



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

**HANSARD**

**The Court House, Alderney, Wednesday, 22nd May 2013**

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

**Volume 1, No. 1**

*Published by the Greffier of the Court of Alderney,  
Queen Elizabeth II Street, Alderney GY9 3TB. © States of Alderney, 2013*

**Present:**

**Mr Stuart Trought, President**

**Members**

Mr Paul Arditti

Mr Raymond Berry

Mr Matthew Birmingham

Mr Neil Harvey

Mr Louis Jean

Mr Robert McDowall

Mr Steve Roberts

Mr Chris Rowley

Mr Francis Simonet

Mr Ian Tugby

**The Greffier of the Court**

Mrs Sarah Kelly

**Business Transacted**

	<i>Page</i>
Procedural .....	3
Welcome to Lieutenant Governor .....	3
Billet for Wednesday, 22nd May	
I. The Housing (Exemptions) (Alderney) Ordinance, 2013 – Withdrawn.....	4
II. Alderney eGambling (Amendment) Regulations, 2013 – Regulations not be annulled – Motion carried .....	6
III. Policy and Finance Committee – Motion of No Confidence in the Chairman, Mr Paul Arditti – Motion passed and Mr Francis Simonet elected new Chairman .....	7
Questions and Reports	
<i>Hansard</i> Report of Proceedings.....	28

*The Assembly adjourned at 7.42 p.m.*

# THE STATES' DEBATES

## OFFICIAL REPORT

2013

---

Wednesday, 22nd May

Volume 1

---

### States of Alderney

*The States met at 5.29 pm in the presence of  
His Excellency Air Marshal Peter Walker, C.B., C.B.E.  
Lieutenant-Governor and Commander-in-Chief of the Bailiwick of Guernsey*

[THE PRESIDENT *in the Chair*]

#### PRAYERS

*The Greffier*

#### Procedural

**The Greffier:** Sir, perhaps before we start the proceedings this evening, I have been asked by the *Alderney Press* and *Journal* if they can take a still photograph of the Members as they sit, sir.

5

**The President:** Pray let them proceed.

**The Greffier:** Thank you.

*There was a short pause for photographs to be taken*

10

#### Welcome to Lieutenant Governor

15

**The President:** Madam Greffier, before you call Item I, I would just like to formally welcome the Lieutenant Governor and his ADC here to join us this evening.  
So if you would now proceed with Item I, please.

#### ROLL CALL

*The Greffier*

20

**Billet d'État**  
for Wednesday, 22nd May 2013

**Orders of the Day**

25

**Housing (Exemptions) (Alderney) Ordinance 2013**  
**Item I withdrawn**

30

*Item I.*  
*The States is asked:*  
*To approve The Housing (Exemptions) (Alderney) Ordinance, 2013.*

35

**The Greffier:** Item I, sir, is The Housing (Exemptions) (Alderney) Ordinance 2013.  
The States is asked to approve that Ordinance.

**The President:** Thank you very much indeed.  
Mr Birmingham as Convener.

40

**Mr Birmingham:** Thank you, Mr President.  
Your Excellency, ladies, gentleman and Members.

45

Notes from the People's Meeting, which was held last Wednesday: I, myself, was Convener. I was assisted by the Chief Executive, the Treasurer and the Minutes Secretary. The President was in attendance, there were eight other States Members, excluding myself, and we estimated that there were *approximately* 80 to 100 people in attendance. There were three Press in the building.

Item I, which was The Housing (Exemptions) (Alderney) Ordinance 2013: there were numerous comments on this Item.

50

Starting from the top, comments included: having confirmed that section 33(1)(c) of the Building and Development Control (Alderney) Law 2002 deals with construction of single dwellings, which allows individuals not qualified under a C permit to construct dwellings, and as the AHA are independent from the States, it was stated that there is a lack of detail of the future developments the AHA is proposing to undertake. The information known are planned estates at Platte Saline, the Grand site, Whitegates and Coastguards, with 15 to 25 new dwellings estimated to be built.

55

Any development at Whitegates and Coastguards would involve a land use plan, or LUP, issued as these will be development in the greenbelt. The Convener advised that the States are currently only passing Exemption Ordinances relating to Platte Saline and the Grand site and the Building and Development Control Committee have not been made aware of any plans relating to the other two sites mentioned. It was noted that AHA will be undertaking renovation works at Coastguards on existing social housing.

60

A contributor also asked: 'Should this Ordinance be approved by the States, would the AHA be exempt from future Exemption Ordinance for development?' The Convener advised that all developments would still be subject to planning application process and confirmed that this Ordinance, if approved, would eliminate the requirement for AHA to apply for an Exemption Ordinance each time development was applied for. He further advised that changes to the land use plan would be required, depending on the location of the developments; however, not if the area is already classed as building land.

65

The same contributor then went on to say that, although supportive of the AHA, he hoped the States would not support this Exemption Ordinance as the public need to be aware of the plans and be allowed to have their say on any future development by the AHA.

70

Exemption Ordinances allow the public to voice their concerns regarding proposed developments in a public forum, i.e. the People's Meeting and, by allowing this Ordinance to be passed, that opportunity would be taken away. A review of the planning rules and processes may need to be undertaken if necessary as notices are no longer posted on proposed development sites, nor are any neighbours contacted: the information is only published in the *Alderney Gazette*. The current system process works and does not cause any significant delays.

75

80 Another contributor said that the whole States should re-examine AHA's plans. The process of applying for an Exemption Ordinance was a safeguard and if AHA no longer has to apply for an Exemption Ordinance, as few as three people in the States are required to make a decision on planning applications. This matter should be held in abeyance until a review of the planning rule was completed.

85 Another contributor said that, in the four years since the formation of the AHA, there has only been one Exemption Ordinance for the Platte Saline development; therefore, it is hard to believe that the drafting of individual Ordinances are resource intensive, as stated in the submission. It is wrong to deprive the public of the advance knowledge and information of upcoming developments.

90 One contributor stated that, as only a few people had spoken on this matter, he was unsure if others present agree with statements made and he requested the Convener ask those present whether they are in favour of the Exemption Ordinance. I decided to take a vote and ask people whether they would support it. No one raised their hand. I then asked if they were against and a substantial majority raised their hands, but there were also a fair number of abstentions, who did not vote in either case.

That concludes the comments relating to Item I.

95 **The President:** Thank you very much, Mr Birmingham.  
Mr Simonet, I believe you wish to propose Item I.

**Mr Simonet:** Yes, indeed, Mr President.  
As read, I would like to propose this Item for consideration.

100 **The President:** Thank you very much.  
Mr Birmingham, I believe you wish to second this.

**Mr Birmingham:** Yes, I will second the Item.

105 **The President:** Thank you very much.  
Madam Greffier, I believe we have an amendment, if you would be kind enough to read that to the people.

110 **The Greffier:** Sir, there is an amendment, proposed by Mr Simonet and seconded by Mr Berry, that the States is asked to consider the following amendment:

*'That Item I on the Billet for Wednesday 22nd May 2013 be withdrawn.'*

115 **The President:** Thank you.  
Mr Simonet, do you confirm that you wish to propose this?

**Mr Simonet:** Indeed, I do, Mr President.

120 **The President:** Mr Berry, do you wish to confirm that you second this?

**Mr Berry:** I confirm it, sir, and reserve my right to speak.

125 **The President:** Thank you very much indeed.  
In that case, does any Member wish to speak?  
Sorry, Mr Simonet, do you care to propose this?

**Mr Simonet:** Yes, thank you, Mr President.

130 In proposing this amendment, the Building Development Control Committee are mindful of some public concern that the main proposition may restrict the opportunity for an early debate on any proposed development by Alderney Housing Association. We are also aware that the process to review the Building Development Control Law is now proceeding well.

As the Housing (Exemptions) Ordinance will be included in that review, the Committee, on reflection, concluded that it should now wait until that process has been completed; therefore, I recommend this amendment to Members.

135 **The President:** Thank you very much, Mr Simonet.

Does any Member wish to speak on the amendment?  
Mr Arditti.

140 **Mr Arditti:** I can be brief.

I support the withdrawal. If it had not been withdrawn, then I would have been very happy to have voted against it. Exemption Ordinances, with the Law that we have at the moment, in my view are important. Often they have been side-stepped, but they are important. In my view, they are important because planning, under our Law, is the province of the Building Development Control Committee alone, whereas the Ordinance is the one bit of the planning process which comes to the full States – which means there can be a People’s Meeting, there can be a public debate and some of those public debates, in my own experience, have been quite important ones.

145 Therefore, I do not wish to waste States’ time by attempting to oppose the withdrawal in order to attempt the overturning of the original Item, but I do hope that part of the review will include the idea that we are a small Island and that we all have an interest in the *building* of the unit – not the planning considerations, not the style or the character or any of the detail, as that is a planning matter – but Exemption Ordinances are the only time that building on the Island comes before the full States and the public for the decision as to whether there is to be such a building in that location *at all*.

155

**The President:** Thank you, Mr Arditti.  
Does any other Member wish to speak on the amendment?  
In that case, Madam Greffier, will you call the vote, please.

160 **The Greffier:** So it is the vote for the amendment only.

*A vote was taken and the result was as follows:*

	<b>FOR</b>	<b>AGAINST</b>
165	Mr Tugby	None
	Mr Arditti	
	Mr Birmingham	
	Mr Berry	
170	Mr Jean	
	Mr Harvey	
	Mr Simonet	
	Mr McDowall	
	Mr Rowley	
175	Mr Roberts	

**The Greffier:** The Item is, therefore, withdrawn.

**The President:** Thank you very much, which means we will not go on to debate the main Item.

180

**Alderney eGambling (Amendment) Regulations 2013**  
**Regulations not be annulled**  
**Motion carried**

185

*Item II.*

*The States is asked to resolve:*

190 *That The Alderney eGambling (Amendment) Regulations, 2013 not be annulled.*

**The President:** So if we can proceed to Item II, please, Madam Greffier.

**The Greffier:** Item II is the Alderney eGambling (Amendment) Regulations, 2013.  
The States is asked to resolve that those Regulations not be annulled.

195

**The President:** Thank you very much.  
Mr Birmingham as Convener, please.

**Mr Birmingham:** Thank you, Mr President, Your Excellency.

200 I am shocked to say there were no comments on this Item.

**The President:** Thank you very much.  
Mr Arditti, I believe you wish to propose this Item.

205 **Mr Arditti:** Thank you, sir.  
I can be brief. It is all to do with compliance with international standards.  
We all know the value of our Gambling Control Commission. They support this. This enables them to maintain international standards and I commend it to the full States.

210 **The President:** Mr Harvey, I believe you wish to second this.

**Mr Harvey:** I would like to second this Item, Mr President.

215 **The President:** Thank you very much, Mr Harvey.  
Does any Member wish to comment on Item II?  
Mr Birmingham.

**Mr Birmingham:** Thank you, Minister, President, Your Excellency and other Members.  
I do not think any Member of this Chamber or any member of the public would doubt the significant impact that the Gambling Control Commission has had, not just for the *public* finances of Alderney, but also in terms of employment and profile for the Island as a jurisdiction.

220 I would just like to take this opportunity to express my full support for the Commission and its work and also its attempts to maintain the highest standards possible in the prosecution of its business on the international stage, as is shown by the introduction of these amendments to its Regulations. These changes can only help to maintain the high regard of the Commission itself, not just by the gaming industry, but also by other governments and regulatory bodies worldwide.

225 **The President:** Thank you, Mr Birmingham.  
Does any other Member wish to speak on Item II?  
In that case, Madam Greffier, please, if you would call the vote.

**The Greffier:** Sir.

235 *A vote was taken and the result was as follows:*

	<b>FOR</b>	<b>AGAINST</b>
	Mr Roberts	None
	Mr Rowley	
240	Mr McDowall	
	Mr Simonet	
	Mr Harvey	
	Mr Jean	
	Mr Berry	
245	Mr Birmingham	
	Mr Arditti	
	Mr Tugby	

**The President:** Thank you very much, Madam Greffier.

250

## **POLICY AND FINANCE COMMITTEE**

255 **Motion of No Confidence in the Chairman, Mr Paul Arditti  
Motion passed and Mr Francis Simonet elected new Chairman**

*Item III.*

*The States is asked to resolve:*

260 (a) under Section 49(4) of the Government of Alderney Law, 2004 to remove Mr Paul Arditti as member of the States of Alderney Policy and Finance Committee (the Policy Committee);  
and

(b) under Section 50(1) of that Law to elect a Chairman of that Committee.

**The President:** If we can move on to Item III on the Agenda, please.

265

**The Greffier:** Yes, sir.

Item III is a Motion of No Confidence in the Chairman of the Policy and Finance Committee, Mr Paul Arditti.

270

The States is asked to resolve, under section 49(4) of the Government of Alderney Law 2004, to remove Mr Paul Arditti as Member of the States of Alderney Policy and Finance Committee (the Policy Committee); and, under section 50(1) of that Law, to elect a Chairman of that Committee.

275

**The President:** Thank you very much, Madam Greffier.  
Mr Birmingham as Convener.

**Mr Birmingham:** Thank you, Mr President, Your Excellency and fellow Members.

There were a large number of comments on this Item, so in the words of Capt. Oates, 'I... may be some time.'

280

The first comment was that there is a lack of detail in the Billet as to why there had been a Vote of No Confidence and the public has had to rely on what has been written in the local press, who claim it is regarding a matter regarding Alderney Electricity Ltd. The Convener advised that the vote had nothing to do with AEL in itself and details of why the vote was taken will be brought to light at the States meeting next week. He further stated that the Item came from the Policy Committee.

285

A further contributor said that if the Vote of No Confidence is relating to a matter with AEL, the question is: was it a matter relating to why the Chairman handled it or how it was done? The Convener referred to the wording of the motion in the Billet.

Another contributor said that, according to the Government of Alderney Law,

290

'People's Meetings shall be held for the purpose of explaining Items on the Billet to the public in attendance',

and the comment was noted by the Convener.

295

A further contributor said that the Item should be withdrawn from the Billet as it has been done in an unconstitutional way and there is no supporting evidence why the Vote of No Confidence was taken. The Convener stated that the process has been carried out in accordance with the Government of Alderney Law and brought forward by the Chairman of the Building and Development Control Committee, Mr Simonet, following a meeting held on 29th April.

300

The same contributor stated that this is the best composition of States Members and Civil Service in a long time and there is an opportunity to do good for the Island. He did not wish to see any Member of the States resign and urged them to get their heads down and work. He added that a large number of the electorate voted for Mr Arditti and it is not the first time a Chairman has been off-Island and other Members have got together to take a vote to make changes, and he cited the example of Mr Tugby and the Marina Advisory Group.

305

One contributor commented that should the Vote of No Confidence go through, it will have significant repercussions in relation to the States of Guernsey. The Convener advised that he was unsure of what will happen from here as he has not been aware of any other proposed changes. He further stated that, due to the contentious nature of this Item, it was not an appropriate place for States Members to speak at the meeting, as the correct place will be at this week's States meeting.

310

It was queried whether the motion on the Billet is the same wording as the one that the signatories put their names to at the special meeting.

Another contributor asked whether the submission on the Billet refers to:

'e-mail correspondence in respect of... (AEL), which lead the Committee to support this resolution.'

315

That is a quotation; therefore, it is clear that this *is* to do with AEL.

A further contributor said that the facts behind this decision must be known before making a decision at the States meeting. This matter will be widely reported in the Bailiwick and he wondered what the States of Guernsey will think.

320

Another contributor said that the most significant fact was that seven Members had voted in favour of the Vote of No Confidence in the Chairman because they have identified a problem which needed to be dealt with; thus doing their job.

Another contributor said unscheduled meetings when a Chairman is away give the impression of a conspiracy going on. There has been no valid reasons given for Mr Arditti to resign and he

325 has always acted in the best interests of the people of Alderney. They went on to further state that this motion is unwarranted and unjustified.

It was queried if another vote by show of hands could be taken, as had been done with Item I, and the Convener advised that it would not be appropriate due to the nature of the Item: a proper debate will take place at the States meeting.

330 It was suggested that the States meeting is held in the Island Hall, based on the turnout, and the Convener advised that he would raise this with the President. As a note, this was discussed, but due to technical reasons based around the recording systems it was not possible to move.

335 One contributor pointed out that States of Guernsey representatives are voted for by the public. Alderney States Members vote for the Chairman of the various Committees without having to give reasons for their decisions to vote to the public. This Billet Item is because of a lack of confidence in a Chairman and the Members do not need to give their reasons.

340 Another contributor made reference to the Government of Alderney Law, section 49(4), regarding how a Member can be voted on to a Committee and further made reference to the States Members' Code of Conduct, Part IV, which explains the procedure for considering complaints of another Member. He made further reference to Parts 7 and 8 of the States Members' Code of Conduct. The contributor did quote at length from the Code of Conduct but, in the circumstances, I do not think it would be necessary to repeat those comments that he made.

345 Another contributor stated that if a majority of the States Members had already voted in favour of this Item, how can the public have confidence in a statement by the Convener that there will be a proper debate at the States meeting? The Convener reiterated his previous statement that he will not ask Members present to comment at this meeting and advised that he, personally, will be speaking at the States meeting to give his reasons for the way he votes. He further stated that he cannot control what other individual Members say outside of this meeting.

350 Another contributor stated that it is a simple administration matter. Mr Arditti is not being asked to resign as a States Member, but as a Chairman of the Committee.

355 A contributor queried what will be reported at the States meeting, as a large number of comments and questions that have been raised regarding the Item. The contributor stated that there has been an absence of comments in the past. The Convener advised that there is at least one staff member, usually two, present at every People's Meeting to take notes, which are circulated to all States Members prior to a meeting and are reported on by the Convener at all States meetings, as I am doing presently; however, these are not verbatim or in a *Hansard* format.

That is the last comment on my list.

**The President:** Thank you very much, Mr Birmingham.

360 Mr Simonet, I believe you wish to propose this motion.

**Mr Simonet:** Indeed, I do, Mr President.

365 First of all, I would just like to say that this Vote of No Confidence is not directly to do with AEL; it is just that was the last straw that broke the camel's back. So what I propose to do is to read out the censure motion, which will explain matters and what happened in detail.

This is the censure motion that was passed at the Policy Committee:

370 'The Committee note with disappointment and concern the recent actions of its Chairman in the matter of the requirement that the Committee agree certain resolutions regarding the States of Alderney's majority shareholding in Alderney Electricity Ltd (AEL).

The Committee notes in particular the following:

375 (a) That the Chairman failed to recognise that the interests of the States of Alderney were placed in serious jeopardy by his refusal to allow the Committee to urgently review, consider and debate the recommendations made by the board of AEL and to vote upon those recommendations, as necessary, in the interests of the States of Alderney as a majority shareholder. In particular, the Chairman's actions created a situation where there was a real risk of a mass resignation of the board of AEL, with serious implications of the effective operation of that company and, as a possible consequence, create a potential threat to the continuity of power generation and the supply on the Island and of unnecessary destruction and costs.

380 (b) On being pressed by the Committee members to reverse his decision described at (a) above, the Chairman acted unreasonably, unconstitutionally, and in an entirely inappropriate manner, by agreeing to convene this meeting, but *only on the condition* that members pre-agreed to vote any decision in accordance with the Chairman's direction.

385 (c) That in abruptly walking out during a discussion by the members of the Committee, which was specifically convened to urgently address the matters described at (a) and (b) above, the Chairman not only portrayed a childish approach and a disrespect for his fellow Committee members, but, more importantly, he wholly abdicated his responsibility to ensure that the interests of the States of Alderney were properly protected by using his best endeavours and good offices to bring about a resolution of the difficulties which have arisen with the AEL board and the Committee.'

390 As a consequence, the Committee resolved to censure the Chairman and requested that the  
Chairman consider his position and whether it is appropriate, in the circumstances, that he  
continue in his post. Later, there was a meeting at the President's office of the remainder of the  
States Members – with the exception of Mr Jean, who we knew would not support it. No secret  
meeting – a meeting in the President's office, and I shall read out that letter now...

395 Sorry, I should say that it was decided to write to Mr Arditti to explain the concerns and the  
decision of those States Members present:

400 'The Policy Committee's motion of censure against its Chairman, 29th April, 2013:  
We note with sadness and concern the Policy Committee's above resolution, which was confirmed by a clear majority  
at its meeting on Monday, 29th April 2013. We also note the background and supporting information, particularly the  
e-mail correspondence between yourself and the Chairman of Alderney Electricity Ltd (AEL), which led the  
Committee to vote this resolution.  
We have carefully considered these matters and conclude that this censure against you makes your continuing role as  
Chairman of the Policy Committee untenable. You have clearly lost the confidence of the majority of your Committee  
members and your actions and conduct in respect of these matters concerning AEL are wholly inappropriate, falling  
some way short of the standard to be reasonably expected of the Chairman of a States of Alderney Committee.  
405 We therefore conclude that, in the interests of the States of Alderney, the best course of action now is for you to  
immediately resign your position as Chairman of the Policy Committee. In these circumstances, the motion of censure  
will remain a confidential annex to the Policy Committee's meeting minutes and you will be free to offer publicly your  
own reasons for your resignation.  
410 Should you choose not to resign forthwith, the matter will be brought for debate to the next full States meeting, which  
will, of course, be a public meeting. We must advise you that, at this meeting, we would move a formal vote to remove  
you as Chairman of the Policy Committee.'

415 That was signed by seven of the available eight States Members.  
The only comment I will add to that, Mr President, because I will reserve my right to speak on  
this later on, is this. When a Chairman loses the confidence of his Committee, he stands down.  
This is one of the guiding principles that those of us who are fortunate to live in the Western  
democracies should observe with dignity and without prevarication. It is a principle that is  
honoured wherever a committee is formed, be it parliament, local government or golf club. Mr  
Arditti refused to resign and that is why we are here tonight.

420 I would like to propose this Item for further discussion with the Members here tonight.

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

425 **Mr Arditti:** Sir, a point of order.

**The President:** Yes, Mr Arditti.

430 **Mr Arditti:** Sir, the proposer cannot reserve his right to speak again; it would not be fair to  
carry on. He can reply, but he cannot introduce new material.

**The President:** What he can do at the end, when everybody has spoken, he has the right to  
make a summation.

435 **Mr Arditti:** He can reply, sir, under our rules –

**The President:** That is correct.

**Mr Arditti:** – but he cannot introduce new material.

440 **The President:** And that is the same with anybody speaking for a second time.

**Mr Arditti:** So, as far as the proposer is concerned, I have heard his charges now.

445 **Mr Simonet:** Mr President, I want a word.

**The President:** Yes, go ahead.

450 **Mr Simonet:** I would not be introducing any further evidence, but I am happy to re-read my  
submission now if it pleases the President.

**The President:** No, I would rather you wait because you have the right to summate and if people talk about things which are *new* to you, then you have the right to respond to those in your summation.

455 **Mr Arditti:** Sir, could I just be clear that I will not hear any *new* charges when Mr Simonet speaks again.

**The President:** No. What I am saying, Mr Arditti, is that when everybody has spoken, as the person who has laid the proposition he has the right to summate on what has been talked about by the other people. That does not mean that Mr Simonet will be bringing fresh charges.

**Mr Arditti:** Thank you.

465 **The President:** Right.  
Mr Harvey, would you care to second this motion.

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

470 It is with more regret that pleasure that I second this motion. Mr Simonet has summarised the position pretty well, but I think we owe a wider explanation of the circumstances leading up to this. I would concur with him; it is not about AEL. AEL *was* the final straw, as he so openly puts it, but there has been a pattern of behaviour over the previous months which lead to this situation.

475 Indeed, over the last five months, it has become increasingly clear to some of us that Mr Arditti has absolutely no respect for his fellow States Members, the electorate or even democracy itself. Some outside the States may doubt this view, seeing Mr Arditti as an energetic, personable figure with a lawyer's fluency and apparent grasp of issues. I have to tell you this is not the Mr Arditti that I and most of the other members of the Policy Committee have worked with and I intend to illuminate the truth about him and the reasons behind the motion.

480 If I may, I will go back to November of last year when I had just been elected to the States and went to see Mr Arditti to discuss how I could help. I had no fixed ambitions at the time, but some of my supporters had assumed I would stand for the States of Deliberation in Guernsey. Mr Arditti was visibly shaken at the suggestion and did his best to dissuade me, using a favourite phrase of his: 'it will be divisive'.

485 When I subsequently learned he had dissuaded another new States Member from standing for Guernsey, even hinting that I had withdrawn, I resolved to give the electorate their opportunity to voice an opinion through the plebiscite arrangements, something Mr Arditti had been trying to deny them.

490 After the plebiscite, I saw Mr Arditti again and he told me how the Committees would be made up and offered me the Chair of Business Development, Tourism and Marketing, telling me who would chair the other Committees. There was little debate. It had been decided. He was in a great hurry to issue a press release confirming unanimous support for his Committee proposals although, in the event, this was not possible.

495 Over the next two to three weeks, Mr Arditti tried his best to stop the States Members, particularly the new ones, from meeting together, as many of us had wished, suggesting he was concerned that it would end up in arguments and division; the reality, when, at our suggestion, Tony Llewellyn arranged a meeting, was quite the reverse.

500 Nearly all of us wanted to give the new Committee system a chance to work and were very conscious of the accusations of in-fighting levelled at previous States and therefore acquiesced perhaps too readily with Mr Arditti's plans. These included placing himself at the head of anything significant happening inside or even outside Alderney. In proof of this, one only has to look at the titles he has accumulated, some on a self-appointed basis: Chair of Policy Committee; Chair of States in Committee Part II; Chair of the open People's Meetings; Alderney Liaison Group; Alderney External Relations Group; board Member, Alderney eGambling Ltd; member of Commonwealth Parliamentary Association Management Committee; Chair of Guernsey Scrutiny Committee; Member of the States of Deliberation, and I would add, self-styled 'Senior Politician', a title I cannot find anywhere in the Government of Alderney Laws.

510 When it comes to handing out lesser posts, such as the Health Department liaison and Breakwater liaison, he is slightly less careful, even to the extent of not asking his chosen ones if they will take these responsibilities before publishing their appointments. He did at least apologise for that, as in his e-mail of 6th February, claiming he was flat out in Guernsey and clearing out for his hols.

515 Apart from accumulating all these powers, Mr Arditti has been unable to resist the temptation  
to interfere in the activities of other Committees; for example, at the Policy Committee meeting at  
the end of January, it was unanimously agreed that the States would use a UK marketing company  
but that we would ask the Chamber of Commerce to help with a quite separate public relations  
520 function. Two months later, without reference to anyone, Mr Arditti approached the Chamber at an  
unrelated function and persuaded them to take on the marketing role. When I pointed out this was  
totally contrary to what had already been agreed, he initially blamed the chief executive, until I  
referred him to an e-mail just received from the chief executive, expressing *his* surprise and  
concern at these developments – not only a lack of respect for colleagues, but a total lack of  
understanding of such matters.

Now I turn to more recent events regarding AEL, which were the catalyst for action by a  
majority of the Policy Committee members. At the Policy Committee meeting in late March, Mike  
Richards, the Chairman of AEL, addressed us about his future plans and asked for any questions;  
none were forthcoming.

525 One month later, at the Policy Committee meeting of 22nd April, the Agenda and Accounts for  
AEL were presented to the meeting so that the chief executive could be mandated to vote for the  
States at the AGM ten days later. This was not in accordance with the normal procedure – in that  
items for the Agenda should be submitted several days before the meeting – due to an oversight by  
one of the States Members. However, in the view of many there was nothing contentious on the  
530 Agenda and the chief executive confirmed that the AGM had been properly convened with notice,  
as set out in AEL's rules. Mr Arditti refused to discuss the item, beyond saying that AEL would  
have to defer their meeting.

Mr McDowall, the States-nominated director on the board of AEL, said this was not  
satisfactory and said he and the Chairman of AEL and the other non-executive director would have  
535 to resign if they did not have the support of the majority shareholder – in this case the States – as  
any board of directors would do under modern corporate governance.

There then followed a series of e-mails from Mr Arditti, which revealed his ignorance of  
business matters, including one dated 22nd April in which he says:

540 'You will recall that since January I have been advising that AEL need to address with the Policy Committee all  
historical issues. The result is that, as matters stand, the only resolution for which the chief executive will be mandated  
to vote the majority shares at the AGM is the election of Mr Harris because that is the only agenda item which the PC  
have agreed. It may be possible to achieve a mandate for the chief executive to also vote the majority shares in favour  
545 of items 1, 2, 3, 7 and 8, but the board of AEL will be at the *mercy* of the minority shareholders on the remaining items  
and will, I predict, be defeated on these items.'

The items on which it was not prepared to countenance a vote included confirmation of  
payment of a preference dividend – a legal obligation since 1964 and very much in the same light  
550 as a loan: also to approve the election of directors, being Messrs Richards, Harrison and  
McDowall, all of whom had previously been approved by the States of Alderney.

Subsequently a meeting was arranged between Mike Richards of AEL and States Members  
Simonet, McDowall and Jean to try and resolve issues raised by Mr Jean.

555 Five days after the Policy Committee meeting on 27th April, another meeting had been called  
by Mr Arditti at the Bray Beach Hotel to meet Derek Coates. Mr Arditti was aware from e-mails  
that some Members of the Policy Committee wished to take this opportunity to resolve the AEL  
issues in view of Mr Arditti's imminent departure on holiday and that AEL's AGM was only five  
days away.

560 Prior to the meeting, Mr Arditti once again showed his disdain for democratic principles when  
he e-mailed Policy Committee members, stating he would *not* invoke procedures from the  
emergency meeting for the making of any decisions unless we mandated the chief executive to ask  
for the AGM to be deferred or the old Memorandum and Articles of Association would be  
readopted – in other words, as Mr Simonet has said, we could only have a meeting as long as we  
voted his way.

565 At that meeting, Mr Arditti once again refused to discuss AEL, even though he was told this  
could lead to the resignation of the entire AEL board and the prospective collapse of confidence  
with the company's bankers.

570 Despite much urging by a majority of the Committee, he refused to allow the matter to be  
tabled. A motion of censure proposed by Mr McDowall was brushed aside. The meeting became  
heated and attempts to calm down Mr Arditti, who was shouting at other States Members –  
notwithstanding hotel staff were coming in and out of the room – were ignored. Frankly, a  
shameful scene with a reckless disregard for actions which could easily have started a disastrous  
chain of events – the resignation of the AEL board; default on the preference dividend; possible

withdrawing of borrowing facilities by the bank and the collapse of AEL. We are talking about the lights going out in Alderney as a potential risk.

575 Two days later, the Deputy Chair of the Policy Committee, Mr McDowall, convened an emergency meeting to address the issues. All Members were formally invited and the meeting was attended by myself, together with Messrs Simonet, McDowall and Jean, together with the Chief Executive as secretary.

580 The meeting resolved, by a three to one majority, to mandate the Chief Executive to vote for the Agenda at the AGM and passed a Motion of Censure on the Chairman of the Policy Committee. The fact that this meeting took place in the absence of Mr Arditti was not of our choice: the timing was of his making.

585 A meeting was then arranged as Mr Simonet has said with the President in which some other States Members asked to be present and Mr Jean was not invited, as he had already made his views very clear at the Policy Committee Meeting.

Mr Arditti had undoubtedly taken on a very heavy workload with all his roles in Guernsey and Alderney and it was felt he should be offered the opportunity to resign with some dignity from the Policy Committee. He chose not to and this item was therefore added to the Billet in accordance with the Government of Alderney Law.

590 It is very difficult to explain these events without getting personal – which I always try to refrain from – but, quite frankly, Mr Arditti is frequently blinded by his own self-importance and is quite unable to see any fault in himself. I and many of my fellow States Members feel this makes him a danger on the Policy Committee at a time when we wish to present an image of professionalism and understanding business needs for those who we are trying to invest in Alderney.

595 I am sure my colleagues will wish to speak and I will close shortly.

I would just like to say three final things. There has been much speculation that the States is once again taken up with in-fighting and division. Nothing could be further from the truth. There is division, yes, but that is down to one man alone, a name that has come up many, many times over the last few months and in previous States. In the meantime, work goes on and I hope in a couple of months to bring to this meeting news of substantial new investment for Alderney.

600 It has also been suggested, not least by Mr Arditti himself, that this issue should have been brought under the Members Code of Conduct, a Code which I understand Mr Arditti was reluctant to give legal backing to when it was discussed last year. The sanctions under the Code of Conduct are principally aimed at suspension of a Member from the States. We are not seeking to do that: we merely wish to remove Mr Arditti from the Policy Committee.

605 Finally, the question has been asked what impression of Alderney does this give to our Lieutenant Governor. Well, sir, I hope it demonstrates that democracy and respect of proper government are alive and well in Alderney.

610 **The President:** Thank you, Mr Harvey.

**Mr Arditti:** Sir, I have a point of order.

615 **The President:** Yes, the point of order is concerning?

**Mr Arditti:** Sir, Excellency, I rise on a point of order. The Report on the Billet is defective and any vote upon the Report will have no effect. The resolution calls for my removal as a member of the Policy Committee under Section 49. I am not a member appointed under Section 49, I am a Chairman appointed under Section 50. I cannot be removed as a member under Section 49 because I am not a member. Under the Government of Alderney Law 2004, the rules for the Chairman of the three States Committees are not the same as the rules for the members of those Committees. Chairmen are directly elected by the States under Section 50. They are *not* elected from the Members of the Committee under Section 49.

620 You may recall, sir, that in January we elected the Chairmen of the States Committees *before* we elected any members of the States Committees. I repeat, sir, that I was elected Chairman of the Committee under Section 50 *before* any members of that Committee were appointed under Section 49.

630 That is how our Constitution works and there are very good reasons why. I would remind you, sir, that the order in the Billet in January was ‘Item 9, Election of the Chairman of the Policy Committee’ and ‘Item 11, Election of the members of the Policy Committee’. I have not been elected a member of the Policy Committee and therefore I cannot be quote ‘removed as a member

of the Policy Committee under Section 49, which is the resolution in the Billet before us today and which we will be asked to vote upon today.

635 My objection is simple, in order to be removed as a member of Policy Committee under Section 49(4), I must first be elected a member under Section 49(4) – and I am not offering myself for election as a member. I regret that, not for the first time, Messrs Harvey, McDowall and Simonet have not done their homework. They will have to take their Report away and come back next month. Better still, they could take this opportunity to listen to the people and agree to take the honourable course of submitting any complaint they may have to independent investigation under the Members Code of Conduct.

I ask you, sir, to remove this defective motion from the Billet.

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

645 For the edification of the general public in here, and in response to Mr Arditti, the legality and the correctness of this submission, advice has been sought from the Law Officers and the Law Officers have confirmed that this submission is correct and legal.

650 **Mr Arditti:** Sir, I must ask you whether they have advised on this *specific* point that I have raised.

**The President:** Please be seated and I will answer.

655 The submission was sent down to the Law Officers for review and the Law Officers informed us that it was fit and proper to be put before the States of Alderney for a decision.

**Mr Arditti:** Necessarily therefore, sir, I must reserve my rights.

660 **The President:** Very well, can you please make a note of that. Mr Arditti is reserving his rights.

**The Greffier:** Sir.

**The President:** As that was a point of order, you will, of course, be allowed to speak later.

665 **Mr Arditti:** Thank you.

**The President:** Does anybody else wish to speak on this Motion before the States? Any Member of the States, that is –

670 Mr Birmingham.

**Mr Birmingham:** Thank you Mr President, Your Excellency, fellow Members, ladies and gentlemen, I will be making obviously some minor repetition with reference to comments that have been made earlier but, for me, as a Member of the States but not a member of the Policy Committee, this is quite an important view that I have to put forward.

675 On 29th April a meeting of the Policy Committee took place at which a Motion of Censure was tabled on the Chairman of the Committee. This was passed by the majority of that Committee and a request was made by that majority for the Chairman to resign his post.

680 In my view, once a Vote of Censure of No Confidence has been taken on the Chairman of the Committee and the vote is passed, the position of the Chairman simply becomes untenable and the Chairman should resign. This applies to any committee, whether it is the chairman of a board of directors, the chairman of a sports club or the chairman of a political or Governmental body. The principle applies equally.

685 Of course, that Chairman will no doubt disagree with that decision and is, therefore, perfectly entitled to express his own opinion relating to the action taken by the majority, as are other members of that Committee: they can disagree with the decision. But the fact remains that a Vote of Censure has been passed by the majority of that Committee and there is simply no way to unring that particular bell. I believe the operation of the Committee should be a matter for that Committee. However, in this case the Chairman of the Policy Committee is elected to his position by the full States, so if that Chairman refuses to resign, despite a Vote of Censure by his Committee, then the matter must be dealt with by a vote of full States and, of course, this is the situation we find ourselves in this evening.

690 For myself, it is a matter of extreme disappointment that the members of the Policy Committee have found themselves unable to resolve their differences, especially in the difficult times that the

695 Island currently finds itself in. However, after it became clear to me that the majority of the Policy  
Committee were *adamant* that they wished to remove Mr Arditti as Chairman, it also very quickly  
became obvious to me that my responsibility was to the States as a governing body and also to the  
people of the Island.

Therefore, in my view, it was necessary to act decisively in order to resolve the situation as  
quickly as possible in order that the States should dispense with this distraction and get back to  
700 concentrating on the vital work of dealing with the many issues that currently affect the Island's  
economy.

As I said, currently I am not a member of the Policy Committee so my decision is, in turn, a very  
simple one. It is entirely right for me to debate, criticise or agree with *political* decisions relating  
to policy matters brought forward by the Policy Committee. However, it would be *entirely*  
705 inappropriate for me to interfere with the day to day operation processes of a Committee that I was  
not part of unless I believed that proper due process has not been followed by that Committee or  
that it has acted illegally. I have no reason to believe that either of these circumstances is the  
situation in this case. Therefore, my view is that *my* own legislative course of action is to ratify the  
democratic decision made by the Policy Committee in its vote of 29th April meeting.

710 Some may view this as a decision that is rather ruthless: I do not. I just see it as realistic. I  
support the motion of censuring Mr Arditti and asking for his resignation.

**The President:** Thank you very much, Mr Birmingham. Is there any other...?  
715 Mr Rowley.

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

I would just like to voice my support for the motion and my agreement that, above all as Mr  
Harvey said, I am the Member in question who was persuaded to withdraw my application for the  
Guernsey States and I have to say Mr Arditti rang me at home and tried to talk me out of this in a  
720 way that so shocked me I actually went and saw you the next day, if you remember, to complain  
about it. I mean he wheedled and cajoled and tried to persuade me in a way that, I mean I was  
absolutely flabbergasted I have to say, that somebody would, thought it appropriate to do this.

The following day I agreed to have dinner with him and he sold me his new vision for a  
reduced Policy Committee and a *fait accompli*, as I saw it, of the various Chairmen and I have  
725 never really experienced anything quite like it... I mean, he had the tenacity of an Istanbul carpet  
seller and the pester power of a 6-year old. I was actually quite shaken and, since then, to my mind  
he has shown himself to be an autocrat with little respect for democracy: well, certainly not as I  
know it. But it is very unfortunate – I say this with a heavy heart – I actually like Mr Arditti,  
although he perhaps will not believe me now. He is good value but he should not, in my view, ever  
730 have been given any power. That is the problem with that position: it comes with a sort of *de facto*  
leadership implication that I think is actually unsuitable for the States of Alderney. We do not need  
a strong leader. Baboons need strong leaders. We need grown-ups who can sit and discuss serious  
issues and reach consensus and act on them. That is my opinion and my only real regret is that  
Shakespeare is not still alive to do the play because he could really do a cracker!

735 Thank you.

**The President:** Thank you very much, Mr Rowley.

Does any other Member wish to speak on this?

740 Mr Jean.

**Mr Jean:** Your Excellency, sir, Members of the States, tonight I know is going to be a difficult  
night as I address the States. I am grateful at last, even if the States, by the look of it, will not  
listen, that at last the rest of the burden I carry will be laid before the public and they will be my  
745 judge.

On 22nd April, Policy Committee Meeting 214, AEL proposals: a letter had been received  
from Mr Richards containing proposals for AEL. The main part of the proposal was a request for a  
sum described as 'capital expenditure assistance'. Mr Richards went on to say that he would put a  
little more meat on the bone with regard to the proposal. He also again expressed a desire to ignore  
750 *all* the historic issues which faced AEL and went on to sing the praises of his new board, finishing  
up by saying he looked forward to receiving the formal note requesting the capital expenditure  
proposal and would ensure a full and detailed response.

At that time I was quite concerned as I could see this going through with no question asked.  
After all the concern last year over the directors' remuneration, plus the fact that two of these  
directors live off the Island, I protested, saying I felt it was wrong just to adopt this. We did not

755 know anything about the requirements of AEL and I did not agree with the directors' remuneration. If we let this go through after the storm of protest last year, it would be wrong. I reminded my fellow members of my promise in my manifesto only those few months earlier.

I also reminded them of their own manifestos. The Chairman's response – "we are listening to you, Louis": and Mr Simonet – "I am with you, Louis". A quote from the Minutes of 22nd April:

760 'Mr Jean, supported by Mr Simonet, wished to bring a paper for debate at the next meeting of the Committee regarding various issues, current and historic, relating to AEL'.

765 The Chairman agreed for this to be on the Agenda for the next meeting. The paper I wrote, dated 25th April, before I got pen to paper Mr Simonet had come round to tell me that my interference was not welcome, I could not go round the Power Station. This was something I had tried to arrange a week or so before with Mr McDowall. He began to shout: 'What if the Board resigns? Who will run AEL?' Then I realised I had lost my support. But, I continued to write my paper, to which at this point I refer.

770 Having delivered the contents of my paper to AEL – that caused such a stir – I then went to the office of AEL to get the papers for the AGM on Thursday, 2nd May 2013.

775 On Friday, 26th April, a three and a half hour meeting took place at AEL, at which some progress was made. I talked over all the issues, including the most interesting events around my enquiry into the demurrage issue, or laying up time for the tanker. AEL had come up with their own answer to this and that was to send out a letter. I informed Mr McDowall that I had asked the Harbour staff to put everything they had together and said I would start an enquiry: they then took copies. I must have had some degree of success because, in the letter to the customers, they had put up the price of oil by nearly four pence a litre but on the day I met at Alderney Electricity at the Venelles it had gone back down to its original price.

780 I told them I had been successful and there was no further comment on that item, other than to accept my offer of political assistance to help them iron these problems out should they occur again. This was confirmed later in a long letter from Mr Richards after our meeting. The issue of directors' remuneration: I never did get to the bottom of this one. I was given an out-of-date piece of paper and not a complete list. I complained – two Directors not even on it. I asked to know their fees and was told this was not something we could talk about. I pressed the point and was told a figure. I still do not know if that figure was accurate but, altogether, as far as I was concerned, it was a lot of money and too much.

790 The Avgas sales service now run by AEL: 24,000 litres purchased at a time. They used to sell 300,000 litres a year to Aurigny. For six or seven months AEL had priced itself out of the Avgas market and light aircraft stopped coming as a result. As the batch of fuel got nearer to its expiry date, the price came down to the same as Guernsey, with the result the light aircraft are back, which shows how, if this company gets it wrong buying Avgas, what a serious effect this could have on tourism.

795 The Memorandum and Articles of Association replaced with a new set last year should be changed back until something better can be drawn up. At the emergency meeting – the last meeting I was invited to on 29th April – I would have liked to have voted on the proposal in my paper and perhaps announced my conclusions. I was never asked and nor were my items on the Agenda. In fact, there was such a rush by the three of the four remaining Members of Policy Committee to get the AEL items approved, Mr McDowall was going to take all nine items at once. I recommended that they be taken one at a time.

800 Many things have been said of me but I tell you now I am fair, straight and true and the allegations against my colleague, Mr Arditti, are false, untrue and unjust. His authority has been undermined. For the last two meetings which took place, the one in the Member's room at the front door of the Island Hall – at which the signatures were gathered – and Mr Birmingham's, I cannot understand why I was not invited. Is it because I hold a different view? Although that now has been explained to me, I would point out to you all that I am entitled to my view.

810 But the one question I would ask: did any of you call for my presence at the first or second of those meetings. Was any loyalty shown to me? Answer: I have heard so little. I am looking to you to do the right thing, the decent thing; pull up now before it is too late or, from the top down, none of you will escape the public view, so well expressed at the People's Meeting. Quotes from that meeting: 'We are angry with you'; 'You have got it wrong, Mr Simonet'; 'Make sure you express our view'; 'We do not approve'; 'We do not want to lose anyone. We elected you'; 'We need you to get on with the work'. It is my belief that the public have already got a firm grasp of the issues. You do this at your peril.

815 I am an old campaigner and, even speaking to you from the margins of this States of Alderney, none of you can escape the shame of this. I am comfortable where I am; let me lead you onto the solid ground. Change now before it is too late.

820 Sir, you and I have already spoken and I have relayed my own disappointment at the lack of action from you. Our views differ greatly but I am heartened by the groundswell of support from the public, as I have been placed on the 'starving of information list' to receive next to no e-mails from you all and told of so many e-mails that have passed between others. When I asked for them, I was told 'Get them from Mr Arditti!' I have done my best and he has furnished me with all he can. In looking at the censure motion, a door was held open for myself and Mr Simonet. How duplicitous is that to turn around, when a Chairman supporting two of his Committee makes it possible for work to be done. To me it is disgraceful. Please, I appeal to you, as I did at the meeting on 29th April, for unity so that we can get on with the work for the people of Alderney.

825 I feel I must talk of the annexure of 29th April, 2013, Paragraph C. They allege that Mr Arditti: 'abruptly walked out during the discussion by the members of the Committee'.

830 This is simply not true. The truth is the item had been discussed and Mr Arditti picked up his i-Pad and said, still seated, 'Are we finished, gentlemen?' No-one replied, the Chairman got up and left the room. I *cannot* leave a statement such as that unchallenged.

835 Mr Simonet, your U-turn is already legendary; you have tried in every way to cover it up. The censure motion has your name on it; you have bitten the hand that feeds you. Mr Harvey, you asked to talk to me last week and have confirmed today what you said to me in the Member's Room at the Island Hall. You told me that Mr Arditti was in charge of too many committees and he had all the power. I do not understand this. In Alderney, Mr Arditti chairs the Policy Committee, External Relations Group and Liaison Group. The last two are only sub-committees of the main committee. In Guernsey, Mr Arditti Chairs the Scrutiny Committee and enjoys a good rapport there which I see each time we go over to the Guernsey States of Deliberation.

840 There is no doubt, Gentleman, members of the public, sir, we are facing a constitutional crisis: this Administration has failed to observe its own rules. Mr Arditti and myself have sought help to broker for peace. I have complained officially twice and no notice has been taken of my complaint. I am amazed all this started when I tried to do good work. The AEL board must be laughing at us and, in terms of the on-going work with Guernsey, this will put us back months.

845 Your Excellency, sir, Members of the States, thank you.

850 **The President:** Thank you very much.  
Does any other Member wish to speak?  
Mr McDowall.

**Mr McDowall:** Your Excellency, Mr Chairman, Ladies and Gentlemen.  
855 The matters to which Mr Jean refers, let me go through. Mr Jean wished to visit the AEL site: they had it arranged for a visit by the Policy Committee. Non-resident directors discussed the current board and the view is that AEL has a strong, well qualified board, as their bankers have told me.

860 Staff morale is another issue that Mr Jean brought up. This is not an issue from the company's view. Tankers in demurrage I think we have covered, but Louis certainly confirmed that he would be delighted to assist in the political arena if we felt we were being unfairly disadvantaged and we respect that.

865 **The President:** Mr McDowall, if I may, when Mr Jean was speaking he was leading up with this preamble about the electricity company to support for Mr Arditti. I presume that where you are going is to do with the motion on the Billet.

**Mr McDowall:** Absolutely, yes, indeed.

870 **The President:** Thank you.

**Mr McDowall:** Domestic contract: we discussed the existing workload and disadvantages of our staff undertaking the work in private premises and, of course, we discussed aviation fuel.

875 The issue is that the AEL AGM was a standard meeting. There was nothing contentious on it, as was, indeed, proved by the AGM itself. With the exception of Mr Jean, motions had the support of the minority shareholders.

Gentleman, when I was elected as a States Member I looked at... a contribution to helping the States is to provide some technical business system. The States of Alderney needs to be managed as a business, which requires clarity, objectivity and good judgement. Politicising issues and political ambition have obscured those notions in the case of Mr Arditti.

880

Thank you.

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

Does any other Member wish to speak?

Mr Tugby.

885

**Mr Tugby:** Your Excellency and fellow Members, how I wish you had listened to me back in January, when I was against this Policy Council, because I knew what would happen. Last time, when all Members were not on the Finance Committee there was divisions then and, lo and behold, we have divisions again now.

890

I have felt isolated since January. We get very little information. Alright, I am told: why do you not go and sit in on the meetings? But I was not elected to go and sit in on a meeting and sit there like a stuffed dummy, not being able to say a word. I was elected to do the best I can for the people of Alderney and the way the Policy Council is working, it is just down to five Members basically: all the major decisions are taken by them. I find out more sometimes in the *Journal* than I do in the Minutes and everything else.

895

Alright, part of it might be my fault. Maybe I do not read all the Minutes thoroughly enough. But it should not be... We should all be in one committee, working as a group, because there are a lot of issues that the other Members need to bring up and move the Island forward and we are not getting the opportunity to do it.

900

With the committees in January, I said it was a waste of time doing the voting because it had already been decided as to who was going on what Committees – and it had. There was no doubt about that. I was told what Committees I would be on. I was not elected on them: it was already a formality. The new States Members had been hoodwinked into believing that was the way things were done and there was really no proper vote in here because I waved a paper in the air during the meeting and said: ‘What’s the point in voting, because it has already been decided. It’s a waste of time having this meeting.’

905

We are not working together because there are the five at the top and then the others doing a bit of ground work – the donkey work, basically – when we should all be working as a team to take the Island forward. We have got major problems ahead. There are a few jobs going on at the moment which have helped things but there is nothing coming up in the building line in any future work so we have got to really look and work together and see what we can do. If five of us cannot put in our ideas, or argue our ideas, in meetings, we will never go forward because some of us have ideas and we do not even get the opportunity to air them properly.

910

As regards the motion, well, I am afraid – I do get on with Mr Arditti – there is a feeling – I said it at the time – that it seems as though he was a bit... a little dictatorship. It seems as though I am being proved right. I just wish that the other Members had listened to me back in January, then we might not have been having this meeting tonight because I am sure, if all of us had been on the Committee, this issue would have had a much stronger voice and we would have been able to resolve it without having to revert to this.

920

**The President:** Are you speaking for or against the motion?

**Mr Tugby:** I am speaking for.

925

**The President:** Thank you.

Mr Berry, do you wish to say anything on this issue?

**Mr Berry:** Briefly sir. I have no feeling of any discord with any Member of the States of Alderney. I work with everybody and I will continue to work with everybody after this meeting.

930

I have listened to what has been said. We have a major problem and there is only one solution to this problem. I am not voting against the person, I am voting against the problem, and if the future comes I will work with whoever I work with, irrespective of who they are and what they are. I am working... and I hope everybody else in this room after tonight will put their fresh foot forward and do the best we can for Alderney because there is only one thing I am in here for, and I hope everybody else is in here for, to make this Island a better place for each of us and for everybody who is living here.

935

There is no animosity between me and Mr Arditti, there is no animosity between me and any other Members. The situation has to be resolved. I am going to vote for the motion because we have a problem in hand and, to my mind, it is the simplest solution to the problem.

940

I hope, Gentleman, that we will take this as a lesson and go forward together united in the future. Thank you.

**The President:** Mr Roberts, do you wish to add anything to this debate at all.

945

**Mr Roberts:** No, I would like to keep out of it, actually. I have no history with all of this. I find it very distasteful and a great shame that we are not all standing together. I hope to see that in the future and I am going to stay out of it and I would like to abstain with my vote.

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

950

Mr Arditti, I believe that leaves you to speak.

**Mr Arditti:** Your Excellency, thank you, sir.

Well I have got a lot of ground to cover so I hope you will bear with me. What I will attempt to do first is reply to the various points that have been made by my fellow Members and then deliver the speech which I came to deliver, in ignorance of everything that Mr Harvey had to say.

955

**The President:** If I may, nobody is going to... There is no guillotine on this. You can have as much time as you want to say what you want to say, but what I would like to say is if you can, as much as you can, constrain the debate to matters on the Billet and to keep your speech focused and not overly long, if you can manage that. But there will be no guillotine.

960

**Mr Arditti:** I thank you, sir.

I will go in reverse order, if I may. Mr Roberts I fully understand – fully. Mr Berry, I fully understand. I do not blame you for seeing a problem. I think, through no fault of your own, you are seeing the *wrong* problem but I thoroughly understand why you will vote the way you will unless, of course, I might be able to persuade you otherwise. There is always a slight chance, is there not?

965

Now, Mr Tugby. Well, I think you are perfectly entitled to say ‘I told you so’. You did warn that the reduction of Policy Committee from ten Members to five Members... former President warned that the reduction of Policy Committee from ten Members to five Members was going to solve nothing and might even make *the* problem of the States of Alderney, which goes back so far, even worse. I will come back to the problem of the States of Alderney a little later.

970

Mr Tugby, I thoroughly understand why you are minded to vote the way that you have indicated. I would say this, I think ‘no communication’ is unfair. I think that it is partly deception. I think there is a belief that there is more information than there actually is. I have tried very hard in only five months to introduce as many measures as I could think of, as many measures as other people could suggest to me, as to how we could get a free flow of information. Former Member Tony Llewellyn was very keen on this: he thought that the new structure depended very much on a free flow of information both ways – communication both ways – and it was agreed that all Agenda and Agenda packs and Minutes would be available to everybody. Mr Berry has *religiously* turned up to Policy Committee meetings. That was the first thing.

975

Then we introduced the idea of the second part of the States and Committee. That was supposed to be a free flow of information and I think it is slowly gathering momentum but these things take time. We introduced, if you remember, the second part to the People’s Meeting, the open meeting, the no-holds-barred, no-rules second part of the People’s Meeting. The first one, if I remember rightly, there were about four or five people there, but the second one the number of people had tripled. The third one, well, there were an awful lot of people there.

985

So we are trying and *always* open to suggestions but it has not just been communication between Members, of course, there has also been an attempt for better communication with the public, as well.

990

‘No proper debate in the Chamber’, Mr Tugby: I cannot agree with that. I mean the –

**Mr Tugby:** Point of Order –

**The President:** Yes.

995

**Mr Tugby:** I did not say there was no proper debate in the Chamber, I said in the States itself, in the meeting at the Island Hall at the committee meeting.

**The President:** Thank you very much.  
Mr Arditti.

1000

**Mr Arditti:** I am sorry. I misunderstood your point, Mr Tugby.

1005

**Mr McDowall:** well, I will be talking about Mr McDowall a little later but this emphasis always on bankers. Bankers find banking very important. The generation of electricity is to do with front line staff and fuel oil, in my view.

1010

Mr Jean: well I thank him for restoring my sanity about what I think is called Part C of the censure motion. Yes, that Saturday meeting was a row and I will come to that in a minute. But, no, it is not my practice to 'storm out of a meeting' and I am very grateful to Mr Jean for confirming that I did not do so. If I had had notice that this meeting – *this behaviour* at the meeting – was going to be an important part of this debate then, of course, I would be in a position... I would have made sure I was in a position –

1015

**Mr Harvey:** Point of Order, Mr President. I think Mr Arditti was at the meeting where his behaviour was appalling.

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

1020

**Mr Arditti:** I was indeed, Mr Harvey, at the meeting where my behaviour was not appalling and I am delighted that Mr Jean has already confirmed that your evidence is not as reliable as you suggest.

1025

Now, Mr Rowley: I cannot read my own writing, but 'the tenacity of an Istanbul carpet seller'... (*Laughter*) I do not know if that is a compliment or not. Maybe I could earn a few bucks. 'Little respect for democracy'... but what you indicated, Mr Rowley, at the end of your speech was that you are not at all sure about leadership. You do not necessarily believe a leader is a good thing in the States of Alderney – I think that is right – we do not need it. Well, I respect that, which is your view, I respect that and I do not deny that I have been trying to lead and I will come back to that. But if you do not believe in leadership, well, then, it is inevitable that you would be voting the way you are intending to vote this evening. I can respect that view.

1030

I also respect the view of Mr Birmingham. I think I am signing my own death warrant here! Your view you have stated very clearly, I am going to try and persuade you a little later that my opposite view has some merit to it and I know that you will listen, whether you end up agreeing with me or disagreeing with me. Your view, if I have understood it correctly, is that once a committee by a majority – I think it was three out of the five – once a committee votes against its Chairman on a censure motion, then it is inevitable that the Chairman must go. It is impossible for the Chairman to continue. I challenge that. I think that is not right and I am going to try a little later when I get to my speech to explain my reasons why.

1035

I am not quite sure what to say about Mr Harvey. I think it was cowardly: I cannot think why none of this has been said before. If it had, I would have had an opportunity to come here and correct Mr Harvey and satisfy fellow Members that what Mr Harvey has said about the past, not about AEL – I will come to that in a minute – says more about Mr Harvey than it does about me. Mr Harvey is a sensitive soul, quick to offend, and there are streams of e-mails where I would say this, Mr Harvey has not had the grace to accept, at the end of an e-mail exchange, that he had got the wrong end of the stick, that he had misunderstood and that it was not what he thought it was. I cannot go through chapter and verse: I am here naked. I did not know that he was going to say these things. I will respond. I will respond at length and there will be a transcript one way or another. I shall get the CD or, hopefully, there is going to be a *Hansard* –

1040

1045

**The President:** *Hansard*, hopefully, yes.

1050

**Mr Arditti:** *Hansard*, hopefully, thank you, sir, and I will respond in the minutest detail to all that Mr Harvey has said. But it confirms one thing. It confirms this, that when I come, in my speech, to the point where I suggest to fellow Members that this is not about anyone having no confidence, this is all about personal agendas, I think Mr Harvey has shown that I am right. It is about personal agendas. And the other thing I would say is, in a sense, he has set the scene: the gloves are off. I shall use speech *B*, instead of speech *A*.

1055

In more detail, I mean the only ones that I can reassure fellow Members about is that the discourtesy to Mr Rowley, of his not being asked, in advance of a Policy Committee decision, that

it would like him to be the States Member with sole responsibility for Health matters, was not my blame but I apologised.

1060 I am on everything: No, I am not on everything. I chair one committee. I chair the Policy Committee. I chair two sub-groups, the External Relations Group and the Alderney Liaison Group. The two other Members on each group make up the whole of the Policy Committee.

1065 The fact that I have been elected Chairman of the Scrutiny Committee of the States of Guernsey, I... Where the sin is in that, I really do not know. An Alderney representative: I was elected in a plebiscite by the people to be Alderney rep.

1070 What I would say to both the proposer and the seconder, Mr Simonet and Mr Harvey, is that I just cannot get my mind around this mantra that this has nothing to do with AEL. *Every time* they say it has nothing to do with AEL, we then hear about how I acted unconstitutionally and irresponsibly in relation to AEL. So, forgive me, sir, I am in my speech going to defend myself in relation to the decisions I took in relation to the voting of the public shares at the AEL AGM.

1075 Perhaps I could just very quickly, before I move on to what I came here to say, perhaps I could just very quickly deal with Mr Simonet's repetition of an allegation in the censure motion, which I would remind everybody I never saw until it had been passed. I was not able to correct it. It is wrong in just about every... In fact, it is wrong in *every* material respect but no-one contacted me. I left instructions with my Deputy Chair, asking him to text me if there were any developments and I would phone him and, of course, as you will hear in a minute, I never received any text but if I could just say that I did not act unconstitutionally in *any single respect*. I acted in accordance with Rules 5, 14 and 15. To explain, Rule 5... Mr Rowley will not like this but the Chairman of Policy Committee is given a power – Mr Rowley sees them as powers, I see them as responsibilities – the Policy Committee Chairman has the responsibility for convening meetings. That is Rule 5.

1080 Rule 14: it is the Policy Committee Chairman who has to decide whether there will be, or will not be, an emergency meeting and he decides it not on the basis of a vote of his committee, he decides it on the basis of *his* judgement as to whether there is a specific item or items of exceptional importance. And he has *another* responsibility. If he does not feel able to call an emergency meeting, he has a responsibility, under Rule 15, to call an *additional* meeting. But he can only do so if he can satisfy himself that there are specific urgent matters. I will explain a little later that I exercised my judgement in order to perform my responsibilities, not just to the Committee but to the public as well and, Mr Simonet, in no single respect did I behave unconstitutionally. The whole of that paragraph B is simply wrong.

1090 **The President:** May I just remind you, while you are taking a drink, we are twenty minutes into your speech now and, while we wish to hear it, if you can move along I am sure that would be appreciated.

1095 **Mr Arditti:** Well, I hope you do not feel I have been dawdling.

**The President:** No, I am just saying that if you can move along, it would be much appreciated.

1100 **Mr Arditti:** This is the worst possible Report to be brought before the States at the worst possible time. This is the work of two brand new States Members and another who should know better. The Island is facing the most serious depopulation and economic problems: the governance issues alone arising from this appalling Report are a damaging distraction and could easily set us back a year or more.

1105 For two and a half years I have been working hard in Guernsey and have been elected there to a position of trust right at the heart of government in Guernsey. As the elected Chairman of their Scrutiny Committee, I am responsible for investigating the behaviour of Ministers and their Departments, including their honesty and integrity. At the same time, I am involved in negotiations on behalf of Alderney with the *same* States of Guernsey, the most important negotiations Alderney has faced for many years, involving vital expenditure of many millions of pounds by Guernsey in Alderney. I have been able to negotiate for Alderney as a trusted Member of the States of Guernsey and now, today, you, my fellow States Members, are being asked to support a Report which attacks my *own* integrity and honesty. I simply do not understand how this is supposed to benefit the public or the Island.

1115 This is *not* about a loss of confidence in me. This is all about personal agendas, as I shall demonstrate to you and the public this evening. Be in no doubt this is very, very damaging for Alderney and the public are angry. Our cards are marked this evening and the public will want to know how we vote.

1120 Let us start by looking at this Report; it has to be of the lowest calibre imaginable, rightly castigated at the People's Meeting and by the public at large. In three respects this Report debases the Billet and the reputation of the States.

1125 First, the Report identifies not *one* single instance, not *one* example, *not one shred of evidence* for the claims made by Mr Harvey and Mr Simonet. Let me remind you of their allegations – (1) Inappropriate conduct falling short of the standard to be expected of the Chairman of a States of Alderney Committee; (2) Dishonesty, selfishness, lack of integrity, lack of objectivity, lack of openness; (3) Damaging the public's trust and confidence in the integrity of the States and bringing the States or its Members into disrepute.

1130 What inappropriate conduct? When? Where? To whom? What dishonesty? When? Where? To whom? *How* did I bring the States or its Members into disrepute? When? A document which is designed to harm a person or his reputation by making or spreading scandalous claims without any support for those claims and without any examples or evidence or any attempt at justification is a scurrilous document.

1135 The public picked this up immediately but the Report has not been withdrawn. I ask what does a scandalous, scurrilous Billet Report do for the Billet in which it appears or for the public trust and confidence in the integrity of the States? Who has brought the States and its Members into disrepute, me or Mr Harvey and Mr Simonet in bringing this report to the States?

1140 Second, the Billet Report is hypocritical. It alleges that I have breached the Members' Code of Conduct, yet Mr Harvey and Mr Simonet refuse themselves to be bound by the Code, which stipulates that the Members 'shall refer these complaints to an independent Code of Conduct Panel'. Mr Harvey told us that the Code of Conduct in Alderney is not legally enforceable. It is not legally enforceable in Guernsey, either!

**A Member:** Yes, it is.

1145 **Mr Arditti:** The point is that we are all issued with the Code of Conduct when we become States Members. It is there in our Members Handbook and I find it shocking that Members think they can decide whether to be bound by it or not. Mr Harvey and Mr Simonet are ready to use the Code of Conduct to peddle their scandalous, scurrilous claims but they are *not* willing to submit to the Code themselves. I say scandalous, scurrilous *and* hypocritical. Because of their total disregard of the public, I feel justified in adding the word 'arrogant' also.

1150 Third, Mr Harvey and Mr Simonet do not even *rely* on their unsubstantiated claims. Read the Billet Report very carefully. What this Report boils down to is this: three out of five members of the Policy Committee passed a censure motion against me, in my absence, without asking for my side of the story. According to the Report, the rest of you do not need to know my version of event. You can simply take their word for it and support this Motion of No Confidence in me.

1160 Let us be clear. No-one in this Chamber or outside believes that any one of you has lost confidence in me. It is patently clear that this Vote of No Confidence is actually about personal agendas. In just five months, this new States of Alderney has reverted to type. A former President said to me last August, 'Paul, you will never change the States of Alderney. It has always been that way and it always will.' My reply was: 'The day I believe you I will quit.'

1165 We are *not* a Parish Council and we must stop behaving like a Parish Council. We are a self-legislating Crown Dependency and *nobody*, neither Guernsey nor the UK, owes us a living or even our existence. Our destiny is firmly in our hands, whether we like it or not. If we sink beneath the waves, we have only ourselves to blame. There is no lifebelt! Parish of Guernsey, forget it. It is not an option. They do not want another Parish and why would they? This Billet, this Motion, lands us in an unholy mess and until it is solved we can forget about any solutions to the Island's crippling problems because, without good governance, solutions will not stick.

1170 I went to the cinema on Monday. I thought it would be a distraction to watch *someone else* being assassinated! (*Laughter*) It would have made no difference if I had seen the film earlier because going to the theatre is not the real danger, the real danger is going on holiday. (*Laughter*). But there is a serious point to this story, a *very* serious point. Before the cinema I was talking to one of the largest employers on the Island and he said to me he had read this Billet Report and, if he were asked, he would not advise anyone to move here. He said the worst place for a good business is an Island with a Mickey Mouse government.

1175 We *desperately* need to attract new residents and businesses, increase our footfall and attract inward investment. I say, repeatedly, in our situation we do not interview *anyone*, *they* are interviewing us. Be it a developer for a marina, investors for our tidal energy, or Fort Tourgis or, indeed, Guernsey for our airport. *They* are interviewing *us*. More than anything else, they need to be able to satisfy themselves that the Island has a stable, reliable, mature Government. They will

1180 make their own enquiries and they will make up their own mind. None of them are going to risk  
their capital on reasonable terms in an Island with a Mickey Mouse Government. This is a Mickey  
Mouse Report and we will be diminished by it.

The only way out of the mess created by this Report is to nip it in the bud. Vote against this  
1185 Motion before the crisis of governance begins. Our cards, as I have said, are now marked. We are  
being watched by the public how we vote.

Now, I shall attempt to put your minds at ease about my chairmanship of the Policy Committee  
because the Chairman, under our Constitution, is *not* the person the Policy Committee wants, nor  
is he supposed to be the winner of any sort of popularity contest. He or she is supposed to be the  
1190 person who the full States, voting on behalf of the public, believes to be most competent for the  
job – a job which, as you will soon learn, makes the Chair unpopular with his Committee from  
time to time *if* he is doing his job properly.

AEL is a tiny utility company serving about fifteen hundred of us. The public are concerned  
that its board and administration are arrogant and too expensive, out of touch with their front line  
1195 staff, the ones who actually make and distribute the electricity, out of touch with their customers  
and out of touch with the public, their owners. I have here an e-mail sent by the AEL director  
nominated by the States, Mr McDowall, on 22nd April to the Chair of AEL in which he dismissed  
the public's long-standing concerns about AEL with the following words – and I quote:

1200 ‘We have every intention of letting historical issues remain historical.’

Later on, he describes the long-standing public concerns as ‘nonsense’.

So, Mr McDowall's solution to these long-standing public concerns is to brush them aside,  
ignore the public. The correspondence also shows that Mr McDowall has done nothing during the  
1205 past five months to investigate the public concerns or to brief the Chair of AEL about them. Mr  
McDowall did not appreciate Mr Jean's efforts to do Mr McDowall's job of investigating the  
public's concerns for him. This sentence in Mr McDowall's e-mail is very revealing:

‘Louis Jean is abusing his position as a minority shareholder and my colleagues should face him down.’

1210 Face him down? States Members should face Mr Jean *down. Outrageous!*

Mr McDowall also accuses Mr Jean of confusing his role as a States Member: rubbish. It is not  
Mr Jean who has confused his role as a States Member. On the contrary, Mr McDowall is clearly  
confused about *his* role as a States Member, placed on the Board of AEL for the *public*: a simple  
1215 question of conflict of interests, a *minor* duty to the Board and a very *major* duty to the public.

What *is* it about AEL? New directors go native very quickly and then they countenance no  
scrutiny of their activities. Mr McDowall presented papers for the AEL AGM to the April meeting  
of the Policy Committee and asked us to vote the public's majority shares *without even reading*  
1220 *them*. I used my powers – responsibility – as Chair of Policy Committee to say ‘No’. The public  
have repeatedly accused the States of Alderney of just rubber-stamping AEL resolutions and,  
despite denials, the public have been right.

It has been suggested to you that the Chair of AEL was upset by my e-mails, by e-mails I had  
allegedly sent to him and by a telephone conversation that I had with him: *not true*. The meeting  
went ahead in my absence on wrong information. Dare I say false information? I did not send the  
1225 Chair of AEL *any* e-mails. I have never e-mailed him in my life. It turns out that Mr McDowall  
did. These were e-mails between States Members which Mr McDowall saw fit to pass on to the  
Chair of AEL, a third party! And the telephone conversation? Very fairly, the Chair of AEL has  
reported that *he* became heated, not me.

Remember, this Billet does not tell me what I am accused of but I can tell you that, to the best  
of my knowledge, I have *disproved* every fact which you four – Mr Tugby, Mr Birmingham, Mr  
1230 Berry and Mr Rowley – what you were told when you were asked to sign up for my removal. It  
was all *factually* wrong. Interesting, is it not? I am the one facing the No Confidence Motion, not  
Mr McDowall.

What am I supposed to have done wrong? I exercised my responsibilities as Chair of Policy  
Committee to postpone the AEL vote for one month. Call it power, if you like: I exercised my  
1235 ‘power’ as Chairman of Policy Committee to postpone the AEL vote for *one* month. We now  
know that there was absolutely no reason why AEL could not adjourn its AGM to give Policy  
Committee Members time to consult the public about their concerns, to ask the questions at AEL  
which the public would want us to ask, to consult other States Members, who are not Members of  
Policy Committee, and to speak to the directors of AEL and to reflect on all sides of the story

1240 before deciding how to vote the public's shares on the resolutions which the AEL board were asking for – and others which States Members may have deemed appropriate to add.

1245 Mr McDowall's response to my decision to exercise my power to delay for a mere month was to threaten to resign his States-nominated directorship of AEL. Now, there is a conflict of duty between public and AEL and Mr McDowall *presumes* to lecture Mr Jean about how to reconcile conflicts of interest! Unlike 2011 and 2012, the 2013 AGM went smoothly. Why? Because the public trusted that this new States was on the job. We were not. Mr McDowall's position has been, as he rightly stated: 'These are just routine resolutions. That is all we Directors are demanding.'

1250 These are just routine resolutions... In other words, why will you not rubber-stamp our resolutions, like you usually do? My duty, as Chair of the Policy Committee of this new States, was to use my powers to stop this rubber-stamping of AEL votes and defer the AEL vote for just one month and thereby address at least *one* of the public's historical concerns. At least we could then look the public in the eye and say 'We did not rubber-stamp these resolutions'.

1255 By the time of the Saturday meeting, Messrs Harvey and Simonet had jumped on Mr McDowall's bandwagon. They wanted me to use a *very* important meeting with Mr Derek Coates for 'a *brief* discussion about AEL before voting the public's shares'. Back to the rubber-stamping again! I stuck to my earlier decision and said 'No. This will come before the May meeting of the Policy Committee in the proper way.' I was not satisfied that a mere five days was sufficient time for Policy Committee members to investigate, consider and consult the public, non-Policy Committee States Members, or to properly question the AEL directors. Saturday came and my e-mail the previous day was ignored. My three accusers attempted to force a vote and a row ensued.

1260 Nobody in this Chamber *really* believes that my accusers, Mr Harvey, Mr McDowall and Mr Simonet, have lost confidence in me. Nobody believes that. The truth is that my duty to the public did not make me popular with them. A vote of no popularity, yes, guilty but no confidence, if they had truly lost confidence in me, they would have been able to answer the public's demands to tell them why and how.

1265 Now we come to the alleged crisis. Crisis? What crisis? A phoney crisis precipitated by Mr McDowall. He had already threatened to resign, along with the Chair of AEL. *What was Mr McDowall thinking of?* He is a sworn States Member, duty bound to the public, yet he threatens to resign from his post on the AEL board –

1270 **The President:** Mr Arditti, I think you have made this point several points before. I think you have made the point that he threatened to resign before and I would ask you to keep to your speech without repeating the same facts to emphasise them. Just stick to the facts, please.

1275 **Mr Arditti:** – resign, rather than defer the AEL AGM to assist the public and the Policy Committee for a month. Instead of *persuading* the Chair of AEL to delay for a month, he encourages him to resign and then screams: 'Resignation crisis! Remove Arditti. He has left us in crisis' – a crisis which he himself has precipitated. What *is* that all about?

1280 Leading the Island into a crisis: the lights would go out in Alderney because Mr McDowall and the Chair of AEL would resign... Poppycock and bunkum! (1) This resignation by the Chair of AEL, rather than delay the AGM for a mere month, would have been un-businesslike and unprofessional and I do not believe that the Chair of AEL would have done it. The Chair of AEL said himself 'I do not feel able to just walk away'. I respect him for that. (2) In the unlikely event that they had gone ahead with their threat, it would have been a case of the tail wagging the dog at best, blackmail at its worst, either way unacceptable to the public and not something that any credible States should tolerate. (3) A replacement Chair of AEL would have been required to step in and there are several in Alderney who would be suitable and who also have experience of AEL. (4) Directors and banks have a part to play in an electricity company but the lights would *not* have gone out in Alderney. Electricity comes from fuel oil and the front line staff. In the event, no sound reason has ever been produced why the AGM could not wait for a mere month for Policy Committee to give proper consideration to the voting of the public's shares.

1285 In my absence, my accusers, Mr Harvey, Mr McDowall and Mr Simonet, fanned Members' alarm with this e-mail:

1295 'The board now has the strong support of the financing institutions, something that was not in evidence before.'

Why should the lights go out now without that support? Why do we need that support now, as Mr McDowall himself wrote in his own e-mail:

1300 '...bank support had not been in evidence before?'

1305 On the Sunday I left the Island, leaving written instructions with my Deputy Chair, Mr McDowall, to contact me by text message in case of any developments so I could phone him back. The next day, Monday, less than twenty-four hours later, in my absence, without texting me, Mr McDowall reversed my decision and called an Emergency Policy Committee meeting at which the three of them, Mr Harvey, Mr McDowall and Mr Simonet, voted the public's shares in AEL.

1310 Now we get to the crux of the matter. The three Policy Committee members did not lose confidence in me. If they had, they would be able to show good cause and would not have refused to tell me, and the public, what, in all that, I am supposed to have done wrong. No, they have not lost confidence in me. What is this *really* about? The public want a leader but some States Members do not. This Motion is *introspective*. It is about some States Members and how they want to be treated. They want to feel important, comfortable, whatever turns them on... but not whatever turns the public on. A crippling problem with the States of Alderney, which Mr Llewellyn and I hoped to solve, is a certain solidarity between States Members from which the public is excluded. States Members behave like a club and the public are not members.

1315 Take the Island's journalists, for example. They are treated like pariahs by States Members – some of them – because they serve the public and scrutinise what we are doing and shine a light on our failures. Do you not find it alarming, we the States of Alderney in just five months are exhibiting the same symptoms as our predecessors, the same symptoms as AEL? Section 42 of our Constitution in relation to People's Meetings requires the giving of

1320 'any explanation required by the People's Meeting... any explanation required by the People's Meeting.'

1325 The Convener was asked and refused. We shall have to find out later whether this meeting today and the vote at the end of it is valid or not but, irrespective of that, the absence of any explanation was wrong. Some will say 'Paul, they will not vote for you if you say the Convener was wrong. You will not make yourself popular in the States Members' club', but I do say, Mr Birmingham, you were wrong. I do that because, if the Chair of Policy Committee cannot do that, then we will never succeed in finding and implementing *any* solutions to the Island's problems.

1330 This is a Mickey Mouse Motion for my removal. For what? For doing my job, for trying to get my three accusers to keep their heads and keep faith with the public.

1335 We have ten decision makers in a bus and if they cannot have ten pairs of hands on the steering wheel, they want nobody's hands on the steering wheel. None of you *really* thinks that I am not up to the job. You have not *really* lost confidence in my ability to do the job. This is about popularity and personal agendas.

1340 I can rise above this, if you can. Mr McDowall and Mr Harvey have only been States Members for five months, they have a lot to contribute but they also have a lot to learn about Alderney politics and the duties of a States Member, not the sort of thing you are supposed to say in the States of Alderney. I have certainly learned a lot; a lot from all that has happened, for which I accept my share of the responsibility. I urge you all at this critical time to put aside *all* personal agendas and form a new solidarity with the public. We know what the public want, vote against this Motion and refer any complaints to the Independent Code of Conduct Panel, if you must. It is there, you can agree to it. Whatever the legislative state, it is there and you are entitled to agree to it.

1345 I would also welcome a constitutional conference with the public to see what amendments we can make to our Constitution in order to provide *them* with a better States. But, today, we are on the brink and I urge you to pull back. Vote against this Motion and let us get back to work for the public, trying to deal with the Island's serious and pressing problems. We ignore the public this evening at our peril.

1350 Thank you, sir.

**The President:** Thank you very much, Mr Arditti. Mr Simonet, would you care to summate?

1355 **Mr Simonet:** Yes, thank you, Mr President.

I thank Mr Arditti for his speech and I will try and make mine not as long.

1360 I have taken note of Mr Arditti's speech: it is very interesting, there are enough red herrings in it to fill a trawler! He keeps going on about AEL and the historic issues. Let me point out that the AGM went ahead. It went ahead because we, as a Policy Committee, passed the resolution which was just the normal standard resolution that you passed every year. At that AGM there were minority shareholders present, now amongst those minority shareholders were some of this Island's most respected people who, last year, did have issues with AEL and this year

complimented AEL and applauded them for the good job they were doing. That is all the evidence you need to understand that this whole issue that Mr Arditti has been talking about with AEL is just a complete red herring.

1365 Now Mr Arditti, again, he is a very eloquent man and he would beat me hands down in those stakes and in that race, so it is difficult for me to go through every item that he has talked about. But there is just one issue here – and there is one issue alone – Mr Arditti seems to miss altogether. He has missed it out, it is not important, and that is, before he would open a meeting he demanded that we agree to his resolutions before that meeting was opened –

1370

**Mr Arditti:** Point of Order.

**Mr Simonet:** – and that is not acceptable in any constitution – any democratic constitution – in the world and that is evidenced by all of us who were there...

1375

**Mr Arditti:** Point of Order.

**The President:** Yes, Point of Order.

1380

**Mr Arditti:** That is factually incorrect. What I said was – I was not telling Members how to vote – what I said was that I would call a meeting if AEL were in a position to ask us to hold a vote on that subject. I was not telling you how to vote, I was saying I would convene a meeting for the purpose of such a vote.

1385

**The President:** Thank you.  
Carry on, please, Mr Simonet.

**Mr Simonet:** Thank you. Mr Arditti, we will have to agree to disagree and so will the other people who were there. We know *quite clearly* what was said. That is what angered us, that is what enraged us and that was the final straw. I will not work, and cannot work, with anyone who actually puts that proposition to me: vote the way I say or this meeting will not open. Therefore I will try and just sum up.

1390

Mr Arditti was elected as a Member of the States of Alderney by the people of Alderney and it is, of course, right that only the people can remove him from States via the ballot box. However – and this is a crucial point of which he, as evidenced by his misguided and unhelpful media campaign, seems to be in blind or wilful ignorance. Mr Arditti was placed in the position of Chairman of the Policy Committee by the consent and the application of his peers, *this* States of Alderney. When this appointment was made by the States no prior public debate was had, no external opinions sought, no conversations held in the media... The plain fact is that Mr Arditti was appointed to lead the Policy Committee as its Chairman by a majority of his peers, the elected Members of the States of Alderney.

1395

1400

But he has now, as evidenced by the letter referred to in the Motion, plainly lost the confidence and support and, by implication, the authority given to him by those very same peers. It is therefore right that the consent previously given to affirm his appointment should now be tested and formally restated or withdrawn and this is precisely what we are doing here this evening by voting on this resolution. For my part, I am saddened that Mr Arditti has forced us to deal with this matter in a rather unseemly manner and I have no doubt that his actions and behaviour since his appointment of Chairman of the Policy Committee, culminating with his handling of the events surrounding the issues concerning AEL and, frankly, his subsequent responses, have shown him to be completely unsuited to that position. Accordingly, I will be casting my vote in favour of this resolution and I urge other States Members to do the same.

1405

1410

**The President:** Thank you very much, Mr Simonet.

Madam Greffier, if you would be kind enough to call the vote please on Section 8.

1415

*A vote was taken and the result was as follows:*

1420

**FOR**  
Mr Tugby  
Mr Birmingham  
Mr Berry  
Mr Harvey  
Mr Simonet

**AGAINST**  
Mr Arditti  
Mr Jean

**ABSTAINED**  
Mr Roberts

1425 Mr McDowall  
Mr Rowley

**The Greffier:** The first half of that resolution, sir, the proposition, is carried.

1430 **The President:** Thank you very much, Madam Greffier, we move on to Section B, to elect a Chairman of that Committee – that Committee being the Policy Committee, Policy and Finance Committee.

Do we have any nominations for Chairman of this Committee?

Mr Harvey?

1435 **Mr Harvey:** Sir, I would like to nominate Mr Simonet for the Chair of Policy Committee and *solely that. (Noise in the public gallery)*

**The President:** Silence, please, or we will have people out of here.

1440 **Mr Harvey:** Solely that, as he understands and I think fully accepts, we want a Chairman of a Committee, not a 'senior politician'.

**The President:** Do we have a seconder?

1445 **Mr McDowall:** I second that.

**The President:** Thank you very much. Do we have any other proposals?

We have no other proposals. In that case, does anybody wish to speak with regard to the proposal for this Chairman?

1450

**Mr Jean:** Yes, I would like to, if I may briefly. I am dissatisfied with this. This is a reward for ill-gotten gains and no good will come of it, but there we are.

1455 **The President:** Thank you very much, Mr Jean. Does anybody else wish to speak on this proposal?

Mr Tugby.

**Mr Tugby:** I just hope that Mr Simonet, if he is elected, will try and unite us all again and look seriously at getting us all involved in the Policy Council.

1460

**The President:** Thank you very much, Mr Tugby.

Does anybody else wish to speak before we vote?

Mr Rowley.

1465 **Mr Rowley:** I would just like to echo Mr Tugby, sir.

**The President:** Does anybody else wish to speak before we vote?

Thank you, Madam Greffier, call the vote, please.

1470 **The Greffier:** Sir, there is only one nomination and under the rules of procedure as there is only one nomination there is no need to take it to a vote.

**The President:** Thank you very much. So can you just read out the result of that for the people, please .

1475

**The Greffier:** Yes, sir, Mr Simonet is the Chair of the Policy and Finance Committee, known as The Policy Committee.

1480

**QUESTIONS AND REPORTS**

**Hansard Report of Proceedings**

1485

**The President:** Thank you very much.  
Could we move on to Item 5, please, Madam Greffier.

1490

**The Greffier:** Sir, Item 4 is Questions and Reports and there is one that has been received from yourself, sir.

**The President:** Would you care to read that to the public, please, Madam Greffier. Could we have the Convener's report on the Questions and Reports, please.

1495

**Mr Birmingham:** Thank you, Mr President, Your Excellency.

1500

A contributor queried that the upcoming meeting will be the first meeting where a *Hansard* Report will be produced. The Convener advised that the system will be used as soon as possible. Another contributor queried the cost of producing these reports and, at the meeting, the Convener, assisted by the Chief Executive, advised that the cost would be £1,250 per meeting. That was inaccurate at that meeting: the Chief Executive has since issued a statement to the press, correcting this: the estimated costs are £1,250 per annum, not per meeting.

1505

**The President:** Thank you very much, Mr Birmingham.  
Madam Greffier, would you briefly read the Report, please.

1510

**The Greffier:** Yes sir, the following report has been received from yourself. Hansard first States meeting, the following was placed before the Policy and Finance Committee, a memo from the President, Stuart Trought, dated 2nd April 2013 and a memo from the States Greffier Mrs Sarah Kelly dated 29th January 2013 were tabled and considered by the Policy and Finance Committee. The Policy and Finance Committee (Policy Committee) resolved unanimously to approve Hansard Reports of States Meetings at a cost of £1,250 to be taken from the Court Budget.

1515

**The President:** Thank you very much, if we can have that placed on the Deliberations, please.

**The Greffier:** Sir.

1520

**The President:** Thank you very much.  
I believe that concludes the business of the States this evening. Greffier, if you would care to close the States, please.

**PRAYERS**

*The Greffier*

*The Assembly adjourned at 7.42 p.m.*