



## DELIBERATIONS OF 21 MARCH 2012

Date: 22nd March, 2012

### STATES OF ALDERNEY DELIBERATIONS FOR THE MEETING OF WEDNESDAY 21ST MARCH 2012 AT 17:30

Present:

Mr Stuart Trought, President  
Mr Bill Walden  
Mr Ian Tugby  
Mr Tony Llewellyn  
Mr Boyd Kelly  
Mr Geoff Sargent  
Mr John Beaman  
Mr Matt Birmingham  
Mr Paul Arditti  
Mr Ray Berry

Colonel Colin Mason represented His Excellency The Lieutenant-Governor of the Bailiwick of Guernsey.

#### Item I Chief Pleas

No Chief pleas were received

#### Item II The States of Alderney 1982 Pension Scheme

The States resolved, with effect from 1st January 2012:-

1. To close the existing final salary scheme to new entrants with effect from 31st December 2011, but to allow those staff already in service at that date to join at the relevant anniversary date.
2. To direct the Trustees to investigate an alternative compulsory scheme and produce recommendations for further consideration by the Policy & Finance Committee.

3. To continue to fund the pension of retiring members by drawdown from the Scheme, or from General Revenue for up to the first five years of entitlement, to be considered by the Policy & Finance Committee on a case by case basis in future.

4. To continue to reduce the deficit by annual payments on account, as and when funding permits.

All the above proposed by Mr Beaman and seconded by Mr Arditti

Parts 1, 2 and 4 approved unanimously

Part 3 approved by all except Mr Berry, who abstained

### **Item III Harbour Dues and Fees**

The States resolved to -

(a) approve the rates of harbour dues, passenger fees and additional harbour dues set out in the Table and notes attached with effect from and including 1st April, 2012, and

(b) revoke its resolution of 20th April 2011 with effect from 1st April, 2012, as set out in a document entitled S.I. No. I of 2011, setting the rates for harbour dues, passenger fees and additional harbour dues.

Proposed by Mr Beaman and seconded by Mr Walden

Approved unanimously

### **Item IV The Speed Trials (Alderney) Ordinance, 2012**

The States resolved to approve The Speed Trials (Alderney) Ordinance, 2012.

Proposed by Mr Walden and seconded by Mr Berry

Approved unanimously

### **Item V Ordinary Elections 2012**

The States resolved to approve that the dates for the Election process for 2012 be as follows:

Presidential Election: Saturday 3rd November 2012;

Ordinary Election: Saturday 17th November 2012; and

Plebiscite: Saturday 1st December 2012.

Proposed by Mr Beaman and seconded by Mr Llewellyn

Approved unanimously

## **Item VI Alderney Commission for Renewable Energy: Appointment of Commissioner**

The States resolved to approve, on the recommendation of the Policy and Finance Committee and in accordance with section 6 of the Renewable Energy (Alderney) Law, 2007, the appointment for a further period of two years of Captain Robert Barton as a Member of the Alderney Commission for Renewable Energy

Proposed by Mr Beaman and seconded by Mr Kelly

Approved unanimously

## **Item VII Questions and Reports**

The following written questions were submitted on 29 December 2011 by Mr Arditti to Mr Beaman, Chairman of the Policy and Finance Committee, and Mr Beaman's answers dated 11 January 2012 are included:-

The Policy and Finance Committee (P&F) at its meeting on the 26 September 2011 reaffirmed a decision to move the Presidents Office to the Court building despite constitutional objections. The following is the published minute of information which you gave to the meeting:

### **Item 77.5 Office Accommodation**

The Chairman advised that the Chief Executive wrote to the Chairman of the Court in June notifying the Court of the proposed relocation of the President and Mr Partridges response stated that it could be accommodated.

1. How do you reconcile the information which you gave to the meeting with the following passage, in Jurat Partridges letter of the 16 June, the existence of which was unknown to the meeting?

I have no doubt that the Jurats would be strongly opposed to any compromise in the functioning of the Court

Answer from Mr Beaman: Neither the GSC nor P&F considered that any proposed changes would compromise the functioning of the court

2. I asked you the same question in 1 above at the next meeting of P&F on the 24 October 2011. You replied that there were other letters and that you could not reply to my question without first refreshing your memory of the rest of the correspondence.

Answer from Mr Beaman: No questions on this matter were raised at the meeting of the 24th October

Are you able to produce the letter, if any, which formed the basis for the information which you gave to the 26th September meeting?

Answer from Mr Beaman: None of the correspondence I have received would indicate that the functioning of the court would be compromised by utilising an empty room for the Presidents Office

3. The Bailiffs letter of the 4 October confirms that the advice given by the Greffier, Sarah Kelly, to States Members was wrong, that States Members had been misled and that the Jurats and others were rightly opposed to compromising the independence of the judiciary by moving the President to the Court Building. One measure of the gravity of the letter is to be found in the concluding sentence:  
I regret having to write to you in these terms and hope that I will never need to again

How do you explain and justify your failure to mention the Bailiffs letter of the 4 October 2011

- i. At the meeting on the 24 October 2011 when the topic of discussion was the adequacy of the advice and information available to States Members while making and reaffirming the decision to move the President to the Court Building?
- ii. Prior to the 1 November 2011 when the Bailiffs letter was finally released to other States Members?

Answer from Mr Beaman: I do not believe the advice given was incorrect. There was no discussion about the moving of the Presidents Office at the P&F meeting of the 24th October.

Meeting Closed: 1800hrs

Issued: 22nd March 2012

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