005 **Mr Dent:** Mr President, colleagues, this Law will centralise the various registers now held by different organisations. Usefully Islanders will now be able to update their contact details at a new central register and will not have to deal with a host of other organisations.

2010 Mr President, colleagues, having recently legislated to restrict our ability to share information under GDPR rules, it seems that we are now being asked to make a change, recant of some of these restrictions and allow the smooth operation of various functions of state. As one who finds the GDPR rules somewhat constrictive, I welcome this move to more open information. Having said this, I note of course the review and appeals procedures for ensuring that the unwarranted information is not collected or published. I just would like to have my research on this item before it came to the Chamber this evening, indicated that it was discussed in P&F in 2015. This does
2015 seem a rather lengthy time to get as far as this.

The President: Mr McKinley, I think you wish to second this?

2020 **Mr McKinley:** Thank you, Mr President.
I second it and have nothing further to add.

The President: Would any Member wish to speak on this Proposition?
I think we can then consider that to be passed.

**III. The Public Holidays (Alderney) Ordinance, 2019 –
Item approved**

Item III.

The States is asked:

To approve The Public Holidays (Alderney) Ordinance, 2019 so that the early May bank holiday in 2020 moves to Friday 8th May 2020 to mark the 75th anniversary of VE Day on the day itself.

The President: Item III, please, Mr Greffier.

The Greffier: Thank you, sir.

Item III this evening is the Public Holidays (Alderney) Ordinance. 2019. A letter has been received from Mr Dent as Chairman of the Policy and Finance Committee and the States of Alderney are approve the Public Holidays (Alderney) Ordinance 2019 so that the early May bank holiday in 2020 moves to Friday, 8th May 2020 to mark this 75th anniversary of VE Day on the day itself.

The President: Thank you. Mr Earl.

Mr Earl: Mr President, there were no comments on this matter.

The President: Thank you. Mr Dent, again.

Mr Dent: Mr President, colleagues the change of date proposed will allow us to celebrate simultaneously with many of our neighbours Victory in Europe Day. Something that unites us when all I see around me is discord, caused by Brexit, is surely a good thing.

The President: Thank you. Ms Burgess, I think you wish to second this.

Ms Burgess: Thank you, Mr President, colleagues. Yes please. I think it is pretty self-explanatory.

The President: Thank you. Does any Member wish to speak? Mr Harris.

Mr Harris: Mr President, fellow colleagues, just a very small point.

Whilst personally support this and I am sure we all do as well, I am not entirely sure that revellers on Milk-o-punch Sunday will be quite so enthusiastic! *(Laughter)*

The President: That will remain to be seen, I suspect. I think you have said you are voting in favour of it. Unless anybody else wants to speak? Do you wish to sum up?

Mr Dent: Mr President, no.

The President: Can we then say that this is also passed, Mr Greffier?

The Greffier: Thank you, sir.

**IV. Appointment of a Code of Conduct Panel member –
Mr Donald Hughes appointed**

Item IV.

The States of Alderney is asked:

To approve that Mr Donald Hughes be confirmed as a Member of the States Members Code of Conduct Review Panel until the next Annual January Meeting of the States of Alderney.

The President: Item IV.

2065 **The Greffier:** Item IV this evening is the appointment of a Code of Conduct Panel member. Letters have again been received from Mr Dent as Chairman of the Policy and Finance Committee. The States of Alderney are asked to approve that Mr Donald Hughes be confirmed as a member of the States Members' Code of Conduct Review Panel until the next annual January Meeting of the States in Alderney.

2070 **The President:** Thank you. Mr Earl.

Mr Earl: Again, Mr President, there were no comments on this particular Item.

2075 **The President:** Thank you. Mr Dent.

Mr Dent: Mr President, this appointment is the recommendation of the Policy and Finance Committee and I bring it here for final ratification.

2080 **The President:** Thank you. Mr Jean, I think you are going to second this motion.

Mr Jean: I am seconding, sir, and I have nothing to add.

2085 **The President:** Thank you very much indeed.
Does any Member wish to speak on this motion? Do you wish to exercise your right to sum up, Mr Dent?

Mr Dent: No, thank you.

2090 **The President:** Thank you. Can we take that one, then, as passed.

The Greffier: I am obliged, sir.

The President: Thank you.

**V. Budgets for 2020 and Revised Budgets for 2019 –
Item approved**

Item V.

The States of Alderney is asked, after consideration of the Budget Report:

- 1. To accept the States of Alderney Revenue and Capital Budgets for 2020, to include an increase of 5% in Occupiers Rates for 2020.*
- 2. To accept the States of Alderney Water Board Revenue and Capital Budgets for 2020, to include an increase of 5% in Water Rates for 2020.*
- 3. To amend the financial rules to increase the Committee capital expenditure authorisation level from £100k to £150k.*

2095 **The Greffier:** Moving swiftly on, in that case, Item V this evening is Budgets for 2020 and the Revised Budgets for 2019. A letter has been received from Mr Dent, as Chairman of the Policy and Finance Committee, and the States of Alderney are asked, after consideration of the Budget Report, to firstly accept the States of Alderney Revenue and Capital Budgets for 2020, to include an increase of 5% in Occupiers Rates for 2020; secondly, to accept the States of Alderney Water Board Revenue and Capital Budgets for 2020, to include an increase of 5% in Water Rates for 2020; and thirdly, to amend the financial rules to increase the Committee capital expenditure authorisation level from £100,000 to £150,000.

The President: Thank you. Mr Earl.

2105 **Mr Earl:** Mr President, fellow States Members. A question was raised about the budget for Tourism & Marketing. Salaries and marketing have increased for 2020 – are these justified expenditures when people cannot get to the Island? Mr Harris advised that the States still had to promote the Island, regardless of the issues with current transport links. It was noted that this year the Visit Alderney website has been upgraded.

2110 It was noted that the Capital Expenditure is following the same pattern as last year when the programme was not fully delivered and it was queried how and when this money is going to be spent. It was recognised that there are too many priorities and insufficient capacity; however we are building capacity and many of the projects are to be completed over the next few years.

2115 A question was raised about whether there has been an increase in cars due to the 30% rise in vehicle import duty. It was advised that this was partly due to a change in the fees structure, as well as additional vehicles imported for major building projects on the Island. This is not expected for 2020. It was also suggested that the roads are deteriorating in the Old Town area, and that the cobbles need protecting as part of our heritage.

2120 A written question received regarding stamps contained commercially sensitive data, and the applicant was advised to speak directly to the Chief Executive.

Finally, the Convener advised that he would like to clarify that, in regard to the reference in the Budget Report to a change from a cash limit allocation to a grant in 2020, this does still require the approval of the States of Guernsey and this would be discussed as part of the Guernsey Budget at their November States Meeting.

2125 That concludes the comments.

The President: Thank you very much indeed.

Mr Dent, I think you wish to propose this motion.

2130 **Mr Dent:** Mr President, I do wish to propose it and I do wish to reserve my right to speak after my colleague, the Chair of the Finance in this instance.

The President: Well, I think I can see the force of that.

Mr Dent: Thank you.

2135

The President: And this will be seconded by Mr Earl.

Mr Earl: This is getting tired, guys!

2140

The President: It has been a long night!

2145

Mr Earl: It has been a long night. I really have nothing to say. The figures speak for themselves; the most important part of it is a 5% increase in Occupiers' Rate and the 5% increase in Water Rates. The fact that there were very few comments that were made during the public meeting I think speaks volumes and I shall rest my case at that point.

The President: Thank you very much. Mr Dent.

2150

Mr Dent: Thank you. I shall speak for a little longer than my colleague; my apologies.

Colleagues, 2019, although not yet over, shall go down as a year in which despite the pressures on us for fiscal austerity, we balanced our accounts and were able to implement some remarkably sensible, though possibly long overdue, housekeeping reforms.

2155

We were of course to some extent shielded by one very important element of good fortune and I speak here for the receipts from our gambling industry, which recently have stood at record highs. An important focus both this and next year is therefore insurances to protect ourselves from future mishap.

2160

We are, for example, and for the first time, now building reserves for our Water Board and we have created other reserves to protect ourselves from uninsured events particularly in regard to planning, whilst setting aside contingency monies to allow us better to progress major projects. We are currently also reviewing the financial models we need for certain important infrastructure, so that there are mechanisms for capital cost recovery. And finally we are being careful not to assume that our good fortunes in regard to gambling receipts will continue on an ever upward trend.

2165

As you will have noticed, we have mothballed the Alderney Commission for Renewable Energy and wherever possible we are using our own resources rather than consultants to research new initiatives.

2170

We have also instituted new policies when we provide financial assistance to the community organisations we support. These community organisations are the backbone for much of what goes on in Alderney. It is nonetheless important to ensure that they too are financially prudent, and supporting those initiatives likely to have the greatest economic impact is a clear priority.

2175

Our revenue account largely balances income and expenditure. While a shortage of human and other resources continues to cause us difficulties spending the monies we set aside annually in our capital budgets, we have done much to rectify the problem and the pipeline of projects in our capital programme is now moving ahead more rapidly than it did when I reported to you in 2018 and 2017. This does not, however, mean the problem is fully resolved. Improvements are still needed.

2180

The initiatives relating to the review of the financial relationships that I reported on last year still continue. They have resulted in no significant changes in our budget for the next year. Any changes that do occur will be in 2021 and beyond.

One minor useful change has, however, happened. Guernsey may, subject to their own Budget approval processes, now allow us to keep any of underspend on their annual subvention. This has got to be good.

2185

I will reiterate one thing from last year. We need to place greater focus on the economic benefits derived from capital projects. Financing should be seen not just as an end in itself but as a tool for realising outcomes essential for our economy. For example, if the damage to our

economy from reduced transport links is £x million per year and we can rectify that with a subsidy of just half that amount, why would we not do it?

2190 There is one last item and that is the recommendation from our Committee, approval of the expenditure of £150,000, an increase from the previous £100,000. It is some time since this limit was raised from the ravages of inflation have taken their toll.

As always, I must finish with a clear message of thanks to the Treasury staff now being led by the acting head, Liz Maurice. As always, they have been diligent and have provided the advice and information we need in a timely and useful manner. Putting together this Budget has required long hours and there have been no complaints.

2195 Thank you very much.

The President: Thank you. Would any other Member wish to speak?

Mr Jean: Yes.

2200

The President: Yes, Mr Jean.

Mr Jean: I am delighted to see the improvement in the Budget, but I am concerned as well that last year some of the costs were raised on imported vehicles and various items; that concerns me. 2205 This year, one of the things that concerns me is if you have a Budget that is doing well, we have done our housekeeping and it is in better order than it has perhaps been for some time, is it really necessary for us to raise rates and Water Rates? I think it is an important question to ask.

We are quite regular in raising these rates and yet we hear that there is a surplus on the Water Board, which is good, and that may well continue. But do we need each year to keep hammering 2210 home an increase? If you look through the Budget it shows where money has gone out but where we have actually raised various things that we are doing. I think, you know, if you have got a good Budget and things are going well you can do a little something to hold off for the public. Some of them are having quite hard time and quite a difficult time. I think it is very important that we remember that, when we are trying to do these things, we must be reasonable.

2215 To me being reasonable, if the Water Board is doing well, we do not need to raise the Water Rates just yet. I do not believe that, looking at this Budget, I am certainly not convinced that we should raise the rates themselves.

Now, the other thing is it was pointed out at the People's Meeting and I think it should be mentioned that there is going to be a 10p hike from Guernsey in domestic TRP. Now that is starting 2220 to affect old age pensioners. What if, as well, we are putting the 5% on the rates then I would like an answer to this. We are then looking at a 15% rise.

I asked a question here as well, some time ago, regarding the £500,000 per annum spent on the works audit. I never did really have an answer to that question. I asked how many years it had gone on for, because I was very dissatisfied over that. It was a great deal of money and I wanted 2225 to know and I still need to know. So I ask Mr Earl again that question.

Thank you very much.

The President: Thank you, Mr Jean.

Would anybody else like to speak? Mr Snowden was just first.

2230

Mr Snowden: Thank you, President, fellow colleagues.

I had a pensioner come up to me in Victoria Street the other day and was showing some concern about a 5% increase on the Occupiers' Rates and Water Rates and basically asked me the question of whether the pensions are going up 5%, which I presume is no.

2235 I think people are really struggling at the moment and to a certain degree, Mr Jean is right. We do seem to, every year, like 5%, a little bit more and a little bit more. I do not know if the Island

can actually keep affording these rises the whole time. So I am quite concerned that we do seem to be putting up the whole time every year on year, a little bit higher and a little bit higher.

2240 So I will probably vote for it tonight, but I think next year we need to really have a look at what is going on, rather than trying to get the money from the public every single time that we want to raise a little bit more, when, actually, do we need to raise a bit more? You just said how fantastically well gambling has been this year, Mr Dent; we need to raise it a bit.

2245 I would just also like to touch on item 3. of what the States is asked to do tonight. We have just had a whole debate about good governance and how we should be doing more in the Chamber and how fantastic hopefully things will be going forward; but then it seems to me that we want to raise the limit to £150,000. Do we want to have to debate more stuff in the Chamber here, that we should not have to really keep raising the limit from £100,000 to £150,000 so more can be done in committee? Apart from the BDCC those committees are not open to the public so more is behind closed doors. I just have a bit of concern about that, really.

2250 Maybe it should be £100,000, we should debate stuff that is over £100,000 in this Chamber so the public know what that public money is being spent on. Rather than increase it to £150,000, what next, £200,000 or more, just behind the committee?

2255 I was not quite sure Mr Dent was saying when he proposed the item about money on transport. I am not quite sure what you are saying that the amount the economy is and pumping money into transport. I would like a bit more clarification on what you are actually talking about with money onto the transport and on what transport you are talking about when we get to that as well.

2260 One thing that does concern me a little bit and it is not critical at all – our Civil Service do an absolutely fantastic job and work very hard – but I just wonder when we have more civil servants, then costs go up of what we are doing, and then we have the 5% increase on to pay for the Civil Service, as well as everything else. Could you just clarify there has not been an increase on the accounts of the Civil Service that has made costs go up at all and it is still the same? Going forward, the Policy and Finance would have to agree, would that be, if there was any increase in Civil Service, for more expenditure?

Thank you.

2265

The President: Mr Earl, are you intending to answer a question?

Mr Earl: I am.

2270 **The President:** I think that opportunity must be ... Given the nature of the question, I think that is a matter which you should take up with Mr Jean outside the Chamber. It does not, as far as I can see, actually refer to this Budget. It really is events Mr Jean has asked about in the past but has not had a satisfactory explanation, so perhaps you could liaise with him to give him that information.

2275

Mr Earl: I am happy to do so. I would like clarification of what he was talking about, the £500,000 because I am not sure what that was.

Mr Jean: Could I clarify?

2280

Mr Earl: The other point is, with regard to the 5% rise in Occupiers' Rates and Water Rates, which is relevant. But I am happy to talk to Mr Jean at a later date. It is your decision.

2285 **The President:** Unless I am told differently by the Greffier, having spoken, then Mr Dent has the opportunity to sum up and he can deal with the questions that have been put by Members.

Mr Earl: Fine. I am happy to leave it to Mr Dent.

The President: Would any other Member wish to speak? Mr Dean.

2290

Mr Dean: President, fellow colleagues, I fully support the accounts and obviously I sit on the Finance Committee and I also sat on the General Services Committee regarding the Water Board. In the not-too-distant past, the Water Board has made extensive losses and have had to be propped up. So if you look this time I think there is a £25,000 surplus, which in the whole grand scheme of things is a very small surplus. It would only take us to be digging up a major road to replace some water mains and that money would be spent. So I do feel for Mr Jean and Mr Snowdon's concerns that the rates have actually gone up but it is actually needed.

2295

Finally, excuse the pun, I would like to thank the Acting Treasurer for the sterling job she and her team have done throughout the year.

2300

The President: Well, I think we would all echo those sentiments – and hopefully not acting for much longer. (**A Member:** Hear, hear.)

Does any other Member wish to speak? Mr Dent, would you like to respond?

2305

Mr Dent: Thank you, sir.

Just a couple of points. We really do need to protect our Water Board from any mishaps in the future and I think a reserve fund is something that is long overdue and has been the subject of many discussion in this Chamber during these Budget debates. I remember Mr Birmingham, when he sat in this States Chamber, regularly made the same point. It is just a matter of mathematics. If TRP goes up to 10% and Occupiers' Rate goes up 5% it does not add 15% to your bill; it adds 7.5%, because it is the average of those two, not the sum of those two.

2310

In regards to Mr Snowdon, I would be very happy to speak to him afterwards or in another forum on his question about, but I think it is not the place to go into that.

Thank you.

2315

The President: Thank you. So, could we move to a vote please, Mr Greffier?

The Greffier: Thank you sir. For clarification, taking three votes, or just one?

2320

The President: Three separate votes, please.

The Greffier: Thank you. In which case, the States of Alderney are asked, after consideration of the Budget Report to firstly accept the States of Alderney Revenue and Capital Budget of 2020, to include an increase of 5% in Occupiers' Rates, for 2020.

A vote was taken and the results were as follows:

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

2325

The Greffier: Nine votes in favour, 1 against.

Secondly, the States of Alderney are asked to accept the States of Alderney Water Board Revenue and Capital Budgets for 2020 to include an increase of 5% in Water Rates for 2020.

A vote was taken and the results were as follows:

FOR

Ms Burgess
Mr Dean
Mr Dent
Mr Earl
Mr Gentle
Mr Harris
Mr McKinley
Mr Snowdon

AGAINST

Mr Jean
Mr Roberts

ABSTAINED

None

The Greffier: Sir, that is 8 votes in favour, 2 against.

2330 Thirdly, the States of Alderney are asked to amend the Financial Rules to increase the Committee Capital Expenditure Authorisation Level from £100,000 to £150,000.

A vote was taken and the results were as follows:

FOR

Ms Burgess
Mr Dean
Mr Dent
Mr Earl
Mr Gentle
Mr Harris
Mr McKinley

AGAINST

Mr Jean
Mr Roberts
Mr Snowdon

ABSTAINED

None

The Greffier: Seven votes in favour, 3 against.

2335 **The President:** Thank you.

**VI. Questions and Reports –
Seven questions and one report tabled**

Item VI.

The following questions and report had been received:

1. Questions from Mr Snowdon to the Chairman of the Policy and Finance Committee, Mr Dent:

1. Could the Chairman of Policy & Finance indicate the projected income from the Alderney Gambling Control Commission (AGCC) for 2019 and the reason why the potential income is lower than 2018?

2. Following the release of the 2020 Budget from Policy & Resources, can the Chairman explain what impacts the budget may have on Alderney?

3. Can the Chairman of Policy & Finance update members about his recent trip to the Normandy Council on behalf of the States of Alderney?

4. *Following the situation with the London Convention lapsing on 31 October, could the Chairman explain what is happening with fishing rights in Alderney and the Bailiwick?*

5. *Does the Chairman have any updates regarding the PSO and transport-related matters? Also, does the Chairman have any views on the open letter about Aurigny's service dated 2nd October from Deputy St Pier, President of the Policy & Resources Committee?*

2. Question from Mr Dent to the two Alderney Representatives in the Guernsey States of Deliberation, Mr Roberts and Mr Snowdon:

Could our Guernsey Representatives briefly summarise their activities in Guernsey over the last month?

3. Question from Mr Earl to the Chairman of the Policy and Finance Committee, Mr Dent:

Would the Chairman of the Policy and Finance Committee care to comment on the impact of the recent leaks of confidential information?

The President: We now move on to questions and reports.

2340 **The Greffier:** Sir, you know from the Billet there is one report, from Mr Dent, Chairman of the Policy and Finance Committee, appending the Royal Connaught Residential Home Ltd financial statements for 2018. In addition there are a number of questions.

The President: So can we deal with the questions first? I understand that we received the first questions from Mr Snowdon.

2345 **The Greffier:** That is correct sir.

The President: Mr Snowdon.

Projected income from the Alderney Gambling Control Commission

Mr Snowdon: Thank you President, fellow colleagues.

2350 All five questions are to Mr Dent. Could the Chairman of Policy and Finance indicate the projected income from the Alderney Gambling Control Commission, AGCC, for 2019, and the reason why the potential income is lower than 2018?

Thank you.

2355 **Mr Dent:** Thank you and a very apposite question, given your comments on the Budget. When the AGCC budget for 2019 was prepared to the end of 2018, they identified a number of market uncertainties that were likely to impact on our licensees' businesses in 2019 and beyond.

2360 Their prediction at the AGCC was that the licence fee income would go down by about £1 million, due to the reorganisation some of that had larger licensees' group to businesses, resulting in their no longer needing an Alderney licence and at the same time a lack of industry investor appetite for new ventures, resulting in much less new business coming into Alderney compared to previous years.

The AGCC budget therefore showed a projected distribution to the States of Alderney of £2 million in 2019. The latest forecast shows an expected distribution of around £1.8 million, while the AGCC's cost structure has remained unchanged between 2018 and 2019. The same market

2365 uncertainties have also affected other similar gambling jurisdictions such as the Isle of Man and Gibraltar, who have also experienced departures of large licensees and a strong reduction of new businesses coming in.

In their preliminary preparations for the AGCC's 2020 budget the AGCC believes that the adverse market conditions will continue and next year is likely to be a similar year to 2019. The AGCC are, however, pleased that so far the adverse market conditions have not affected most of their licensees and they continue to see licence fee income on a similar level to what they have seen over the past 10 years.

Thank you.

2375 **The President:** Would you like to ask a supplementary question, Mr Snowdon?

Mr Snowdon: Thank you, President.

I think that news is quite concerning. Just to clarify, 2019 has gone right down, this is this year; 2020 you are saying is going to go right down. Do we need a contingency plan about what we are going to do and how it affects our Budget?

Thank you.

The President: Mr Dent.

2385 **Mr Dent:** I do not believe the declines are huge. I would refer you to the last paragraph, that the AGCC are, however, pleased that so far the adverse market conditions have not affected most of their licensees and they continue to see the licence fee income of a similar level. But they are being cautious and I think that is wise. I think when we prepared the Budget we took this into account and, as Mr Snowdon pointed out, forecasts for the next few years are a little lower than maybe we had hoped.

The President: Would anybody seek leave to put a supplementary question arising out of Mr Dent's answer? No. So move on please, Mr Snowdon.

Impact of the 2020 Budget on Alderney

Mr Snowdon: Thank you, President, fellow colleagues.

2395 Following the release of the 2020 Budget from Policy & Resources, can the Chairman explain what impact the Budget may have on Alderney?

Thank you.

2400 **Mr Dent:** Mr Snowdon, as an Alderney Rep. in the States of Guernsey, I would have hoped you would have the greater insight into this. Mr St Pier does not consult me on his Budget proposals. I can read the reports just as clearly as you can and so I would guess that the increase in TRP would be the major impact our residents will feel.

So I look forward to the day when we will be able to have our own single property tax at rates that suit Alderney and the revenue comes straight to Alderney. I note also that Guernsey intends to raise additional money from financial, legal and accountancy companies. So perhaps if we followed a different path we could attract some of that business to Alderney.

2410 The increase in fuel duty is not large but if you smoke you will be hit hard and if you drink alcohol you will be hit too. Other provisions are the direct funding from the States of Guernsey General Revenue account to the States of Alderney will be treated as a grant, rather than a cash limit. I have touched on this matter earlier, in a different debate. The AGCC surpluses can continue

to be transferred to our account at least to 31st December 2020. Having noted this, it is not our understanding that they are entitled to agree to any other arrangement.

An additional overdraft provision of £5 million, if Aurigny ceases operating the Alderney services, has been incorporated. However, that is not of any direct impact on ourselves but I think it is certainly worthy of note.

And the last thing is that there provision of £2.9 million from the General Revenue account for Aurigny, in order that they may continue to operate both our routes and for the whole year. And I can only think that is quite a good provision.

Thank you.

The President: Mr Snowdon? Thank you.

Any other Member wish to ask a supplementary question? Thank you.

Mr Snowdon, Question 3, please.

Trip by Policy and Finance Committee Chairman to the Normandy Council

Mr Snowdon: Thank you, sir. Can the Chairman of Policy and Finance update Members about his recent trip to the Normandy Council on behalf of the States of Alderney?

Thanks you,

The President: Mr Dent.

Mr Dent: This is known. The main purpose of meeting was to renew the Memorandum of Understanding between Normandy, La Manche, Guernsey and Jersey. Alderney and Sark are associate members. The purpose is to continue development of an institutional partnership and the strengthening of ties in the areas of economic development, tourism education and culture. The agenda items were Brexit, fishing and Alderney's tidal energy projects. I attended in my role as vice-president.

Much disquiet was expressed on the French side in regard to the apparent chaos surrounding Brexit. It was, however, made clear the situation that had developed was not of any of our own doing and that the Channel Islands governments all wished to maintain good relations with France.

The French were concerned to learn how fishing rights might be impacted by, amongst other things Brexit and the discontinuation of the London Convention. It was agreed that in the newly extended territorial waters around the Bailiwick of Guernsey there should, as far as is practical, be a continuation of existing rights for those who have traditionally fished in these waters.

It was, however, noted and accepted that we had the right to prevent vessels fishing if we were required to do that and that, as we were worried that vessels displaced from other waters would seize the opportunity to fish in those waters, measures might be needed to ensure this protection.

It was made clear that whilst the three jurisdictions of the Bailiwick of Guernsey would continue to engage positively and collectively with the region of Normandy and La Manche about maritime issues, Alderney's specific issues and concerns relating to fishing, the maritime environment, tidal and wind energy, undersea cables and the management of its territorial waters are decisions that will continue to be made independently by the States of Alderney and that all the relevant parties should be aware of this.

The summit concluded with a brief update from myself on the proposed Alderney Electricity SIMEC Atlantis power purchase and infrastructure development agreement and on the FAB project. This was positively received.

The President: Thank you. Mr Snowdon.

Mr Snowdon: Thank you, President, fellow colleagues. Just following your response, could you elaborate a little about what you talked about, wind, tidal and interconnectors?

2460 Thank you.

Mr Dent: We did not talk about wind, so let us get that ...

Mr Snowdon: In point of fact, you did mention wind.

2465

Mr Dent: Yes, I know, it was on the agenda. It was not talked about. We were offered a tour of the wind facilities in Cherbourg, but it did not materialise because we all had to go home.

Your other question, sorry, pardon me.

2470 **Mr Snowdon:** Okay. Thank you for the wind answer. Tidal and interconnectors.

Mr Dent: I think in regard to interconnectors we made the point here that we have not received any planning applications and that, as far as we were aware, the project was as it was six months ago with no further developments. The French on their part made it fairly clear that although the Normandy Government was very keen on developing tidal energy, they were not necessarily 100% in accord with the central government of France and that there were things to be discussed on that path.

2475

The President: Thank you. Would any other Member have a question? Mr Jean.

2480

Mr Jean: The Chairman may be able to assist me to know if any measures have been taken to estimate what fish lands from here to Brixham and how much still goes to France and whether he feels any effort should be made to put a plan in place after Brexit. If there were problems exporting what fish does still go to France, has any effort been made in that direction to ascertain from the fishermen and can you tell me have any contingency plans been made for our fishermen in case of a shut on export or a problem?

2485

Mr Dent: Mr Jean, you asked some interesting questions there. I am not aware of any estimates of the size of catches. It would be very interesting to know. In regard to a plan for after Brexit I think this almost impossible that we know what Brexit means because, if we come out with a deal, or a no deal, or we come out with something in between, the whole thing could be completely different.

2490

This was in fact the major focus of the French argument and indeed of everybody else's argument; we simply did not know. We have talked to the fishermen and they are aware of the situation. We invited the fishermen to a meeting. It was not particularly well attended. But there we go. I think it is not particularly up to us to make a plan because we cannot and the actions of the French may put paid to any plan we make and indeed the actions of any other fishing group may well stymie things. So as much as I would love to make a plan, I think it is impossible and the fishermen are aware of the situation.

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The President: Thank you.

Impact on fishing rights following lapse of the London Convention

Mr Snowdon: Thank you, sir.

Following the situation with the London Convention lapsing on 31st October, could the Chairman explain what is happening with fishing rights in Alderney and the Bailiwick?

2505 Thank you. You might have just answered that.

Mr Dent: Can I go?

The President: Yes, please do.

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Mr Dent: I take the point but I was going to add something else to this particular question. I just want to say that it should first be noted the London Convention will lapse on Brexit day, which will not necessarily be 31st October. It is just a clarification obviously. Yes, I believe I answered the question as part of my previous question.

Updates on PSO and related matters, including Aurigny service

2515 **The President:** Mr Snowdon.

Mr Snowdon: Thank you, sir, final one. Does the chairman have any updates regarding the PSO and transport-related matters? Also does the Chairman have any views on the open letter about Aurigny's service dated 2nd October, from Gavin St Pier, President of the Policy & Resources Committee?

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Thank you.

Mr Dent: Mr Snowdon, I believe this matter was dealt with in the People's Meeting last week. What I will say tonight is largely therefore a repeat of the messages I gave them. Do you want me to continue? I will continue. So if I may begin.

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There are those who say that public comment can negatively impact the PSO process and despite this, I want nonetheless tonight to say two things. First the timetable. The PSO process has raised further questions about the submissions of the bidding parties and they have been asked to provide further information about the services they can deliver.

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It now seems that this information will not be provided until late October and the Committee for Economic Development will not be considering the matter until well into November. This is all now beginning to look as if it will not go to the States of Guernsey for a decision until well into the New Year. This timetable and process is not in our control, although we will be consulted by the Committee for Economic Development at some point.

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The second part of your question concerns the purpose of my open letter to Gavin St Pier. This was to draw attention to the huge numbers of delays, cancellations and disrupted travel arrangements that are impacting on people right now. It is our democratic right to challenge and protest both as citizens and as the States of Alderney, particularly when the States of Guernsey is getting things wrong.

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I believe the response to my letter from Gavin St Pier tells you a lot about the way some of Guernsey's leading politicians operate. His letter seems to me, in fact, to have been no more than a series of deliberate misinterpretations.

Firstly, his inference that my letter might interfere with the PSO process is nonsense. These issues are happening here and now under the current Memorandum of Understanding with Aurigny. The PSO is about future provision. Our voices cannot and should not be stifled in the

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short term. Indeed I would have thought that the president of P&R's own comments could be the real source of damage to the PSO process.

2550 Secondly, the letter goes on to point to performance figures in the first and second quarters of 2019. My letter was about what was happening in the third quarter of 2019. As you know we have had significant periods when only two and sometimes only one Dornier was operational. The President of P&R needs to be reminded of the plan when Aurigny converted to Dorniers for a three Dorniers operation, a plan I believe he supported.

2555 Thirdly we are all admonished because we are not presenting a constructive view, when faced with a five-day delay because there is only one aircraft available. As I referred to at the People's Meeting, one of my colleagues has suggested that he thinks that what we should really be doing is humming Monty Python's *Always Look on the Bright Side of Life*, or maybe write letters of congratulations to the Policy & Resources Committee.

2560 I make no apology for complaining on behalf of the people of Alderney about the parlous state of our air service, but I am disappointed if not surprised that the response avoids the issues I raised.

2565 I want also to say that I do not want to be baited tonight into ill-thought-out, knee-jerk divisive reactions. It serves Gavin St Pier well to have us divided. I have noted he is already putting it out that my method could harm the PSO process. I do not want to give in unnecessary further ammunition. We will reply as and when we see fit and to a timetable that suits us, not the political hawks in P&R. I think just that sums it up where we stand.

Thank you.

2570 **The President:** Did you have a supplementary question to that? Did you have a supplementary question, Mr Snowdon?

Mr Snowdon: No, it is fine, thank you.

The President: Yes, Mr Roberts.

2575 **Mr Roberts:** Would you not agree that by us agreeing to a three Dorniers operation it is just going to provide us with much of the same and we should be looking at a different aircraft type? Three Dorniers operation is never going to change anything. We need to change things radically. We need to educate Guernsey that things have to be changed radically. I think a lot of people in Guernsey are actually thinking that and we should be actually leading that vote.

2580 **The President:** Thank you. Would anybody else like leave to put a supplementary question? Okay.

2585 **The Greffier:** Mr Dent might like to reply.

Mr Dent: I did not reply to Mr Roberts' question, but I did regard much more of a statement than a question.

2590 **Mr Roberts:** It was a question. What do you think?

Mr Dent: I think I reserve my judgement on some of the things but when you refer to the three Dorniers I was referring to something that had happened in the past and it was not an opinion that has been recently expressed, or which I was commenting on. I merely simply wanted to point out to Mr St Pier that he appears to have changed his mind; that he made us a promise. some years ago and now he appears to have reneged on it. That was all.

The President: Thank you. Does anybody else? No.

Mr Dent, that concludes your answers and your questions so we can now move on to the next one, which I think in time –

2600

The Greffier: One received from Mr Dent, sir.

The President: Mr Dent, would you care to put your question?

Summary of activities in Guernsey over the last month

2605 **Mr Dent:** It is a traditional question but could our Guernsey representatives briefly summarise their activities in Guernsey over the last month?

Thank you.

2610 **Mr Roberts:** Can I just say, Mr Dent, that I did not bring any paperwork. I came straight from the airport here, so I have not got the paperwork. I would like Mr Snowdon to outline it. I am sure he has got his paperwork with him.

The President: Mr Snowdon.

2615 **Mr Snowdon:** Thank you, Mr Roberts.

I know time is getting a bit late at the moment, I will just go over a few bits and pieces and maybe Mr Roberts could update on what happened today, because I have been here, not in Guernsey, obviously.

2620 At the last States, we submitted our emergency questions and I am very grateful to the Bailiff for allowing me and Mr Roberts to submit the emergency questions about the Aurigny service, how it has been deteriorating and people are getting stuck and the chaos it has had on the Island and that was to Peter Ferbrache and the response seemed to be that it was all down to weather, which was, personally, a bit of a ridiculous thing to say when you have only had one plane serving the Island.

2625 We did highlight that during the supplementary questions in the States of Deliberation, that it was not all down to weather. It was basically the service deteriorated because of weather; however when you have only got one plane trying to provide that service and then move the passengers that have been stuck due to weather, it cannot work and then we have seen these massive delays, which are causing our Island the situation, and that is what we tried to highlight during the debate.

2630 Actually, I think, we believe we got some support from some of the Deputies down there who wanted more clarification as to what those issues were and not maybe what was referred to in the other Deputy's, Gavin St Pier's letter. Those statistics were quite rosy, when they are not. That was the emergency question that we asked about.

2635 Mr Roberts and I also invited Deputy Ferbrache to have some sort of People's Meeting, because I know the last People's Meeting was very much at the end about the Aurigny service and how it has deteriorated. However, I believe it is important that the Deputy comes over and hopefully has some progressive discussions with the public, going forward, and it was agreed that that would happen some time. However, we do not know when. I do not know if Mr Roberts maybe spoke to that Deputy with some sort of timeline for that but I think it needs to happen quite soon. So that is what we also discussed.

2640 Charles Parkinson stood up at the time and said that he was coming over on 21st October, to discuss with the States Members the PSO. I have not heard anything since he made that announcement in the Assembly but I do not know if Mr Dent ... I cannot really ask you, but you

can ask me, but I do not know if there is any update on that at all, if that is still happening and we are having a discussion with Charles Parkinson on the 21st.

Since then, there has been quite a lot of talk about requêtes and everything about Aurigny and I think Mr Roberts and I will obviously take some guidance about what P&F feels, if that is the right forum for us to talk about where we go forward with Guernsey on those issues, because there seems to be some support from the Guernsey Deputies, but we need to make sure that whatever we do we are taking the views of all of you on board, going forward.

Changing the subject a little bit, there was an update from Education during the debate and I did mention about the school swimming pool, the community swimming pool. However the lack of a school swimming pool and I believe it is now five years ... Mr Gentle is working very hard, I know, behind the scenes, with the Education Department coming over. However, I believe that the Education Committee are working on a policy with their new £157 million schools improvement models going forward, that will mean there is a swimming pool policy that will have to be implemented for the Bailiwick and the hope is that will have to cover Alderney.

So if that does happen, that Committee should get some inclusion with some provision, whether that be an existing pool or a new pool or something for those children, if they make that policy. I think that is in very good hands, Mr Gentle will be pushing that when the Committee comes over in the next few weeks, whenever that date is.

There was another thing, going a little bit off at a tangent, but Home Affairs, Guernsey Prison update and Mary Lowe made the offer to the Deputies that they should go around and have a look at the prisons. I do not know if Alderney States Members need to look at the prisons but maybe it would be worth looking at the prisons.

On a separate note from the States of Deliberation, myself and Mr Roberts, there is an energy policy coming up with the States of Deliberation. We were invited to a presentation in Guernsey and I took up that opportunity, with Mr Earl, who came down. It was a PwC presentation about the future energy policy for Guernsey, going forward, and I think that hopefully Alderney may be able to see how we are similar or perhaps some common ground and use those opportunities from that PwC Report on how we might be able to make differences, particularly with climate change and environmental things about how we can change our energy usage going forward.

That is quite a lot of work but if that is something you want to take on board, we potentially have the offer from a civil servant there, Peter Barnes, to come over and talk to us if we want to do and I think that would probably be the best place for me to tell you a bit more about that.

We also had a meeting with the Development & Planning Authority and civil servants that came over to work a little bit with the BDCC. I think that was a very productive day when they came over and they watched our open planning meeting. I think that it is quite good that relationships are being formed. As I said earlier, we need to do that with all Committees. I know that some of you are trying to get on with the Economic Development and everything but I would say go and see them, or they can come and see us and we can work better with all that going forward.

I will not go on any more about Guernsey because I know we are a bit limited for time. Maybe Mr Roberts can add what has happened today in the States of Deliberation?

Mr Dent: Point of order.

The President: Please.

Mr Dent: The meeting on 21st March with Charles Parkinson, I understand will not be happening but I have not seen any formal written –

Mr Gentle: Point of order, sir: 21st October, not March.

Mr Dent: 21st October. Time flies!

Mr Gentle: I know we have been here all night!

The President: Would you like to add anything to that?

2700 **Mr Roberts:** Yes sir, I have found a bit of paperwork that does relate to this, sir.

The President: Well, please do. Thank you.

2705 **Mr Roberts:** Thank you. We were advised by a Guernsey Deputy, very kindly, that we could ask these emergency questions, because it has been an emergency, there is no doubt about it. We both asked questions to Deputy Ferbrache and I would just like to let you know the questions that I asked – I have not got Mr Snowden's question. I asked, 'Has the States' Supervisory and Trading Board taken steps to encourage or require Aurigny to adopt alternative approaches to deal with the current crisis?'

2710 Also, 'The short-term lease of an additional Dornier from Ruag to cover this would have helped and what would the reaction of this Assembly be if the travelling Guernsey public were stranded either side, for three days, and no access to their hospital, as it has been in Alderney and would he not agree that this a lifeline emergency?'

2715 The other question, there were two questions I asked, was, 'Is the Chairman aware that the winter timetable virtually shuts Alderney down for the weekends and is impacting on catch-up in the whole community?'

Myself and Mr Snowden are trying to do something about this timetable at this very moment so, if we can get it turned around, we will, for how it is running at the weekends.

2720 My last question to him was, 'Does the Chairman feel it is long overdue to take a hands-on approach with a company that has plainly gone feral?' That brought a few gasps from around the Assembly. Okay.

2725 Now the rest of Mr Snowden's update on the States Meeting was quite correct. We had a meeting with Gavin that was amiable, which we normally do on a Thursday morning. Today, very little came about. There was an election for a Jurat, which took about an hour and a half because there were two candidates. The President of the Committee *for* Home Affairs made a general update, there was nothing came to pass on that, very much at all. No Alderney mention.

2730 The President of the Overseas Aid & Development Commission, there was an update on that, speaking about what aid Guernsey gives out every year. There were three questions on the budget for musical performance at St James' from Deputy Gollop. Deputy Gollop likes questions, and he put five questions on the bus fleet. After that it was the Employment & Discrimination Tribunal and they appointed a convener.

2735 There was legislation laid before the States, water charges, waste water charges, waste disposal recovery charges, the health service. The next was population management. They seem to be struggling to get staff in Guernsey for various places. Then we were getting to the end of it and I wanted to get back and there were several Deputies saying, 'It is going to finish, Steve, today. If not it will be very early tomorrow.'

The only thing that was left on that was a Requête on the prohibition of importation and sale of glyphosate throughout the Bailiwick. So that was today.

2740 **The President:** Thank you very much indeed. Thank you.

Mr Dent, do you have a supplementary question for either of the Guernsey Representatives?

Mr Dent: No, I think not.

2745 **The President:** Thank you. Does any other Member have a question for the Deputies? The Representatives, sorry, I have just promoted you!

Mr Roberts: They do call us that sometimes.

2750 **The President:** Okay. So, that being the case, we are left with one final question from Mr Earl.

Impact of leaks of confidential information

Mr Earl: Thank you very much, Mr President. I would like to put a question to the Chairman of Policy and Finance. Would the Chairman of the Policy and Finance Committee care to comment on the impact of the recent leaks of confidential information?

2755 **The President:** Would you care to comment on that?

2760 **Mr Dent:** I will comment very briefly, because obviously it is confidential. I do not want to reveal too much about it. But I do want to say this evening that I believe that these leaks, and there have been a number, have been very damaging to the States. When you are engaged in commercial and political negotiation, you do not normally brief your opponents beforehand on too much.

Thank you.

2765 **The President:** Thank you. Do you have a supplementary question, Mr Earl? No.
Any other Member have a question?
Well, I think that concludes the questions, Mr Greffier. There is then just the Report.

Royal Connaught Residential Home Limited Financial Statements 2018 – Report noted

The Greffier: The Report is merely there for noting, sir.

2770 **The President:** Yes, so that is noted.
That, I say, with fingers crossed, concludes the business of the evening. (**The Greffier:** Yes, sir.)
Without wishing to drag it on, before we kindly close the Meeting, I would firstly like to thank the States Members for the way in which they have conducted the debate this evening. There are those who accuse the States of not actually doing any debating. Well, be careful what you wish for, because this evening we have demonstrated that democracy is alive and well and that the
2775 States Members have all made a very valuable contribution. More importantly, the people who have come and sat for hmmm hours, it shows that the public care about democracy and that can only be of benefit for all of us. So thank you.

Mr Greffier, would you like to conclude the Meeting?

2780 **The Greffier:** I would love to, sir.

PRAYERS

The Greffier

The Assembly adjourned at 9.02 p.m.