



**OFFICIAL REPORT**  
**OF THE**  
**STATES OF THE**  
**ISLAND OF ALDERNEY**

**HANSARD**

**The Court House, Alderney, Wednesday, 19th May 2021**

*All published Official Reports can be found on the  
official States of Alderney website [www.alderney.gov.gg](http://www.alderney.gov.gg)*

**Volume 9, No. 6**

**Present:**

**Mr William Tate, President**

**Members**

Mr Willan (Bill) Abel

Ms Annie Burgess

Mr Ian Carter

Mr Kevin Gentle

Mr Christian Harris

Mr Rhys Jenkins

Mr Boyd Kelly

Mr Graham McKinley

Mr Steve Roberts

Mr Alexander Snowdon

**The Greffier of the Court**

Mr David Knight

**Business transacted**

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# States of Alderney

*The States met at 2.30 p.m.*

[THE PRESIDENT *in the Chair*]

## **PRAYERS**

*The Greffier*

## **ROLL CALL**

*The Greffier*

### **Convenor's Report of the People's Meeting held on 12th May 2020**

**The President:** Could I ask Mr Kelly who was the Convenor if he would give us the attendance at the Meeting last Wednesday?

5     **Mr Kelly:** Certainly, sir. In addition to myself, there were nine States' Members, your good self, 42 members off the public, six members of the press; we had apologies from the Chief Executive, who was deputised by the Head of Government Support.

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

### **Welcome to Greffier from Guernsey, Mr Simon Ross, and colleagues**

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**The President:** Before we move on could I just welcome Mr Simon Ross, the Greffier from Guernsey, and his colleagues, who will be observing the Meeting this afternoon  
Over to you, Mr Greffier.

## Billet d'État for Wednesday, 19th May 2021

### I. Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.5) Regulations, 2021 – Not annulled

*Item I.*

*The States of Alderney is asked not to annul "The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.5) Regulations, 2021".*

15 **The Greffier:** Mr President, Item I, if I may, the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.5) Regulations, 2021. The States of Alderney is asked not to annul the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 5) Regulations, 2021. Proposed by Mr Abel, seconded by Mr Snowdon.

20 **The President:** Thank you.  
Mr Kelly, were there any representations at the People's Meeting?

**Mr Kelly:** No sir, there were no comments on this Item.

25 **The President:** Thank you very much indeed. Mr Abel?

**Mr Abel:** Thank you Mr President.

30 Item I is with regard to the Coronavirus Regulations. Mr President, colleagues, these Regulations were Emergency Regulations made by the Civil Contingencies Authority under Part 3 of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012. They were made on the occurrence of an emergency within the meaning of the Law in the Bailiwick, arising from the urgent need to prevent, control and mitigate the spread of the virus of Severe Acute Respiratory Syndrome Coronavirus 2, and the disease caused thereby, Covid-19.

35 These Regulations revoke and re-enact with minor modifications Regulations previously made by the Civil Contingencies Authority in respect of the coronavirus pandemic and come into force on 30th April 2021 and shall have temporary effect only in accordance with the provisions of section 16 of the Law.

40 These Regulations generally apply where access to the Bailiwick is restricted and isolation and testing is a requirement for persons travelling to the Bailiwick. In general then, Regulation 4 gives effect to Schedule 1 as regards critical workers. Regulation 5 gives effect to Schedule 2, with respect to Category 2 and 3 countries and regions. Regulation 18 sets out modifications to be made to the mental health legislation and procedures for the Mental Health Review Tribunal. Regulation 19 provides deemed variance for employment permits and modifications to the Population Management Law.

45 Further details on these items are covered in the supporting summary of documents forming part of this Billet and in the gov.gg website.

Mr President, I would like to propose that the States of Alderney is asked not to annul the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.5) Regulations, 2021. Thank you.

50 **The President:** Thank you, Mr Abel.  
Mr Snowdon, I believe you are seconding this Proposition?

**Mr Snowdon:** I am happy to second and thank you to Mr Abel for the statement. I have nothing further to add. Thank you.

55 **The President:** Thank you. Would any Member like to comment on this Item? In that event, can we take that the Item passes? Thank you.

**II. Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No.5)  
(Bailiwick of Guernsey) Regulations, 2021 –  
Not annulled**

*Item II.*

*The States of Alderney is asked not to annul “The Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No.5) (Bailiwick of Guernsey) Regulations, 2021”.*

**The Greffier:** Thank you, sir. Item II, the Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No.5) (Bailiwick of Guernsey) Regulations, 2021. The States of Alderney is asked not to annul these emergency powers. This matter is proposed by Mr Abel, seconded by Mr Snowdon.

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**The President:** Again, Mr Kelly, anything from the People’s Meeting?

**Mr Kelly:** Yes sir. It was queried what the aggregate amount of damages are. Mr Abel was able to advise this was explained in the main Law, which is available as an attachment to the Billet Item.

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**The President:** Thank you very much indeed.  
Mr Abel.

**Mr Abel:** Thank you, Mr President.

70

Mr President, colleagues, these Regulations are Emergency Regulations made by the Civil Contingencies Authority, under Part 3 of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012. They are made on the occurrence of an emergency within the meaning of the Law in the Bailiwick, arising from the urgent need to prevent, control and mitigate the spread of the virus Severe Acute Respiratory Syndrome Coronavirus-2 and the disease caused thereby, Covid-19.

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These Regulations revoke and replace the Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No.4) (Bailiwick of Guernsey) Regulations, 2021. These Regulations came into force on 30th April 2021 and shall have temporary effect, only in accordance with the provisions of section 16 of the Law.

80

These Regulations apply where a vaccine against coronavirus has been temporarily authorised and will limit the aggregate amount of damages and costs that may be awarded. Full details are covered in the supporting summary of documents, forming part of this Billet, and in the Guernsey gov.gg website.

85

Mr President, I would like to propose that the States of Alderney is asked not to annul the Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No.5) (Bailiwick of Guernsey) Regulations, 2021. Thank you Mr President.

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

**Mr Snowdon:** Happy to second. Thank you to Mr Abel. Thank you.

90

**The President:** Thank you. Would any Member like to speak to this? No.  
Again, we can take this, then, as passed.

**III. The Police Force (Bailiwick of Guernsey) (Amendment) Law, 2021 –  
Proposition carried**

*Item III.*

*The States of Alderney is asked to approve Projet de Loi entitled “The Police Force (Bailiwick of Guernsey) (Amendment) Law, 2021” and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.*

**The Greffier:** Item III, the Police Force (Bailiwick of Guernsey) (Amendment) Law, 2021. The States of Alderney is asked to approve a Projet de Loi entitled The Police Force (Bailiwick of Guernsey) (Amendment) Law, 2021 and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto. Proposed by Mr Abel, seconded by Mr Kelly.

**The President:** Mr Kelly, again, the People’s Meeting?

**Mr Kelly:** Thank you, sir.

There was a query regarding the maximum time of a temporary period. I advised that it depended on how long the assistance was required for. It was noted that company inquiries would not be carried out by police officers, by the visiting police officers. It was queried whether the honorary constables in Jersey would be coming here. I said no because I felt their powers were restricted to their parishes. Additional visiting officers will be only requested if mutual aid is deemed necessary.

**The President:** Thank you. Mr Abel.

**Mr Abel:** Thank you, Mr President.

Mr President, colleagues, this policy letter proposes an extension to the Law that permits police officers from the United Kingdom and the Bailiwick of Jersey to temporarily undertake duties in the Island of Guernsey. It also covers the Islands of Alderney and Sark.

The additional policing assistance arranged through mutual aid agreements is required from time to time to meet special demands on the resources of the Island Police Force, particularly during critical incidents, major investigations and Royal and VIP visits. Legal advice has recently highlighted that an amendment to legislation is required to ensure that the authority for such officers to perform their duties in these Islands is beyond doubt.

The Police Force (Guernsey) Law, 1986 allows visiting officers to temporarily possess the same powers and privilege and be subject to the same duties as local police officers, following an application by the Committee for Home Affairs to the Bailiff. Once authorised, these mutual aid officers come under the direct command of the Chief Officer of the Island Police Force and are subject to the authority and jurisdiction of the Guernsey courts.

However, this Law only applies to the Island of Guernsey, not Alderney or Sark, and there is no equivalent legislation in these jurisdictions. It would appear that the Alderney (Application of Legislation) Law, 1948 and the Reform (Sark) Law, 2008 may not be relied upon to provide the certainty required.

There is a serious risk to policing operations in support of Alderney and Sark if these additional officers are unable to be authorised; for example, the advanced plans for Royal visits to the Bailiwick include UK personal protection officers. However these plans cannot currently be extended to the other Islands, normally Alderney and Sark.

It is far more efficient to seek the assistance of specialist officers from other jurisdictions as and when needed, than to permanently maintain all the potential skills locally. Without such an amendment the communities of Alderney and Sark will not have access to the same level of protection as that of the residents of Guernsey.

140 The Policy & Finance Committee, at its meeting of 22nd April, resolved to approve the Police Force (Bailiwick of Guernsey) (Amendment) Law, 2021. Further details are covered in the supporting summary of the documents forming part of this Billet and in the Guernsey gov.gg website.

Mr President I would like to propose that the States of Alderney is asked to approve Projet de Loi entitled Police Force (Bailiwick of Guernsey) (Amendment) Law, 2021 and to authorise the Bailiff to present a most humble petition to Her Majesty, praying for Her Royal Sanction hereto.

Thank you.

145 **The President:** Thank you, Mr Abel. Do you have anything to add, Mr Kelly?

**Mr Kelly:** No sir, other than to second the motion and I will reserve my right to comment.

150 **The President:** Thank you. Does any Member wish to speak on this matter? Mr Kelly?

**Mr Kelly:** I have nothing further to add, sir, in that case.

155 **The President:** Okay, thank you very much indeed. That being the case, I think we can say that that motion is approved.

#### **IV. Termination of the Nunnery lease – Proposition carried as amended**

*Item IV.*

*The States of Alderney is asked to approve the termination of the ABO's lease of the Nunnery.*

**The Greffier:** We can move then, sir, to Item IV, Termination of the Nunnery lease. The States of Alderney is asked to approve the termination of the ABO's lease of the Nunnery. Proposed by Mr Abel, seconded by Mr Kelly.

160 **The President:** Mr Greffier, I understand that we have amendments to this Proposition. Would you deal, please, with the first amendment?

**The Greffier:** Yes sir, as you say, two amendments. The first amendment, dealing with them in order of submission, is proposed by Mr McKinley, and seconded by Mr Roberts.

*The Greffier read out the following amendment:*

*Amendment 1*

*In order for the States to make fully informed decisions on a matter of importance to the Island, we request a debate on this matter in the States be deferred for two months. During that time, the ABO will be invited to present their case to the full Policy & Finance Committee. At the same time, the ABO will be requested not to confirm any bookings for the Nunnery hostel which would extend beyond the end of October 2021, whilst their future tenure is resolved.*

165 **The President:** Thank you very much indeed. Mr McKinley, you are to propose this amendment.

**Mr McKinley:** Yes indeed, sir. It is with regret that I have to place this amendment but I believe the motion before you is badly timed, inaccurately written and seriously in need of withdrawal.

170 Firstly, we are still being severely affected by Covid regulations and the ABO accommodation particularly targeted UK visitors has been harder hit than others, who fortunately have benefited from staycation visitors.

Perhaps more importantly, any good landlord thinking of charging more for a lease or otherwise trying to improve his investment, would research market opportunities and then  
175 approach a sitting tenant to see if a deal could be struck. Not only has there been no such discussion with the ABO but we, as a States, have not even worked out what we would like to see in the long-term for the Nunnery, let alone told our tenant.

So why, then, are we rushing to evict them? I am not aware of any breach by ABO of their tenancy agreement and we have not discussed as a States any possible alternative tenants. I would  
180 ask the question are there any alternative tenants? There are a number of inaccuracies in the Billet wording, which suggests inadequate research by its authors.

I start with the famous – or infamous – lease. I am pleased to see from the other amendment that, following correction at the People’s Meeting, the truth has finally dawned but that does not mean that the authors of the Billet have properly done their homework. I have a copy of the draft  
185 lease, fully detailed, between the States and the Alderney Wildlife Trust Enterprise, not the Alderney Wildlife Trust, as incorrectly stated in the Billet.

It covers the entirety of the Nunnery, including the two self-contained flats, one of which was subsequently let out privately by the States after the bird warden moved out, to partially offset his salary. Rent was to be commercially assessed as £16,000 per year, but with the clear  
190 understanding that a grant would be made annually to Alderney Wildlife Trustee to fully offset the sum, failing which they could surrender the lease.

Had the lease been completed, the full subsidised occupancy of the Nunnery, which so offends the accommodation sector, would have continued under a leading, binding lease, for up to another two years. Of course the lease was never executed. So no lease to start with, no lease to  
195 be transferred to the ABO, no lease at the peppercorn rent of £99 per year, no lease for a field centre and hostel accommodation. You might call it the lease that never was.

After the ABO split from the AWT, who incidentally lost the observatory’s accreditation, and the AWT, who declined a licence and handed back the Nunnery, the States agreed to a particular tenancy, which appears to have been unwritten, on a one-month rolling basis, with the new ABO.  
200

On 18th June 2019, the General Services Committee (GSC) resolved, among other things, to prepare a licence at a peppercorn rent, to enable the Nunnery to be used as accommodation, at no cost to the ABO, and until a licence was available, permit the ABO to operate on the basis of the rolling lease, which was in place last year, with the ABO elements, for the Nunnery site only.

After considerable administrative delays, and some chasing by the ABO, the tenancy agreement was executed by all parties and I have a copy of that here also, which was for one year fixed, predated to January 2020, and thereafter on a one-month rolling basis, with three months’  
205 notice.

So, as the Billet states, the ABO have used the centre as a source of revenue to support the aims of the ABO and to provide income for the ABO, well, why would they not? That is what their agreement with the States was for. So why the implication they had diverted funds instead of  
210 intending it for the field centre? A field centre that never was and a plan that died when the AWT handed the Nunnery back to the States. No wonder the directors of the ABO are claiming defamation.

Incidentally, if anyone is wondering how these changes came about without P&F being aware, on 14th May 2019, P&F resolved that lease arrangements for the Nunnery should not be the subject to a report back to the Policy & Finance Committee; States’ Members Jean, Earl and Dent  
215 against.

These matters are not mere semantics. If we in the States cannot get our facts right, we have no mandate to make decisions affecting lives of others. Lest anyone thinks that this history of the project is irrelevant, let me remind them that ignorance of the history of the Nunnery itself led to  
220 it being privately rented out as just another States building for many years.

Misconceptions of the history of this project, lack of research, perhaps understandable with all the many issues facing States' Members, has resulted in a Billet riddled with errors, with the danger of poor decision-making, without all the facts.

225 For a States which espouses openness and transparency, perhaps an even greater failure is that of engaging constructively with our tenant, the ABO. At no stage have they been invited or permitted to present their case to the General Services Committee or the P&F. Two meetings have been held with them by the chair of the General Services Committee, one a virtual meeting, and their proposals have been rejected without any hint as to what would be acceptable to the States.

230 On this basis of this and the flawed evidence of the Billet, we are asked to make a decision, which will have major ramifications for the ABO, whose activities in publicising this Island and its incredible bird population and world respected migrants we claim to value.

In conclusion, let me be clear. I am not saying we should not review the Nunnery and its uses and value. We should develop a proper understanding of the options open to us, options set out very clear in this original expert report presented to the P&F in September 2016 – and again I have a copy. This report, I suspect some Members have never seen before. It may be that we will need to seek increases for a commercially based rent for the hostel or other changes to the tenancy agreement.

240 But if so, as a matter of courtesy and common sense, we should talk to our tenants before evicting them. Failure to do so sends a very damaging message to anyone thinking of investing in Alderney. I ask my fellow Members to accept that more research and substantive dialogue with our tenants and the ABO are needed before we can hold the debate called for in the Billet and request that the ABO be invited to give a full presentation to the Policy & Finance Committee within the next four weeks and that the full debate on the Billet Item takes place at the States' Meeting on 21st July, in eight weeks' time. I ask all States' Members to support this amendment.

**The President:** Thank you, Mr McKinley. Mr Roberts, you are going to second this amendment?

**Mr Roberts:** Yes, sir. I would like to reserve my right to speak, if that is alright?

**The President:** That you are entitled to do.

Would any Member like to speak in relation to the amendment to defer a decision for a period of two months? Mr Gentle.

**Mr Gentle:** Sir, thank you.

Mr President, colleagues, I will be a bit quicker than Mr McKinley. The desire to terminate the current agreement and enable the start of operations and discussions looking at solving present problems is not served by delaying any decision. The current arrangement allows for a three-month notice period required for any termination, which from today takes us almost to the end of August. Adding two months to the process does not appear to serve any discernible purpose and I will not be supporting the delaying of matters.

Thank you.

**The President:** Thank you Mr Gentle. Mr Abel.

**Mr Abel:** Thank you, Mr President.

Mr McKinley, I understand some points you have made and I will cover some of those if I get to the point of being able to speak under the main Item on the Billet. In terms of the influence and the history, I will cover that, but when I look at where I stand at the moment, Mr President, colleagues, the debate on the use of the Nunnery as a single-user, subsidised accommodation has run on for many months. It has wasted excessive amounts of time and needs to be resolved as soon as possible.

275 The reputation of the Island has been damaged as various groups and some of the characters  
have not been able to work together. The benefit for the Island has been impaired. In the current  
poor climate of co-operation, the issue of the Nunnery tenancy agreement cannot be resolved  
when any one group has possession.

280 The States needs to take control of the Nunnery so that meaningful discussions can be had  
with all groups in the community to resolve this issue for the benefit of the Island. I urge Members  
to reject this amendment to defer the debate. It solves nothing without the base for meaningful  
discussions. I do not support this amendment and urge Members to vote against it.

Thank you, Mr President.

**The President:** Thank you, Mr Abel. Would anybody else like to speak? Ms Burgess.

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

I am just going to say I have a slightly different perspective to Mr McKinley in the opportunities  
given the Alderney Bird Observatory to talk to us about the Nunnery. We have known that the  
termination of the tenancy agreement was due on 31st December 2020. So we knew this was all  
coming up. So I am a bit uncomfortable why we are suddenly being pushed into an eleventh hour  
290 discussion when there has been plenty of time previously.

There have been many opportunities. We have had Civil Service communication with the ABO,  
we voted in the General Services, for Mr Kelly to be a liaison with the Bird Observatory and have  
discussions with them and I have been present as well in General Services with presentations from  
the Alderney Bird Observatory and well-received.

295 But at no point of the discussion of the Nunnery and the rent or the peppercorn rent, really  
has been given and at no point has it been pushed forward. So we are here now but my point is  
that we have had a lot of opportunities for this discussion prior to this point and so for that reason  
I do not understand why we are talking about another two months when we have had, as I say,  
since the end of last year, knowing this conversation was ... So unfortunately I cannot support this  
300 amendment, either.

Thank you.

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

Would any other Member wish to speak? Mr Snowdon.

305

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

Firstly I just want to say thank you to Mr McKinley and Mr Roberts for bringing this Item. It is  
important to be having a debate in this Chamber today. So thank you for bringing the amendment.  
This is a bit of a bigger picture than it seems and when we do get onto general debate I think I am  
310 going to highlight quite a few bits and pieces because I have spent quite a considerable time ago  
with the background, as other Members have done as well. Last month we had the FAB Link  
hidden reports apparently that did not get to the States' Members. Now we have a lease, which I  
am very concerned how it has been entered into.

315 My feeling at the current stage is that we need to press the reset button and unfortunately I  
think, delaying the situation, while I understand why you are doing it but I think we just need to  
start afresh, clear land, fresh and take this forward. In one way I do not think it is really against  
the ABO I think the States of Alderney is the one, unfortunately, that has failed and got things  
totally wrong for quite a number of years, but I will come onto that on general debate if we get  
there. But thank you both for bringing this amendment.

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**The President:** Thank you, Mr Snowdon. Mr Jenkins.

**Mr Jenkins:** Members and Mr President, I can see both sides of this. I do agree that the States  
should not be subsidising the accommodation sector but on the other hand I can see why the ABO

325 do need the Nunnery. It is clear there is support for both sides of the argument, as we have seen  
in the last couple of weeks.

I do think, though, if the States, by our own admission, do not have a vision for the Nunnery,  
we do not know what we want to do with it, I struggle to see how ABO could have negotiated any  
330 meaningful negotiation when they do not know where the bar has been set. I believe that what  
needs to happen is P&F need to fully understand what we require of the Nunnery and then make  
meaningful negotiations with ABO and I believe deferring this for two months is the best option.

I am grateful to Mr McKinley and Mr Roberts for this amendment. As I well I feel there is too  
much conflicting interest, too much conflicting information, too much misinformation about this  
and I do not feel comfortable today or well-informed enough to make a yes or no decision. So I  
335 support the deferral.

Thank you.

**The President:** Thank you, Mr Jenkins. Mr Kelly.

340 **Mr Kelly:** Thank you, sir.

I am a little surprised at this amendment as both Members, both the proposer and seconder,  
have served on the General Services Committee last time and they were serving last year before I  
had the pleasure of joining them. Last year, in December 2020, the General Services Committee,  
agreed to reject the ABO's application in its current format as it did not at that time demonstrate  
345 that the ABO could sustain long-term viability without the need for ongoing financial support from  
the States of Alderney.

Since then, despite three meetings, and Mr McKinley is correct that I was present for two of  
them, selected – if I can use that word – by Mr McKinley and Mr Roberts because I was perceived  
quite rightly as being able to look at it objectively. Those three meetings did not achieve anything.  
350 There was no substantial change in the ABO's desire in relation to keeping the Nunnery and for  
financial assistance. I am struggling to see how further negotiations will assist. The States are  
criticised for delays in decision-making. I think to delay this will prove our critics right.

**The President:** Thank you, Mr Kelly. Mr Harris.

355 **Mr Harris:** Thank you, Mr President, fellow Members. I agree with Mr Snowdon's sentiment  
about the reset button needing to be pushed at some point. I think the more this situation goes  
on, the worse it gets for everybody involved, unfortunately. It is a very contentious subject. For  
want of a better phrase, the Nunnery itself could almost be seen as an albatross around the neck  
360 of the ABO.

Without the constraints of the Nunnery and with a new relationship being forged and worked  
on in the future, without the constraints of the Nunnery, I think they, as an organisation, will be  
able to thrive for the benefit of the organisation themselves, the Nunnery and the Island. I do wish  
them the best of luck, but I do believe we need to make a decision today and, as such, I will not  
365 support this amendment.

Thank you.

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

370 **Mr Roberts:** Yes, sir, please.

**The President:** Yes, please, Mr Roberts.

**Mr Roberts:** I am actually delighted to second this amendment from Mr McKinley, a very good  
375 one, to request to the States to defer the decision for two months to evict the ABO from the  
Nunnery, seemingly unceremoniously and without hearing any business case for the future. We

have got new Members within this States and they have heard no business case whatsoever – and they are running blind. It is a maze minus a map.

380 A map is what we really need. Mr Abel is really hung up on field centres but does he know what they really are? No. Now, a research centre equipped for field studies, usually located in or near an area of scientific interest. That is just what they are doing now. The very good AWT, proposed by this organisation and was the basis of their very lease. The States decided to take back the two-bedroom flat and offer a licence instead but unfortunately it was rejected by the AWT for only reasons they know. Six of one and half a dozen of the other comes to mind. People take sides with  
385 this.

One lady said at the People’s Meeting, ‘Why can’t you get on and work together?’ A good question really. The responsibility for that is with all of us. The States are now in danger of working as Blind Pew in our own *Treasure Island*. In danger of damaging the current States’ own reputation in this action by refusing by any potential picture and then going on to throw out a perfectly good  
390 organisation that has complied in every demand at all times, thus displaying bad governance from bad ball, crossed by the keeper.

The number of emails I have received in support of the ABO over the last few days has astounded me. Emails from every walk of life, shouting the same message of bewilderment of how this ever came to be in Alderney. Messages from Guernsey Deputies, who do not wait to be  
395 made politically aware; however they bring into question our capability to improve this Island’s economy with proposals like this on the dinner table without following protocol. It is more like a bird table, perhaps. I will quote:

I understand that the idea for a Guernsey Observatory has been very well received and would gather a lot of support from local conservation charities and that ABO would be a prime case for seeking funding from the Community Foundation, Social Investment Fund and Corporate CSR and issues like the Co-op Community.

In the sad case of Alderney losing ABO, which we are in danger of now, Guernsey can become a welcome base and HQ. However, this would be in direct detriment to Alderney and its opportunities for bird-watching tourism.

Over six million people in the UK watch birds and the numbers continue to grow. Another Guernsey quote:

400 Its position at Longis is a vital one and the most important position on the Island and the amount of free advertising generated by the ABO has been estimated in excess of £0.5 million so far. The market is gold dust and is completely scaled and sustainable. What are they thinking?

This is from a Deputy in Guernsey who does not want to become involved in Alderney politics but they feel very strongly. The fantastic high-quality destination for bird-watchers all over the world, post-Covid, is of enormous potential. Its position at Longis attracts all types of waders – I am going to bore you with this – the very rare stone curlew, the spoonbill, the avocet. The front  
405 of the Longis rock and sand bank attract birds as far as hundreds of miles as they fly past, because birds being high up they have got fantastic vision, they see the habitat and they hone in before they come to Northern Europe.

Great bustard, along with the red-rumped swallow and, never ever recorded in the Channel Islands before, the March sandpiper. The zitting cisticola – I am not being rude to my fellow States’  
410 Members – is a bird that ranges from southern Europe down to north Australia. It is a warbler. Makes its name from a strange ‘zitting’ call. The ABO discovered a breeding pair in Alderney and they are now the only pair in the British Isles. Wow.

Look, birders travel thousands of miles for a tick and can you imagine the traffic from this had we not encountered Covid from the British Isles along, coming to see the zitting cisticola?  
415 Thousands of meadow pipits, tens of thousands of swallows, martins each spring and autumn come through that area of the marsh and grasslands behind.

This suggestion that this is about the Nunnery and not about the ABO is a bit like shooting the man and saying, ‘It is not about you, it is about the gun.’ But he is just as dead. How can we evict

420 tenants without a clear plan for the Nunnery and then say, 'it is not about you'? How can you say that?

Of course, we do not want to exercise hidden agendas in an open and transparent Government, do we? Let us prove it by deferring this debate until the requirements of the Nunnery are defined and the ABO need is established, thus performing and informing through a detailed business case that potentially holds high future economy for our economy in every sphere. Far higher than renting it out, far higher. Because we may lose it to Alderney and it will cost us badly. People will look back and say, 'That was the States that lost this.'

425 Let us put prejudice to one side or another and make a decision based on facts, rather than rumour, or close affiliation to one organisation or another, or friends of friends. Alderney Wildlife Trust, Alderney ABO, the Alderney Society, only one word politicians have to consider today and that is Alderney.

430 I am not a member of any of the groups but if you would be a member of those three I could, I really would be a member; but I cannot because of my position on the States. I would be conflicted if I was or closely, historically, aligned. If anyone else is closely or historically aligned, I would suggest they abstain because it could have a nasty habit of coming back and biting you in the bum. Please States' Members, do the fair decision today. Give yourselves the chance to see the business case first. Two months. It has been going on long enough, we can wait another two months and at least hear these people out.

435 Think hard. Do not lose them. It is going to be an enormous own goal by doing so. Whose foot is going to kick it to this afternoon? What will the public say? They have got enormous support now, it has just risen through the last two weeks. I cannot believe it. People are stopping me in the street, ringing me up, sending me emails. Emails from Guernsey. I would say, we talk about the States' reputation: not very good. I will tell you, reputation will incur further damage with this, much further. Is it going to be a walk of shame or is it going to be the stride of pride? I urge you to support our amendment.

440  
445 **The President:** Thank you, Mr Roberts.  
Does any other Member wish to speak? Mr Carter.

450 **Mr Carter:** Just to say that certainly I have benefited greatly from the ABO's briefing by the directors as to what the form of the ABO is and how it works, so I feel, certainly with that and the amount of information given by the Civil Service, I have a lot of information. I have one piece of information that I do not have, which I would like either the proposer or the seconder of the amendment to give me: why was it two weeks ago you both voted in order that this particular debate should take place today?

455 **The President:** Certainly, Mr Roberts will not be in a position to answer that question, and if Mr McKinley exercises his right of reply then that is a matter for him. I think all Members having now spoken, Mr McKinley, do you wish to exercise your right of reply? You have heard the question from Mr Carter.

460 **Mr McKinley:** Thank you very much, sir.  
Thank you, fellow States' Members, for your comments and thank you very much, Mr Roberts, for your excellent speech. Just to answer, briefly, the question from Mr Carter. Yes we accepted the fact that there was to be a debate but it was not clear then that the debate was to terminate the agreement.

465 The debate was to do with 'Is there going to be, shall we be looking for a further tenant, shall we be looking for a change of the lease, whatever it may be?' We were not talking about terminating the lease and actually the conversation that I have had recently with Mr Abel, before we spoke on this Meeting, he said exactly the same, this is not about terminating the lease of the ABO, this was about looking once again –

**Mr Abel:** Point of order, if I may, Mr –

**The President:** I think the expression is a point of order, Mr President. Yes, Mr Abel.

475 **Mr Abel:** Point of order then, Mr President, my apologies.

I have never said this is not about the termination of the lease. When I go back to the actual minutes of the P&F meeting, it is definitely about the termination of the Nunnery lease and its debate today. That is not a conversation I had with Mr McKinley. He must have misunderstood me and I apologise.

480

**Mr McKinley:** Perhaps I misunderstood; I am not trying to tell a lie. Thank you very much.

**The President:** Thank you, Mr Abel.

485 **Mr McKinley:** One point I should make, though, the question of minutes from the People's Meeting, should this have been raised before I spoke, so that everybody had a good understanding of what the people of Alderney think?

490 **The President:** We have the notes from the People's Meeting, which have been read out, and that is a summary of what took place in the People's Meeting and that is the requirement.

**Mr Kelly:** If I may sir, as a point of order and accuracy, you did not ask me to read out the notes from the People's Meeting in relation to the main Item on the Agenda. I presumed you had not because we were now dealing with the first amendment, sir.

495

**The President:** Yes, the observations made at the People's Meeting are in relation to the original Proposition. (**Mr Kelly:** Exactly, sir.) They will be given in the event that that matter is to be debated. So the amendment was not known about at the People's Meeting, therefore there could not have been any observations. It does not form part of the Billet.

500

**Mr McKinley:** Well, some of the comments raised in the minutes, which I have here, are quite clearly in favour of what I am proposing. It is a shame that they were not mentioned before my debate because that might have encouraged other States' Members to follow perhaps the view of the people.

505 However, I am asking, basically, for eight to 10 weeks' time to breathe. Newly appointed States' Members, others, time to brief them fully, not just on the ABO but on the whole business of the tenancy agreement. Are there other people applying? Do we know whether the Wildlife Trust are interested, for instance? It would be interesting to know that.

510 Then, when they are fully briefed, and perhaps a briefing by the Alderney Wildlife Trust would help as well, so the so-called conflicting – and they should not be conflicting, it is a great shame that they are – I am true supporter, believe it or not, of both. It is a shame they are not supportive of each other.

Thank you, sir.

515 **The President:** Could we have a vote please, Mr Greffier, on the first amendment?

**The Greffier:** Yes sir, Mr President.

520 Before we proceed to the vote, if the Members are agreeable, it seems to be proper to take this in two stages. It seems to be an amendment in two halves. First to vote for only the Item being deferred for two months and if that deferral vote is successful, then we move on to vote on the issue of further bookings for the Nunnery by the Alderney Bird Observatory. Then of course it necessarily follows that if the first part should fail, then the second part falls.

**The President:** I agree with that approach, Mr Greffier, thank you.

525 **The Greffier:** So vote on the first part, just to read it for you, so you know what for you will be voting for:

In order for the States' Members to make fully informed decisions on a matter of importance to the Island we request that debate on this matter in the States be deferred for two months, during that time the ABO be invited to present their case to the full Policy & Finance Committee.

*A recorded vote was taken and the results were as follows:*

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTAINED</b>
Mr Roberts	Mr Snowdon	None
Mr McKinley	Mr Gentle	
Mr Jenkins	Ms Burgess	
	Mr Harris	
	Mr Abel	
	Mr Carter	
	Mr Kelly	

**The Greffier:** Three for, the rest against the amendment. That fails.

**The President:** Can we now move please, Mr Greffier, to the second amendment?

**The Greffier:** Yes sir. The second amendment is proposed by Mr Gentle, seconded by Mr Snowdon.

*The Greffier read out the following amendment:*

*Amendment 2*

*The States is asked to resolve to amend the wording of the Proposition from 'The States of Alderney is asked to approve the termination of the ABO's lease of the Nunnery to read: 'The States of Alderney is asked to terminate the ABO's tenancy agreement of the Nunnery and to direct the Policy & Finance Committee to give notice of the termination of the agreement in accordance with its terms.'*

530 **The President:** Thank you. Mr Gentle, would you like to propose this amendment, please?

**Mr Gentle:** Sir, colleagues, I shall refer very briefly to the letter from my colleague Mr Abel, as attached to this Billet.

535 In March 2017, Policy & Finance confirmed that the Nunnery should be used as a field centre and it could provide hostel accommodation for the assistant bird warden and ornithological interest and heritage groups. The income derived from that would help maintain and improve the site.

540 Policy & Finance is responsible for ports and the setting of lease conditions. This was brought to P&F on 22nd April and was initially going to be dealt with in the Anne French Room. However, enough of us determined that this is of such public interest, and I thank those colleagues who voted in favour, that it has to be debated in this Chamber.

545 Much has been stated recently in the media about we, the States, not knowing the difference between a lease and a tenancy agreement. A lease is a contract outlining the terms under which one party agreed to rent property owned by another party. A lease guarantees the tenant use of an asset and guarantees the property owner or landlord regular payments for a specified period. A tenancy agreement is a contract – that word again – between a landlord, in this case the States,

and a tenant, in this case the ABO. It sets out everything that a landlord and a tenant have agreed about the tenancy.

550 So, in a nutshell, a tenancy agreement is a form of a lease. The original Proposition stated 'lease'. This amendment states 'tenancy agreement'. Law Officer advice states that the premise is the same, as in the intent to sever the relationship between the two parties, but let us be perfectly clear before we enter into any debate, this is purely, to quote the opening line of the then GSC Chair in June 2017 in this very Chamber when speaking to a Proposition about refurbishment, the Nunnery, 'hopefully to soon be the jewel in our heritage crown' and certainly not, to quote from 555 a very recent press release about the 'apparent dismantling of support for the bird observatory'.

I ask my colleagues to vote in favour of this amendment so that any decision taken today reverts back to Policy & Finance and to ensure that the clarity of this proposal enables Policy & Finance to deal with the process correctly

560 **The President:** Just for the sake of clarity, the Policy & Finance Committee are asked to give notice of the termination of the agreement in accordance with its terms?

**Mr Gentle:** Yes, sir.

565 **The President:** Thank you. Mr Snowden, you are going to second this?

**Mr Snowden:** I am happy to second the item and I reserve my right to speak. Thank you.

570 **The President:** Yes, of course. Now, would any Member like to speak to the amendment itself? Mr Abel.

**Mr Abel:** Mr President, colleagues, Mr Gentle is to be thanked for proposing this amendment. It clarifies the definition and minimises further debate and time-wasting on dealing with this issue. The amendment clarifies and extends but does not change my original Billet Proposition. My 575 apology to the legal people in the room who insist on preciseness. This is now a tenancy agreement, Mr President.

This amendment now leaves no room for further debate, directs the Policy & Finance Committee to give notice of the termination of the agreement, in accordance with its terms. Mr President, I support this amendment and urge all Members to vote to pass this amendment. 580 Thank you.

**The President:** Thank you very much indeed. Would anybody else like to speak on this amendment?

585 **Mr McKinley:** Could I just ask a question please?

**The President:** Well, no. Would you like to make a statement?

**Mr McKinley:** I would just like clarification on something. 590

**The President:** If you want clarification, then please ...

**Mr McKinley:** The clarification for Mr Gentle is: are we asking that the States terminate the agreement today or are we asking it to be passed onto the P&F for termination at a later date? 595

**The President:** Mr Gentle will deal with that if he chooses; if he exercises his right of reply.

**Mr McKinley:** Thank you sir.

600 **The President:** Then it appears no one else wants to speak, Mr Gentle. Do you have anything you would wish to add by way of your right to reply?

**Mr Gentle:** I was expecting to stand up so I think we have all said enough. I will just be very quick.

605 **The President:** It is a matter for you whether you wish to exercise that right of reply. If you feel that you have dealt with everything that has been said then there is no requirement on you.

**Mr Gentle:** I have nothing to add, sir, thank you.

610 **The President:** Thank you very much indeed. That being the case we can move to a vote, Mr Greffier, on the first part.

615 **The Greffier:** Just for clarity and completeness, we are voting on the States of Alderney is asked to terminate the ABO's tenancy agreement of the Nunnery and to direct the Policy & Finance Committee to give notice of a termination of the agreement in accordance with its terms. There is also, sir, the States is asked to resolve, which will hold first, to amend the wording of the Proposition 'the States of Alderney is asked to approve the termination of the ABO's lease at the Nunnery'.

So the first amendment:

620

The States is asked to resolve to amend the wording of the Proposition from 'The States of Alderney is asked to approve the termination of the ABO's lease of the Nunnery ...'

*A recorded vote was taken and the results were as follows:*

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTAINED</b>
Mr Snowdon	Mr Roberts	None
Mr Gentle	Mr McKinley	
Ms Burgess		
Mr Harris		
Mr Abel		
Mr Carter		
Mr Jenkins		
Mr Kelly		

**The Greffier:** Only two against, sir, the item carries.  
And to move on to vote for:

'The States of Alderney is asked to terminate the ABO's tenancy agreement of the Nunnery and to direct the Policy & Finance Committee to give notice of the termination of the agreement in accordance with its terms.'

*A recorded vote was taken and the results were as follows:*

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTAINED</b>
Mr Snowdon	Mr Roberts	Mr Carter
Mr Gentle	Mr McKinley	
Ms Burgess	Mr Jenkins	
Mr Harris		
Mr Abel		
Mr Kelly		

**The Greffier:** That passes, sir.

625 **The President:** Thank you. So those amendments having passed, they then become the substantive motion before the States, which replaces the motion which is set out in the Billet and so that being the case it now reverts to Mr Abel, who will propose the amended motion, which is to terminate the lease and direct Policy & Finance Committee to serve notice.

630 **Mr Abel:** Thank you, Mr President.

**Mr Kelly:** Excuse me, sir, point of order.

**The President:** Yes please.

635

**Mr Kelly:** Would you like me to read out the notes from the People's Meeting?

**The President:** I am sorry, yes, thank you, Mr Kelly.

640 **Mr Kelly:** Thank you, sir.

The following comments were made on this Item, sir. The debate in the full States was welcomed. It was queried why the ABO had no opportunity to converse with the States and put their case to the Committee. There had been miscommunication through the GSC minutes regarding 'handing the Nunnery back'.

645 The aim was for the ABO to run the Nunnery as a field centre. The Billet Item was factually incorrect – the Nunnery renovation works came in under budget, not overspent. I agreed to confirm the figures, which I have done, sir, and I am told they are correct.

The Convenor advised that the written questions received pre disposed the decision that the lease had been terminated and I would not accept those questions, sir, during the People's Meeting, but they were put in open forum. The States were not aware of how many visitors stay with the ABO. It was stated that the States should not subsidise accommodation providers. It is not fair having to compete with a heavily subsidised charity. Every guest night counts, and it is not an ABO requirement to be an accommodation provider. The Nunnery should be leased to the best ability for the island. This is not the best use for the building.

655 The ABO understands the concerns re accommodation. The had received a letter from the Deputy Chief Executive Officer on 5th March stating that the States continued to support the ABO in the Nunnery, and that the lease would be reviewed in 2022. The Convenor advised that on 24th March, an email from the ABO to the Deputy CEO stated we had no changes to their proposals.

660 GSC minutes of June 2019, specific reference to 'licence' and rolling lease. There is no signed lease for the Nunnery. A tenancy agreement had been drawn up, but no licence. The Billet is incorrect. The Alderney Wildlife Trust were offered a five-year lease with the refurbishment of the Nunnery. This lease was never transferred. The Billet is incorrect. It was queried if there are any negotiations regarding the other options for the ABO/Nunnery. It was noted that there had been negotiations, but no offer of increasing rent. It was noted that the States had received the ABO accounts.

665 Those are the comments, sir.

**The President:** Thank you very much indeed. Thank you, Mr Kelly.  
Now Mr Abel, you are going to propose this.

670

**Mr Abel:** Thank you, Mr President.

Mr President, colleagues, the debate on the Nunnery has been going on for a number of years. Various leases, tenancy agreements and licence options have been considered and discussed at length. The lack of resolution of the issues between the various interest groups and the ABO's recent unproductive media campaign are damaging the Island's reputation.

675

I have spent a significant amount of time researching the purpose and principles for the use of the Nunnery and I am saddened that those principles cannot be upheld for the benefit of the Island. The 2016 documentation, as my colleague Mr McKinley referred to, shows that the Nunnery covenant was drawn up by the AWT, the Alderney Society and the Guernsey Museum  
680 Museum. The ABO at that time was part of the AWT.

The covenant covers the objectives for the use of the Nunnery and its management. The covenant recommends purpose and principles are covered in any Nunnery agreement. At the March 2016 Policy & Finance Committee meeting, it was confirmed that the Nunnery should be used as a field centre. I thank Mr Roberts for reminding me what a field centre was. Most valuable.

685 At that particular time, the Nunnery would be managed by the AWT. It provides accommodation for the bird warden in the wording. It has hostel accommodation for – this is where I get in trouble again – ornithological interest and heritage groups and the profits from the use of the Nunnery would help maintain and improve the fabric of the heritage site and guarantee public access to it.

690 However, at that time, the Nunnery building was not considered to be safe and refurbishment was required before the Nunnery could be utilised to fulfil its purpose. At the May 2017 States' Meeting, I note the contract to refurbish the Nunnery was approved; however the capital funding was not.

695 Also, I note, a five-year lease was awarded for the AWT to operate and manage the Nunnery site. The lease required that all surpluses were to be invested back into the conservation of the historic site. At the June 2017 States' Meeting, following extensive debate and I think a number of the Members here today were part of that debate, capital funding, totalling some £280,000, was finally agreed to furnish the Nunnery. However the States' records show that some £317,000 has been spent.

700 Mr President, colleagues, in terms of the tenancy agreements and conditions, I understand the States' process for the initial award of the tenancy agreement to the AWT. However, the AWT relinquished the agreement to the States in early 2019, following the separation of the ABO and the AWT. However, I am unclear of the process that followed, which resulted in the award of the current retrospective tenancy agreement awarded to the ABO in July of 2020.

705 A peppercorn rent of £99 per year for the Nunnery was set, to achieve the objectives of the covenant and for the Nunnery to fill its purpose as a field centre, and also to provide accommodation for the bird warden or the assistant, which I think is now in place, and hostel accommodation for wildlife, ornithological and heritage interest groups.

710 A peppercorn rent was set, such that any surplus funds would be used for the preservation of this historic site. The current ABO tenancy agreement does not specify how revenues are to be utilised and I understand that revenues are being used to support the aims of the ABO and to provide funding for the ABO.

715 Mr President, colleagues, in conclusion, the lease fell due for termination as of 31st December 2020 and continues on a monthly rollover basis with a three months' notice period for termination. The States supports the aims of the ABO and recognises its value as part of the value that all Island organisations bring.

720 The poor relationship between the various groups across the Island and the unpredictable ABO media campaign is damaging the reputation of the Island and as long as one group has control of the Nunnery and there is no agreed mechanism to regulate the use of the Nunnery then problems will continue.

Provision of subsidised accommodation at the Nunnery, in competition with the accommodation sector, has been a point of contention for many years and needs to be resolved. The failure to resolve the issues that led to and continues to lead to the significant wasting of time that could be better utilised elsewhere.

725 The ABO's media campaign leads me to take a leaf from the eminent island sage, Spartacus, and use a Shakespearean quote: 'The lady doth protest too much, methinks.' Mr President, colleagues, the current situation cannot continue. The Island's image and reputation are being

730 severely damaged. In terms of the amended Proposition, I urge you as Members of P&F, to vote to give notice of termination of the ABO's agreements in accordance with its conditions. Thank you, Mr President.

**The President:** Thank you. Mr Kelly, you are going to second this one?

735 **Mr Kelly:** I am, sir, and I reserve my right to comment, please.

**The President:** Thank you. Now, would anybody like to speak on this?

**Mr McKinley:** Yes, please.

740 **The President:** Mr McKinley.

**Mr McKinley:** If you say that the States support the ABO and are prepared to help them, why are you doing what you are doing today? Why are you not allowing time for us all to speak with the ABO, which was part of my original amendment, before you do so? Why have you not considered anybody else who might wish to have a lease? As I mentioned before, have you spoken with the Landlife Trust or anyone else?

745  
750 Whilst we are in this period of indecisions why do we not allow the Bird Observatory to continue till such time as we have had a full meeting, spoken with them, spoken to other interested parties and come up with a final decision on that. We are doing this prematurely and without full notice.

**The President:** Thank you, Mr McKinley.  
Would anybody else like to speak to this Item? Mr Carter.

755 **Mr Carter:** Thank you. This is an item of public interest. My own opinion, though, it is a little bit like Nero fiddling while Rome burns. Rather than debating a £99 lease to an organisation, we are not thinking about sustainable investment coming to the Island, providing for families to stay here and have good quality jobs and having a facility to support them. I believe it is not good use of our time. However, we are where we are, a decision is required.

760 I think it should be viewed in a much wider context. Nowhere, in the research I have done, is there any policy statement that tells me what is the policy on States' assets? Are they to be maximised for public good, maximised for economic input? Nowhere do we appear to have any policy. Hence, once thing I would hope that comes out of these discussions and this debate is that the P&F Committee certainly put in place a policy for use of public assets, particularly when they have been enhanced.

765 Secondly, I would ask the question should it be States' Members making decisions on leases? Should there be a more arm's-length organisation, similar perhaps to Guernsey States' Trading Advisory Board, where we have professionals and States' Members and civil servants making decisions of this nature?

770 That said, we do need to make a decision. My own view is the States of Alderney should test the leasehold property market, hence the property can be advertised at a reasonable market-informed value, and see what is happening, what is the interest, whilst retaining the key point, which is the Nunnery is a heritage site of incredible importance. If we do that, we give any organisation or individual the opportunity to enter into an agreement with the States in an open and transparent manner.

775 Thank you very much.

**The President:** Thank you, Mr Carter.  
Would anybody else like to speak?

780 **Mr Roberts:** I would like to say a few words, sir, please.

**The President:** Yes, Mr Roberts, please.

785 **Mr Roberts:** Much more money can be achieved as an economic enabler than to simply, commercially rent out. It is what it brings to this Island, it is what the potential is to bring it and I know about that potential because I have a particular interest in ornithology. I am not a member of the ABO. I would like to be but I cannot be because of my position ...

790 Yet you fail to look at the business case. You have not seen the business case. You have only been here since 2020. You refuse to look at the economic enablement to this Island. You refuse. You make us all look incapable as a States to act objectively –

**Mr Abel:** Point of order, if I may, Mr President.

795 **The President:** Yes, Mr Abel.

**Mr Abel:** I wish Mr Roberts would clear for me why I have only been here from 2020. I thought I had been here a lot longer than that on the Island.

800 **Mr Roberts:** You have not been on the States.

**Mr Abel:** You did not say that Mr Roberts.

**Mr Roberts:** Alright, I will rephrase that sir, you have only been on the States since 2020.

805 **Mr Abel:** Thank you.

810 **Mr Roberts:** So, you make us look incapable as a States to act objectively, in the economy's interest. Voting for this shouts a discriminatory towards the ABO, from most of you, and it has been going on for some time, and I can hear the sighs. That is just one of them. Much more damage is being done, also, by terminating this lease, to the reputation of the States, than what you are doing today. You are not thinking. Yes, professionals are very thin on the ground, I agree sir, that is what we are trying to change here, the Economic Development new committee and thank goodness for that.

815 Thank you, that is all I have to say.

**The President:** Thank you, Mr Roberts. Mr Kelly.

820 **Mr Kelly:** Thank you, sir. Before I go into my speech, perhaps I would like to show that to Mr Roberts.

**Mr Roberts:** Very nice.

825 **Mr Kelly:** That says: a new year, a new States, a new proposal. That was given to all candidates and I presume you were one of those candidates, when we sought election at the end of last year. That is the case. Despite having been here for only 21 years, I reject your suggestion that we do not know anything about the Island.

I will go onto my speech, if I may, sir. First of all, this debate is not about the termination of the tenancy agreement.

830 **Mr McKinley:** Oh, for goodness' sake, that is what it says!

**The President:** Mr McKinley, please. Mr Kelly has the right to be heard. Please do not interrupt him.

835 **Mr Kelly:** I am grateful, sir, and Mr McKinley is right, it was an error on my part. First of all, this debate is only about the termination of the tenancy agreement. (*Laughter*)

**Mr Roberts:** Point of order sir. It is about the ABO.

840 **Mr McKinley:** Hear, hear.

**Mr Kelly:** It is not –

845 **The President:** If we can just pause for a moment. I know this is a very important debate but we must all conduct ourselves in a professional manner and allow each Member to have their say. If there is a specific instance where a point of order needs to be raised then that can be done, but please, other than that, allow Mr Kelly the opportunity to present his case.

850 **Mr Kelly:** I am grateful to you, sir. It is not about the value of the ABO to the Island, in particular, or conservation and science in general. It most certainly is not about any personalities connected to the ABO or to any other organisations this Island is fortunate to have. I was going to go over some of the history but Mr Abel has kindly done that for me, so I will *precis* my speech. But I will remind Members that in May 2015, until September of that year, under the stewardship of Mr Martin Batt and the Living Islands Project, who received well-received visits to the Island, by the company for nature trailing, who took place, looking at the wildlife and ornithology of the Island.

860 They stayed at the Braye Beach Hotel. There was no hostel. There was no Nunnery and there was no ABO. That continued the following year. In 2017, a proposal was put before P&F to establish a field centre with a hotel, holiday accommodation and a warden from the ABO. I will remind Members that the accommodation, funding, the routine maintenance of the building. To date, no funding has been received from the ABO towards the maintenance of that building.

865 I joined the States in January this year and have had the honour of being elected as Chair of General Services Committee. At my first meeting in January, the matter of the ABO was discussed as the matter arising from the previous December's Meeting. It was then subject to a debate in February and in March and should have been discussed in April but it was transferred to P&F.

870 At our February meeting, in a review of policy regarding the relationship between the States, the Deputy Chief Executive due to lack of response from the ABO in 2020 to requests from both the finance and General Services committees, little or no progress was made in considering the relationship between the ABO and the States in relation to the operation of the bird observatory and field centre at the Nunnery.

The States put in place interim measures to keep the project running. In the absence of information, the Finance Committee felt unable to make a conclusion on grant aid assistance and referred the matter back to General Services Committee for further consideration. As a consequence, no budgetary allowance was made for the ABO in 2021.

875 Following discussions since late December, the ABO submitted several documents that could form the basis of negotiation and the relationship. The proposals were not considered to be suitable in their current form and they were not recommended for acceptance as they stand.

880 The Committee agreed to a time-limited period of discussion with the ABO to seek to establish a new relationship with the States and such financial and other support that is necessary to create a three-year agreement. After three meetings, two of which I attended, as I said earlier sir, as the GSC designated Committee Member, I came to the conclusion that the ABO were not going to change their stance on their wishes and hence my proposal to terminate the agreement, rather than continue what had been a protracted debate.

885 Following the first meeting, I reported to my colleagues that the ABO had asked for a number of things, two of which are related to the Billet Item. They were to keep the assistant warden's flat at the Nunnery and, surprisingly, hand back the hostel to the States of Alderney.

**A Member:** No, that never happened.

890 **The President:** Please.

**Mr Kelly:** Thank you, sir.

895 Both of these were recorded on GSC minutes. No one objected to the accuracy of the minutes from the members of the public. A further meeting took place with the Deputy Chief Executive and board members of the ABO. On 24th March, together with Mr Nash, the Deputy Chief Executive, I again had a meeting with Mr Harvey and Mrs Paris. No movement on their requests bar the Nunnery, which they now requested to keep, and I informed them that I did not find their request acceptable.

900 Subsequently, an outline proposal was received from the ABO and again omitting matters not related to the Billet, they requested they retain the hostel and ground floor flat until June 2022, plus funding. As a result of a request to its members from the ABO, I received a number of emails supporting the ABO. The majority had appeared to believe that we the States are critical of the Observatory and in my view are missing the point.

However, I have received an email from a local resident and I quote:

905 It would appear to us that over recent years the ABO has received a disproportionate amount of resources and subsidy from the taxpayer, above and beyond any other Alderney charity. The fact that they are apparently paying just £99 per annum for a recently refurbished (at taxpayers' expense) 10-bedroom hostel and a one-bedroom flat is wholly inappropriate, especially with the hostel being in direct competition with the rest of the accommodation sector and with it being inarguably one of the most important heritage buildings in the Channel Islands, even more unjust, any money made, presumably, then goes directly into the ABO's purse.

That is their comment.

Logically, a bird observatory is about scientific research, in order to enable protection of different species of bird. It does not need to be, in any way, connected with a 2,000-year-old Roman fort. The ABO should still be able to operate, as any other charities have to, without this disproportionate investment from the States and the use of such an important historical building on our Island's arsenal of heritage tourist attractions.

910 I could not agree more with that comment. The termination of the lease is not a termination of the ABO. If it is dependent upon the Nunnery then this is a poor business case. Forgive me for going on, colleagues, but I will put it succinctly. If the Island markets the wildlife and ornithological assets we possess, like-minded enthusiasts will come as they did six years ago. Will they then assist the hospitality business we have? I think yes. Is it unfair that the ABO can use the Nunnery with no capital outlay on the building at an unfair rate? I think it is unfair. Will the ABO bring in sufficient tourists and media attention to warrant state aid? I believe no.

I would therefore ask Members to support the Proposition.

915

**The President:** Thank you. Mr Jenkins.

**Mr Jenkins:** Members.

920 **Mr Kelly:** Sir, please, point of order. If Mr Roberts wishes to make comments ...

**Mr Roberts:** I was cleaning my glasses.

**Mr Kelly:** Yes, I believe he was acting out of order, sir. Like a child.

925 **Mr Roberts:** I was just cleaning my glasses.

**The President:** Please, let us not have this sort of exchange in this Chamber. (**A Member:** Hear, hear.) I would ask all Members, we do not need facial expressions, it is not helpful. Let us all remain calm and continue with this debate.

930 Mr Jenkins.

**Mr Jenkins:** Mr President, fellow Members, I want to ask everyone to stop and think about what we are seemingly about to do. I am not a wildlife person. I would not know what bird it was if it came and flew into my face. But I do support any organisation that I think benefits the Island and I think they definitely do that. There are better ways of doing this that would benefit all the stakeholders and the Island in general and I think it seems a bit like kicking a man while he is down and it just feels like a bad thing to do.

That is my comment. Thank you.

940 **The President:** Thank you. Are there any other ...? Ms Burgess.

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

Thank you for all the comments so far that we have received. For me, what I am looking at and what I want to discuss is the Nunnery and the lease. I am finding a lot of comments we have heard so far, I am not even sure if it is really relevant to what we are looking at in the Billet Item.

I have got quite a lot of points I made, because I was concerned this was going to happen, and I am still not sure or comfortable how far I am going to go with my comments but my main comment is it is about the Nunnery and the lease. I just want to come back a bit to that conversation and actually, as I say, I have made some notes, as we all have.

950 Personally, I could not have been happier when I saw the renovation of the Nunnery taking place by the States of Alderney. It is after all the best preserved Roman small fort in Britain and a real asset. Seeing the doors open to the public was really good to see. I could not have been more happy.

955 However, we know that the renovation work undertaken to get to this point was extensive. The amount of public money used is given as £317,500, but it has actually been indicated that it was probably more than that in the end. This is public money. Again, as the cost as well, we had an added cost when the Visit Alderney team and the Public Works Department came together to bring a further renovation work to make this into a heritage site for the community and for the tourists today.

960 That is my point, where I come from. I am looking at this as a heritage site. The Nunnery has had public money spent on it for the good of all and that is why I am struggling with some of these comments being made so far.

965 So the question for me is: is it appropriate the States of Alderney subsidises the Nunnery rent, bearing in mind the amount of money spent on it so far? Again, I would have to say, I am not sure if we really understand it is public money that has been spent on it. As the Chairman of Economic Development and representing the tourism sector, I have to say no.

970 We have had accommodation sector meetings this year and invited comments beforehand. We received a number of complaints concerning the unfair advantage the States had basically given a competitor by only charging them a peppercorn rent, whereas other businesses did not receive any similar subsidies.

975 Similar complaints had actually been lodged previously and the feeling of disappointment that their concerns were not dealt with were very well-voiced. Now we have had comments from my colleagues about receiving a lot of comments about it from both sides of the coin, what I am trying to say, I have heard from both sides of the argument and to me it has been quite well represented. It is not just one sector talking about what is happening in the Nunnery.

In the context of representing the tourism sector with Economic Development I was concerned about the idea of the tourists that are already ... bookings already taken. Because, as I say, for me, I am talking about the Nunnery itself and the lease and this did concern me. I did go in and have a quick look at the booking site and what I found was it was a bit odd because I could not find  
980 bookings for June, only a few in July, a pocket in August, but nothing for September/October. I could not see any tourist bookings.

This brings me to concerns about the viability of the existing tenants and if we wanted to go down a conversation of commercial rent, would it mean they would need more grants to make this achievable, to assist them? I do not know. I have been a bit disappointed to read some of the  
985 articles and actually hear some of the comments today suggesting as a States we do not support the ABO by having this discussion about the Nunnery today. I just cannot understand why it is seen that we do not support them.

When we put it into context, we have already awarded over £52,000 to them in grants and this is not including us talking about this now, the peppercorn rent for the Nunnery. Myself, I think the  
990 Alderney Bird Observatory is a good thing, I really do. I look forward to supporting them in the future and ongoing discussions about future grants and I do not see why using the Nunnery is about the existence of the ABO. To put it simply, if you go to look it up with Wikipedia, the Bird Observatory is a small operation with a limited staff, many volunteers and not-for-profit educational status.

So I do not understand why we have had comments today about the need for this facility, such  
995 as the Nunnery, is a make or break conversation. It is not. The ABO is supported by us and I personally think it is a good thing. So, my comments today are not about that.

I do believe, with the amount of public money having gone into the Nunnery it is time we behaved responsibly in getting a commercial rent for the three units. We already commercially  
1000 rent out one and I would like to see this continued with the one-bed flat and the larger hostelry, going to a commercial bid. I would be very welcoming of any viable business plan coming forward before the States in that context and that includes the existing tenant.

Thank you.

1005 **The President:** Thank you. Mr Harris.

**Mr Harris:** Thank you, Mr President, fellow Members.

Simply put, we the States have an obligation to ensure that we make a return on our assets, to decrease the use of public money as much as possible and the investment made on the Nunnery  
1010 up to this point has been significant, with unfortunately little return.

We have seen significant interest in the heritage side of Alderney in recent years and more appropriate use of our historical sites and assets has always been of crucial importance to myself. We are an Island that already has most of what we need on our doorstep and it is up to us to use what we have to the best effect. Alderney might be a small Island but it is big enough for many  
1015 organisations to operate towards the common goal and that is improving our economy, attracting people to our shores and by promoting all we have to offer.

I thank all of the organisations on the Island that we have because they all do a sterling job promoting the Island to people who live here, people far flung across the world. Everybody does a great job and I support all of them equally. This is not about personalities or organisations, this  
1020 is about the Nunnery, of which we only have one.

But we do have a whole Island where various organisations can thrive and bring success, albeit on a level playing field. I wish all involved the greatest of success and hope that the outcome of this debate does indeed benefit everybody and in time I genuinely believe it will. I do hope that all involved can move forward constructively and positively.

1025 It is clear that the ABO have a significant level of support, both on and off-Island, and I am positive that the organisation can use this support to move forward and embrace what I can only hope will be a positive change for the future. Finally, I would like to say that I am glad that this has

1030 come to the Chamber for debate because originally I voted for this to be decided on at P&F and I accept that to be a misstep. However, I recognise that a matter of public interest such as this should always be discussed openly and fairly.

Thank you.

**The President:** Thank you, Mr Harris.

Does anybody else wish to speak? Mr Snowdon.

1035 **Mr Snowdon:** Thank you, President, fellow colleagues.

1040 It has been an interesting debate so far and I think just to echo Mr Harris's comments, it is good that in this debate is in public rather than P&F so I think that is off to a good start with openness and transparency. Just before I start, I think we all recognise the hard work that the ABO, the Alderney Wildlife Trust, the Alderney Society, the Chamber of Commerce and many other good organisations – and it has been commented on in the past – the glue in this community is the volunteers that stick this place together. So I would just like to make that observation, which was already commented on at the start of the Meeting, Mr President, before I go into my concerns, which are actually more about the process and I think that is where I think my concerns really lie, with all of this over this time period.

1045 So, regarding the process and this is the lease that we have got in front of us at the moment but this has not all just started a few days ago, this has been going on for a number of years and I have got a tremendous amount of exchanges with the former Chairwoman of General Services about this matter. I have actually been going through it. I have got all the accommodation sector minutes here as well, I have been going through. I would just like to go through it in a little bit more detail.

1050 I think what this highlights to me is that there has been a very serious breakdown within the States of Alderney regarding the process and following the process. Addressing these failings needs to be a priority across the States of Alderney. This may just be one subject which has broken down but there may be other stuff so I think we really do need to review the situation and look into actually is everything running correctly, are Resolutions that we passed being implemented or not being implemented? This is a bigger question and this actual debate has highlighted the issue regarding the process.

1060 Regarding this Item, let us begin in 2015 when the Nunnery was given back to the States of Alderney by the tenant. The idea of the ABO, I understand, came out of the Wildlife Trust in 2016 and I think we have got to be fair, *Countryfile* did come over and it was really good coverage. It has been wonderful publicity. I understand that, absolutely

1065 I understand back then also, the initial lease, before we get a little bit further on, there was talk about £21,000 in return would be paid back to the States of Alderney. I know Mr Abel has highlighted a little bit of a different situation moving forward from that date but that was initially the thinking about. So it was a really good concept and for the input on the taxpayer you were hopefully going to get some money back at that time.

1070 In 2017, I took over as, I do not know if it is Chair or whatever you call it, of the CTED at the time, Tourism and Economic Development Committee, and at that first meeting there were very strong tensions about that situation with the Nunnery and I think it is important that we do highlight that because the accommodation sector is actually a very big sector on this Island and it plays a key part.

1075 So when I just address 18th February 2017, at 3 p.m. the meeting was, there was a number of responses from the accommodation sector, which was actually very well attended. Why is the States of Alderney subsidising accommodation? Will it result on limited seating on aircraft for private sector accommodation? Worries about undercutting current providers. Taking business away from current providers. People need to remember livelihoods depend on the accommodation sector. That might be their main income of source so basically their job is looking after that. Why is the States of Alderney inputting so much money into it?

1080 These are just some of the comments and they strongly felt that it was unfair that their business model was being undermined by the Nunnery Proposition at the time. So, what that led to, to give it more context, was my paper submitted to P&F, which was agreed on 24th October 2017, that says, Nunnery Report from Mr Snowdon, dated 19th October 2017, tabled and noted, this is a minute of the Policy & Finance Committee.

The Committee agreed to confirm that hostel accommodation is for bird and wildlife heritage use only. This matter will be raised at the next General Services Committee for consideration.

1085 I would just also like to point out that that Resolution from 24th October actually trumps the other Resolutions from 14th March 2017 and 4th April 2017 and it is a Policy & Finance Resolution.

So with that Resolution in place, and I thank the P&F Committee at the time, we had another accommodation meeting directly after that P&F meeting to try and give some reassurances to the accommodation sector that there were criteria in place, passed by P&F the day before, to give those reassurances to the accommodation sector.

1090 They still raised concerns; however, we are pleased that P&F performed this task on their behalf the day before. We now move to another accommodation sector meeting on 7th March 2018. Before this meeting, I talked with the Chairwoman of the General Services Committee and tried to outline the importance of public consultation before anything happened. The public need a say in a public asset and what we are doing and also the accommodation sector should play some sort of part before anything is signed and sealed. I think that is the normal process that we should be making standard right across the board.

1095 I do not want to misquote the Chairwoman but my understanding, she may have a different understanding, was that that was going to take place before the General Services decided anything. Unfortunately, on 15th May 2018, it seems there was a Resolution from the General Services Committee, basically going ahead with it with no public consultation and I actually told the accommodation sector on 7th March that a public consultation would hopefully be happening with the General Services Committee and the Chairwoman at the time was there. It is just unfortunate because I think if we would have actually done that, all that way in time before, we would not be in the mess that we are in today. Frustrating.

1100 So then we look at the current tenancy agreement, which I have in front of me at the moment and this really comes back to the process again, because I do not quite understand how we have entered into this and how this has arisen and how the Civil Service – I thank the Civil Service but I do not know how they have actually entered into this agreement – where the Resolutions are, how the former CEO Andrew Muter actually went into this. I do not understand how that actually happened and also now we now have culture included. Remember I just went through that Resolution in 2017 which meant to protect the accommodation sector and then it is £99, £8.25 a month.

1115 I just do not see where those Resolutions are. So again we go back to the process item of it. If that is what the States' Members wanted to do, absolutely fine. I would hope we had some public consultation on the way and you have evaluated it and you have gone into it and you have made that judgement. Great. But I do not see how that has actually happened and that is what I am talking about. It is the process that I am really quite concerned about with all of this. Unless we have got some Resolutions hidden with your FAB Link report, in some cupboard in the States of Alderney, I do not know.

1120 So it really goes back to the last P&F that we had on this item when we agreed for this to be debated in the full States. We were told that leases over 20 years or of public interest should be debated in this Chamber. So I go back to why was this not originally debated in this Chamber before this was entered into? I do thank Mr Abel for highlighting another lease agreement but that was a different one to what we have got in front of us today.

1125 We do need to think about public money and where public money is going. We have a lot of different stakeholders that we do need to support as a Government. You have got the Baby and

1130 Toddler Group that every year that seems to be a problem, just giving a small grant. I know we go through it but it just seems to come back every year, a small grant for them, that we cannot make that more efficient.

We have got the Boy Scouts and Island Band building down at the campsite, with the roof just about to fall off. We have got to look after all of these different people. I just feel that at the moment we are moving into this too quickly with the process that has been done. This is why I actually said previously that we need to press the reset button.

1135 I actually take Mr Jenkins' point about stop and think and I think that was a really good doing and that hit me, stop and think. What are we doing? Do we know what we are doing? Are we happy to proceed? Absolutely. I think that is the right thing to say. To be honest I have stopped and thought about this for quite some time on. I think a lot of Members have spent a considerable amount of time on this Item. It goes back to the process not being right.

1140 What is agreed in here I do not think has gone through the right process. I do not actually think this has started off well from the very beginning of this concept. Therefore I think we just need to start afresh, blank fresh. I think the ABO probably would be able to put a business case to P&F. I do not see there is anything stopping the ABO from coming forward and putting a business case for P&F, depending on what P&F want to decide. So I do not think that is prohibited but what I do feel is this process currently, today, needs to stop and it needs to start fresh, with States' Members involved, public involved, proper engagement and then you can forward in the process.

1145 We are taking a broken process forward at the moment and that is what I am very concerned about. It should also just be worth highlighting that my understanding is now the Policy & Finance Committee is taking charge of this when the General Services Committee seemed to be leading it before, which does raise concerns again.

1150 Should it ever have gone to General Services in the first place, if it was brought through P&F? So press that reset button, in my view today; however, let us also get a business case from the ABO or anyone else that wants to present something to P&F. Personally, I cannot make a commitment for everyone else, I am personally willing to listen to whoever wants to come forward but this process needs to stop and actually, unfortunately, it is our fault.

1155 Thank you.

**The President:** Thank you very much indeed, Mr Snowdon. Would any other Member wish to speak? Then would you wish to exercise your right of reply ... Sorry, would you like to speak?

1160

**A Member:** No sir.

**The President:** Thank you. Mr Abel, would you like to exercise your right to reply?

1165 **Mr Abel:** I would like to reply, thank you.

Thank you Mr President, thank you colleagues for that extensive debate and the information sharing. It is appreciated but there is a lot to take in, Mr President, so I may hop around a bit, so my apologies for that.

1170 If I take Mr McKinley first, he asked a question, why are we not allowing time for discussion? He seemed to imply that the ABO was out of the door tomorrow morning. But I would like to draw his attention to the fact that the correct process is notice of termination and that notice is three months, as it goes forward and that is quite a period of time.

1175 Who else would be involved? Or who else would be interested, was a question he put to us. I think Mr Carter highlighted a good process, which allows us in a process which I think has been highlighted, it allows us and a process to go out to the various retail market and discuss with people what are the options, who is interested. Is it only the ABO? And then the conversation can start from that point. But I think there are other interested people as I understand, but that must be tested.

1180 Why can the ABO not continue to utilise the Nunnery? Obviously over the next three months they have use of the Nunnery, obviously. Also, as the P&F sits down to debate the process of what to do with the lease going forward, there is likelihood that there will be discussion with the ABO around that time period. I think during the People's Meeting it was raised that it would be a great shame if we left the Nunnery empty for a period of time. Really that is not sensible.

1185 Again, the time period and timescales need to be put on the table and the discussion and then if it looks like five months' time, that is a discussion we need to have with the ABO, because they are there at the moment.

1190 Moving forward to Mr Carter, no policy for the use of States' assets. That is an item that comes up tomorrow on P&F for discussion. It is a bit of a concern to new Members because not only is there no policy as far as new Members understand, there is no policy not only on States' assets but on a number of other issues and that is an Item which obviously new Members have raised and we will be discussing with the Chief Executive.

1195 Retail market, we talked about, going back to Mr Roberts. He feels that we do not understand the value. I would take him to task in that, Mr Roberts, if I may. I think we do understand the value of the ABO. As Mr Harris pointed out, as we recognise the value of all those people and charity groups and organisations on the Island. Everybody brings value to the Island, everybody contributes towards the reputation of the Island and we have been fortunate to date.

1200 This particular issue has required everybody to stand on both sides and somewhere along the road we actually need to get together as an Island and actually resolve the issues. Where we are at the moment is not helpful, to put it bluntly.

1205 Moving forward, discrimination of the ABO. I do not think so, Mr Roberts. I do not think so. He says we are not thinking. We just spent I do not know how many minutes going through it and thinking about it. Mr Jenkins raised a good point: stop and think. Mr Snowdon raises a good point: reset. If we had any more buttons we would never actually go forward, Mr President, colleagues, excuse me.

1210 Moving forward, Mr Kelly obviously raised a couple of issues on the subsidy side. That again needs to be discussed with the community as a whole. It is their money we are using to subsidise. As was rightly pointed out, the States generally does not grant large amounts of subsidy to any one organisation. So this is particularly unusual.

1215 I think in the past, with regard to this, it was recognised that the ABO needed a leg up. If they get any more of a leg up they will go over the other side of the wall, you could say that, Mr President.

1220 Going forward, Mr Harris made some comments with regard to wanting to resolve the issues. I would agree with him. Ms Burgess also raised a number of issue and the value of, again comes back to the same thing, we need to resolve the issues. One of the other items I raised earlier on and again it will answer Mr McKinley's point, is we actually need as a States to take possession of the Nunnery in terms of the notice of termination. That allows us in my opinion to actually be able to have a discussion on equal terms with the Nunnery.

1225 Mr Kelly highlighted all the discussions with the ABO to date, inside GSC, were all one-sided. That is not acceptable. Plus also in my opinion, the whole Island needs to be involved in that debate. The issues are not just between the States and the ABO. The issues are across the Island and we actually need to, for once, sit down and resolve those issues.

1230 We just cannot keep going on like this. Our reputation is being damaged and we are made to look like fools. Sadly, that I would say, on my old rule, I use a four-finger rule: when somebody points at me, I look at the other three fingers pointing back and I would like to maybe point into the far corner there. We all need to get around the table. We all need to do this. This is not an ABO/States discussion, this is an Island discussion. It needs to be resolved and that is something that I think P&F and Members of the P&F need to resolve and agree and that is item certainly for tomorrow's discussion.

1235 If I could maybe just add a little bit of mirth to the conversation. Mr Roberts you indicated the ABO would leave to Guernsey. It would be quite a big box they are going to take with them when

they take all the birds with them. I think the birds are still here. But I do understand your comment with regard to the value of the ABO and it can add value to the Bailiwick, totally agree with you and I would support that. But the birds are not going anywhere, Mr President. They are staying here with us. I have not seen any leaving. I do not know who had the one that was flying into their face just now ...

1235

Anyway, I think I can pontificate for a while, Mr President, but I do not think you would tolerate that too much more. I think I have said enough. We need to get around the table, we need to involve everybody. We need to resolve this. Talking one-to-one with the ABO and myself, no solution. So we are putting to the P&F tomorrow that discussion to resolve the issues. But in my opinion this lease – lease, I beg your pardon, I will get into trouble again! – tenancy agreement needs to be terminated so we can have a meaningful, broad discussion with everybody.

1240

Thank you, Mr President.

**The President:** Thank you very much indeed, Mr Abel.

1245

Can we now take a vote on this one please, Mr Greffier?

*A recorded vote was taken and the results were as follows:*

**FOR**

Mr Snowdon  
Mr Gentle  
Ms Burgess  
Mr Harris  
Mr Abel  
Mr Kelly

**AGAINST**

Mr Roberts  
Mr McKinley  
Mr Jenkins

**ABSTAINED**

Mr Carter

**The Greffier:** Carried, sir.

**The President:** Thank you. Finally Item VIII, please.

**VIII. Questions and Reports –  
One question for verbal reply**

*Question from Mr Gentle for the Chairman of the Policy & Finance Committee Chairman, Mr Abel:*

*As a result of the UK/EU TCA Dielette was not designated as a customs port, but conversations were planned in order to sort out the problem for all those in the Bailiwick who visit Dielette regularly. Could the Chairman please explain whether there is any news to share regarding the ability to access Dielette?*

1250

**The Greffier:** Sir, Questions and Reports. Questions from Mr Gentle for the Policy & Finance Committee, Mr Abel.

**The President:** Mr Gentle, would you like to put your question to Mr Abel.

1255

**Mr Gentle:** I am so used to you reading them out, sir.

**The President:** If it assists.

1260

**Mr Gentle:** Have you got in front of you?

**The President:** I have.

**Mr Gentle:** Thank you.

1265

**The President:** As a result of the UK/EU TCA Dielette was not designated as a customs port, but conversations were planned in order to sort out the problem for all those in the Bailiwick who visit Dielette regularly. Could the Chairman please explain whether there is any news to share regarding the ability to access Dielette?

1270

Mr Abel.

**Mr Abel:** Thank you, Mr President. Thank you Mr Gentle for the question.

I have here a brief answer from Mr Jo Reeve from the Bailiwick who handles international affairs. As you probably would rightly conclude the progress is minimal at the current time. But it is: access to Dielette is obviously important to the Bailiwick, not only for landing fish but also obviously for any future tourism industry both for us and for them.

1275

There have been a number of discussions around Dielette becoming I think a passport port, I do not know what the magic term is – a Schengen port, I think is another word. But at the current time it is not. Discussions with the Normandy authorities as well as the French authorities continue. I suspect it will take some time, knowing the various bureaucracies that will be involved but certainly there is an appetite on the French side, particularly obviously the Normandy Precinct, for that to be resolved as soon as possible. Again it is the Bailiwick, through international affairs in the UK, is working on it.

1280

Thank you.

1285

**The President:** Thank you, Mr Abel.

Mr Gentle, do you have a supplementary question arising out of that answer?

**Mr Gentle:** No thank you, sir. I thank Mr Abel and I think he has done enough talking today already.

1290

**The President:** Does anybody else have a question for Mr Abel arising out of his response?

Then that being the case I think that, Mr Greffier, concludes the business for this afternoon, if you would care to close the Meeting, please?

**PRAYERS**

*The Greffier*

*The Assembly adjourned at 4.21 p.m.*