



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

**HANSARD**

**The Court House, Alderney, Wednesday, 23rd October 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. 5**

**Present:**

**Mr Stuart Trought, President**

**Members**

Mr Paul Arditti  
Mr Matthew Birmingham  
Mr Neil Harvey  
Mr Louis Jean  
Mr Robert McDowall  
Mr Chris Rowley  
Mr Francis Simonet  
Mr Ian Tugby

**Representative of the Lieutenant Governor:**

Colonel Colin Mason

**The Greffier of the Court**

Mrs Sarah Kelly

*Apologies:*

Mr Raymond Berry and Mr Steve Roberts

**Business Transacted**

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*The Assembly adjourned at 6.17 p.m.*

## States of Alderney

*The States met at 5.30 p.m. in the presence of  
Colonel Colin Mason, a representative 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*

### **ROLL CALL**

*The Greffier*

### **Apologies given**

**The Greffier:** Sir, we have received apologies from Mr Berry for this evening's meeting.

**The President:** Thank you.

5 **The Greffier:** Sir, I believe we have also received apologies from Mr Roberts.

**The President:** That is correct. For the sake of the record, could you just confirm that we are quorate, please?

**The Greffier:** Yes, sir.

## Billet d'État for Wednesday, 23rd October 2013

### Order of the Day

#### **Register of Historic Buildings and Ancient Monuments List of Properties noted**

10 *Item I*

*The States is asked:*

*to take note of the list of properties appearing in the States Register of Historic Buildings and Ancient Monuments as required by The Building and Development Control (Alderney) Law, 2002.*

15

**The President:** I would like to move to Item I, please.

20 **The Greffier:** Yes, sir. Item I is the Register of Historic Buildings and Ancient Monuments and the States is asked to take note of the list of properties appearing in the States Register of Historic Building and Ancient Monuments as required by the Building and Development Control (Alderney) Law, 2002.

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

Mr McDowall as Convenor, any comments on this at the People's Meeting, please?

25

**Mr McDowall:** Yes, Mr President.

There was just one contributor who commented that there had been no change to the list for some time and queried whether the Committee had considered the matter fully. The Chief Executive advised that the Committee had considered the list at a recent meeting.

30

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

Mr Birmingham, I believe you wish to propose this.

**Mr Birmingham:** Thank you Mr President, fellow Members, ladies and gentlemen.

35

One very important role of the Building and Development Control Committee and its operation of the Building and Development Control Law is the protection and conservation of the Island's character, its historic buildings and, of course, its unique architectural and archaeological heritage. As part of that role, the BDCC is required to maintain a register of historical buildings which must then be published on a Billet d'État at least once every three years. The list was last published in October 2010 and so it is due to be brought forward to the States. This current list that we have today shows no alterations or changes from a list last published in 2010.

40

Now, as Members may be aware, the BDCC is currently undertaking a review of the way the Island's planning is conducted and, therefore, it seems inappropriate to alter the list at this time.

45

It is possible that the planning review may recommend a different method of protection of these important historical assets, therefore it seems a sensible course of action to maintain the status quo, publish the list as it is and then subsequently reconsider the list, in the light of any recommendations of that review.

50

Some of those options may include SSSIs, which are Sites of Special Scientific Interest, grading of listed buildings, added protection of specific architectural features on buildings and even the introduction of some of the various German fortifications onto the list as these are now becoming an important part of Alderney's historical record.

However, in the view of the BDCC, it is only sensible to await the recommendations of that review before perusing any substantial changes and I commend the unamended register to the States.

55

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

Mr Rowley, I believe you wish to second this.

**Mr Rowley:** Yes, I would like to second that, Mr President. Thank you.

60

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

Does any Member wish to comment upon Item I, Register of Historic Buildings? It seems you have elicited a lot of interest Mr Birmingham.

Thank you very much.

**Budgets for 2014 and Revised Budgets 2013  
Revenue and Capital Budgets, 2014 and  
Water Board Revenue and Capital Budgets, 2014 approved**

65

*Item II*

*The States is asked:*

*after consideration of the Budget Report:*

*to accept the States of Alderney Revenue and Capital Budgets for 2014*

*to accept the States of Alderney Water Board Revenue and Capital Budgets for 2014*

70

**The President:** In that case we will move onto Item II, please, Madame Greffier.

75

**The Greffier:** Sir, Item II are the Budgets for 2014 and the Revised Budgets for 2013. The States is asked, after consideration of the Budget Report, to accept the States of Alderney Revenue and Capital Budgets for 2014 and to accept the States of Alderney Water Board Revenue and Capital Budgets for 2014.

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

Mr McDowall as Convenor, would you please make any comments?

80

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

There were a number of comments and contributions. One contributor asked why the income from the campsite in 2014 was only £200 when the income for 2013 was £3,000. The Treasurer advised that there had been no agreement with the campsite operator on the lease at present and the £200 was simply the income from the shop.

85

The same contributor then noted that the budget for Alderney Week had been moved into Business Development, but was disappointed to see there had been be no increase. The Treasurer advised that Alderney Week receive additional funds from the States by way of benefit in kind, but that there was no request for additional funds at present.

90

The contributor asked whether the money set aside for the Living Islands project would continue. The Chief Executive advised that this was a two-year project and there were currently no plans to extend that funding.

Another contributor asked why the States continued to fund the Alderney Housing Association. The Chief Executive advised that the agreement with the Alderney Housing Association was that funds will continue to be made available, subject to the usual approval processes, to fund the development of social housing projects.

95

Another contributor suggested that taxpayers should not continue to be involved in the project – that is the Alderney Housing Association project.

A contributor queried the funds set aside for the planning review. The Chief Executive said that this was a review of the Building and Development Control Law to be undertaken by Arup on behalf of that Committee. It was confirmed that any decisions on changes to the law or procedure would be a matter for the Committee or the States and this was not a land use plan enquiry.

100

Another contributor queried the money set aside for the old gaol. The Chief Executive confirmed that this was a bid for funds to restore the old gaol, given its current condition. It was confirmed that the property was not currently being considered for sale. A contributor stated that the property should remain in public ownership.

105

Two further contributions: one contributor asked whether the crane was safe. The Chairman of the Estates and Services Committee was invited to comment and stated that the harbourmaster had reported to the Committee that he had reviewed the safety of the crane and he was satisfied that it was safe. He stated that the crane had been examined and additional ropes added and that the manufacturers were due to visit shortly to review the operational procedures in place, and I understand that has happened.

110

Finally, a contributor queried whether the rents receivable for the Water Board for the telecommunication masts, what this related to, and it was confirmed that they related to the masts on the water tower. The contributor suggested that the rent should be increased, but as the rent is part of a contract, the treasurer advised that this could only be re-negotiated at the conclusion of that contract.

115

Those were the contributions.

120

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

Mr McDowall, I believe you wish to propose this item.

**Mr McDowall:** Yes indeed, thank you very much, Mr President.

Mr Gladstone took five hours on his budget speech in 1863, and he tried to justify the temporary increase of income tax to nine pence in the pound. I will take five minutes to take you through the main features of the States of Alderney Budget for 2014.

125

As you know, Alderney has balanced its books, and at this stage looks like the only Island in the Channel Islands to do so. As you know, the annual budgets provide a framework, they do not bind the States to States in any particular area nor do they preclude the States from choosing to vary the levels or the standards of service it provides.

130

It is particularly important this year, with recent publications of the States Works Department's Internal Audit Review. A number of recommendations made in that review have been incorporated into the 2014 Budget. However, some of those require further significant work and these will be reflected in the budgets as the year progresses, and appropriate amendments made within budget expenditure. Although not quantified at the present, it is anticipated there will be other future savings year on year.

135

As you know, the States of Alderney receive an annual cash allocation for the revenue account from the States of Guernsey, which together with its own income, make it necessary to prioritise the areas of public service that can be provided from the finite resources. The 2014 revenue budget

140 has been prepared against the background of no increase or actual decrease in cash allocation from Guernsey, with the exception of annual centrally agreed pay awards. In real terms, this represents an increase of just over 2%. The total cash allocation for 2014 for the revenue budget is £1,960,000, which in addition to our locally raised revenue, together with assumed income from the Strategic Development Reserve, gives a total income of £2,969,000, just over.

145 But I would like to look forward to 2015. Based on Guernsey's current revenue shortfall and I am advised that is about £27 million for this year in tax receipts, and can this deplorable pension deficit which needs to be addressed more aggressively, I forecast that Guernsey will try to seek a reduction in its contribution to Alderney 2015. Alderney will have to continue to find cost savings, some of which I have noted above, but as importantly aggressively seek new forms of revenue with its own initiatives, and I do not include sales tax in that.

150 I conclude that the overall contribution by Alderney to Guernsey's GDP is probably somewhere in the region of £50-60 million and, at this time, I wonder where Guernsey would be without that GDP contribution.

155 The capital programme is, as you know, mainly funded by the Alderney Gambling Control Commission surpluses, together with some locally raised revenues from property duties and asset sales, and just a total over £2.2 million for 2014.

I am heartened by the fact that the budgeted revenues from the capital programme 2013 have been reached by the actual revenues received at the end of the third quarter 2013. I am further heartened, the Water Board account is expected to raise £595,000 from water rates and charges, in 160 2014, which actually cover its operating costs. The Water Board capital programme – phases 1 to 3 – continues successfully, funded by the grants from the States of Alderney amounting to just over £1.9 million since 2008.

We have paid the occupiers rates for 2014 along with some small reduction in commercial property occupiers rates at 10%, and abolition of the occupiers rates for registered charities and not-for-profit organisations.

165 The main economic development initiatives relating to business development, transport, energy, technology are expected to attract inward investment by way of direct and indirect revenue streams. It is too early in the process to provide direct and indirect revenues, but they will be reflected in amendments to the budgets when they can be forecast with some degree of accuracy.

170 While the Budget has been prepared on the basis of forecasts and known revenues, costs and capital expenditure, the 2014 Budget has been prepared against the background of development of the strategic plan and against planning for further costs and savings within the States of Alderney. If and when these developments translate into printable costs and revenues, the budgets will be amended, reviewed and appropriately approved through the committee process. Where the Budget has changed parts, changes are significant, they will be communicated through press releases as well as the normal publication of States Committees.

175 Finally, I would like to thank the States employees, particularly Treasury for making the new budget process work very well, I would like to thank them for that.

180 Thank you very much, Mr President.

**The President:** Thank you very much, Mr McDowall.  
Mr Simonet, I believe you wish to second the Budget.

**Mr Simonet:** Yes sir, I will indeed, and I would like to make a few remarks.

185 I would like to thank Mr McDowall for giving us a detailed explanation of the budget and our estimated expenditure. It is liable to minor changes and adjustment as circumstances change throughout the year, budgets by their very nature have to have an element of flexibility.

I think that everybody should be mindful that we are only able to hold the occupiers rates at the current level for the third year running, introduce a 10% reduction in commercial rates and zero rate premises for charities due to the savings made in other areas of the budget. Achieving these 190 savings has been, in large part, due to the determined efforts of all States Departments to reduce costs and make savings wherever possible. The advice and guidance of our States Treasurer and her very able assistant has been a significant factor in delivering these economies.

195 It is important that we continue down the pathway of careful financial planning, always keeping a tight control on our spending while pursuing new revenue income. Fortunately, the internal audit review of the States Departments, initiated and supervised by our Chief Executive Officer, has identified where significant savings can be made, while, at the same time, streamlining and enhancing the essential services that the States provide. This review will, when complete, equip all Department Heads with a solid framework to continue to achieve a cost 200 effective and efficient level of service to the community.

205 Finally, I would like to draw your attention to the States pension fund. This has been an elephant in the room that no previous States has had the whim or the ability to resolve. Well Mr McDowall has both those talents; he has resolved the serious pension problem without the need for additional contributions from either employees or employer to date. The importance of reducing the potential damage that this issue could cause to this and the future budget cannot be overstated.

As we consider proposals to build our economy and seek to establish new essential revenue streams, the States are indeed fortunate to have someone like Mr McDowall's financial capabilities to council us in the complex area of finance and I do commend this Budget to the States.

210 **The President:** Thank you very much, Mr Simonet.  
Does any Member wish to comment on the Budget? Mr Tugby.

**Mr Tugby:** It will only be a short one, sir.

215 We have done very well with the last year basically cutting costs and everything, but what we do need to do in the future is be a bit more careful and check our contracts a bit closer. I have worked on all the big contracts in Alderney in the last few years: the hospital; Vallee Sewer, Commercial Quay revetment; the new Grand site as well. Architects and that seem to get quite a few things wrong, and whether it is just so they get paid to do more plans or not, I do not know, but some of the experts that we have looking at these jobs are not really as good as they claim. I have seen what goes on and we need to check some of the prices that we are being given much more thoroughly, because we are paying rather a lot for some of the things which we should not be. I have been in this for a long time and I know an awful lot of money where we could save, and hopefully, we will be much more prudent in how we spend it in future.

225 **The President:** Thank you very much, Mr Tugby.  
Does any other Member wish to comment on the Budget?

For the sake of the record, Madame Greffier, will you please take approval of the Budget by vote.

230 **The Greffier:** Yes, sir.

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

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

235 **The Greffier:** That is approved, sir.

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

240  
**Occupiers' Rate 2014**  
**The Occupiers' Rate (Level for 2014) Ordinance, 2013 approved**

*Item III*

*The States is asked:*

245 *to approve The Occupiers' Rate (Level for 2014) Ordinance, 2013.*

**The President:** We will move on to Item III please, if we may.

250 **The Greffier:** Item III, sir, is the Occupiers' Rate for 2014. The States is asked to approve the Occupiers' Rate (Level for 2014) Ordinance, 2013.

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

**Mr McDowall:** Yes, Mr President.

255 There was one comment. One contributor asked why buildings under construction had been included in the schedule. The Treasurer advised that, once rated, some buildings remained under construction for a very long time and it was hoped that this would encourage builders to complete their projects more hastily.

Thank you.

260 **The President:** Thank you, Mr McDowall.  
Mr McDowall, I believe you wish to propose this Item.

**Mr McDowall:** Yes indeed, Mr President.

265 I think in my Budget speech, I have outlined the proposals on Occupiers' Rates so I do not think there is anything more I need to say, except proposing the motion.

Thank you.

**The President:** Thank you, Mr McDowall.  
Mr Simonet, I believe you wish to second this.

270

**Mr Simonet:** I do indeed, sir.

I know I have already commented on the Occupiers' Rates in the Budget Report. However, it cannot be stated too often that to be able to reduce the rates in real terms, during these difficult economic times, is commendable by any standards. It demonstrates the determination of this States in general and the Finance Committee, in particular, to ease the financial burden on both residents and businesses where it can.

275

Thank you.

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

280

Does any Member wish to comment on the Occupiers' Rates? Mr Jean.

**Mr Jean:** I would like to say I am pleased with this, very pleased. We need to do more of this; we need to continue with this work on extra fees and charges. I think it is very important to, as we make these savings in the various Departments of the States, which I am pleased to see happening, we need to find a way to look at particular things. Now, one or two of those things are... for instance, for me, the oil tax which is a States of Alderney tax, I think it is important, as we make these savings through ESC and through the Finance Committee's work, that we then try to hand some of this money back to the public. I think it is extremely important because we know that some people are leaving, we want to encourage them to stay, we must try and get our prices and our things more in line with Guernsey, and all the time keep watching to be competitive. Avgas is one, AEL, eventually, will have to be looked at, very important...

285

290

**The President:** Mr Jean, with due respect, this is about the Occupiers' Rates. The opportunity to speak about the Budget in general was on the previous Item.

295

**Mr Jean:** Fine. I accept that, and I apologise. I will not speak any more.

**The President:** It is quite alright, thank you very much.

300

Does anybody else wish to speak about Occupiers' Rates? Thank you.

**Mr Birmingham:** Thank you Mr President, fellow Members, ladies and gentlemen.

As part of this year's Budget process, Mr Roberts, who I wish well and a speedy recovery, myself and also with the diligent assistance of the Treasury officers, undertook a review of the Occupiers' Rates to see if there was any way that the States could actively assist in adjusting the current rating bands. It was particularly aimed at looking at the hard pressed retail and hospitality sectors in particular, also the vitally important volunteering charity sector and also the Island's sports clubs which pay a very important role in the social fabric of the Island.

305

Now, for the last two years, at least, Mrs Pearson, who I am sure we all know, has actively been campaigning for a reduction in the rates for charity and non-profit organisations and I am delighted to be able to support this change to the rating structure for a zero banding for these categories.

310

The Finance Committee have considered other options, such as using the small grants system to refund the rates to such organisations, but, in reality, that was unnecessarily bureaucratic and in fact all that it meant was that money was paid into one pot from another and then refunded back



315 out of another. This zero rating is simpler, and relatively small sums raised from this category can be absorbed into the overall system, while removing the need for unnecessary paperwork.

I had hoped, during the review that it would be possible to extend the zero banding to the Island's sports clubs, but this proved to be technically less straightforward, as the sports club category of the rates is aimed at business that run as sports clubs rather than the volunteer sector. In fact, this rating does not really fit into the reality of many of Alderney's sports clubs, many of which, in fact, run as non-profit organisations anyway. So, very importantly, I urge all the Island's sports clubs to register as not-for-profit organisations, if they have not already done so, that way they will be able to taking advantage of this zero rating, and I believe that will be a big help to all of those clubs.

325 Now, at present, we are all mindful of the difficult circumstances that businesses on the Island find themselves in, particularly in the retail and hospitality sectors. In fact, some of the examples that Mr Jean brought forward of various taxes that they have to deal with, that sort of emphasises the problem. One of the recommendations of the Strategic Economic Planning Roadmap published in 2012, was to look at how to reduce the local taxation burden on business, and I am delighted that the States has started to grasp that nettle by recommending the 10% reduction in Occupiers' Rates for certain business categories. I only wish we were able to reduce them further, and I for one, will continue to support all efforts to reduce the cost burden for local business.

330 I wish our friends in Guernsey were maybe so enlightened. The proposed 5% in TRP in the Guernsey budget will, in reality, probably negate our efforts, and I suspect that any future cut that we might try to impart may get swallowed up in a similar way.

335 It may be, therefore, that the best course of action for Alderney is to consider negotiating the control of Alderney TRP away from Guernsey and to roll that into a single Alderney rate. That will, at least, allow Alderney a greater level of control of the overall cost burden, at the same time perhaps, producing some cost savings in the operation of the system. Unfortunately, we also have to be realistic, and without doubt, any transfer of control of TRP would only come with an associated cut in funding from Guernsey. But I suspect that an early divorce from Guernsey TRP might, in the long term, be beneficial to Alderney, as I suspect that this tax is only likely to continue to rise, especially as the states of Guernsey struggle to close their own budget deficit and taking local control here in Alderney may at least allow us greater flexibility in how we spread the tax burden here, with our significantly different economy.

345 Finally, I would just like to mention the introduction of the tariff relating to buildings in the course of development. It is important to note that this is not aimed at C permit holders undertaking self-build. It is anticipated that by the time any self-built property reaches the point of being rated, the development will be completed and under occupation, as most C permit holders wish to get their house completed and occupied quickly, so that they can start saving money on the rent that they are paying on their existing property. This rating is primarily aimed at partially completed buildings that are left unfinished or seem to have taken an eternity to complete. I hope that this will act as an encouragement for individuals or developers to complete dwellings and not leave them as half constructed shells, just to avoid paying rates. As Chairman of the BDCC, it has my full support. I believe that these changes in the rates for 2014 are all forward thinking changes and are targeted at those areas that need assistance and only penalise those that try to dodge the system.

I fully support the Ordinance.

360 **The President:** Thank you very much, Mr Birmingham. Does any other Member wish to speak on Occupiers' Rates?

Mr McDowall, do you wish summate on this or are you happy to...?

**Mr McDowall:** I am happy to go to a vote, Mr President.

365 **The President:** Thank you very much.  
Madam Greffier, if you would call the vote, please.

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

370

FOR	AGAINST
Mr Rowley	None
Mr McDowall	
Mr Simonet	
Mr Harvey	
Mr Jean	
Mr Birmingham	

Mr Arditti  
Mr Tugby

**The Greffier:** Thank you.

**Proposed increase in Water Rates  
The States Water Supply (Rates of Charge) (Alderney) Ordinance, 2013 approved**

*Item IV*

*The States is asked:*

375 *to approve The States Water Supply (Rates of Charge) (Alderney) Ordinance, 2013.*

**The President:** Thank you very much.  
We move to Item IV, please.

380 **The Greffier:** Sir, Item IV is the proposed increase in Water Rates. The States is asked to approve The States Water Supply (Rates of Charge) (Alderney) Ordinance, 2013.

**The President:** Thank you very much, Madam Greffier.  
Mr McDowall as Convenor, were there any comments on this?

385

**Mr McDowall:** Yes, there were no comments on this Item, Mr President.

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

390

**Mr Jean:** Yes, indeed, I propose the Item.

**The President:** Thank you very much, Mr Jean.  
Mr Tugby, I believe you wish to second this?

395

**Mr Tugby:** Yes, sir.

**The President:** You second it, okay.  
Does any States Member wish to comment on this Item?

400

**Mr Jean:** Yes, I would.

I am grateful for the savings that have already been made and the help that we have received in making those savings. I am also glad of the fact that this is not too steep a rise. I am actually quite delighted about that, and I am hoping next year, as the economies come in with the Water Board, that we might be able to hold things as they are. Now, I am sincerely hoping that, because I feel that as much as we can hold things down, the better that will be for a population that is struggling. Thank you.

405

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

410 As nobody else wanted to speak on that, I take that you are happy with that as your summation?

**Mr Jean:** I am indeed, sir, thank you.

415 **The President:** Thank you very much, Mr Jean.

Could you just... I take it that everybody is approved, but if you just call it out please, Madam Greffier.

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

420

**FOR**  
Mr Tugby  
Mr Arditti  
Mr Birmingham  
Mr Jean

**AGAINST**  
None

Mr Harvey  
Mr Simonet  
Mr McDowall  
Mr Rowley

**The Greffier:** Thank you.

**The Companies (Alderney) Law (Fees) Ordinance, 2013 approved**

*Item V*

*The States is asked:*

425 *to approve The Companies (Alderney) Law (Fees) Ordinance 2013.*

**The President:** We move to Item V then, please.

430 **The Greffier:** Sir, Item V is The Companies (Alderney) Law 1994, (Fees) Ordinance, 2013.  
The States is asked to approve The Companies (Alderney) Law (Fees) Ordinance, 2013.

**The President:** Mr McDowall, as Convenor.

**Mr McDowall:** Yes, Mr President.

435 There was one contribution. One contributor stated he had never seen in any letter from the Court any mention of a due date.

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

440 Mr Simonet, I believe you wish to propose this.

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

Again, I would like to say that we are continuing with our policy of keeping fees as stable as possible. The only increase recommended is it is designed to discourage the late filing by any of the main large corporate services.

445 Thank you, Mr President.

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

Mr McDowall, I believe you wish to second this.

450 **Mr McDowall:** Yes, I would really like to second it, thank you, Mr President.

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

Does any Member wish to speak on the Companies Law Ordinance?

455 **Mr Jean:** I would, if I may.

**The President:** Mr Jean.

460 **Mr Jean:** We had a complaint at the People's Meeting from a gentleman who was concerned about the fact that he got caught with the late fine fees. If I am correct, he seemed to infer that he would like a reminder, and as part of my own feelings about what we do for the public in general, my feelings are this would be a nice thing to do – to remind people before they are fined.

465 Now, I have read an e-mail this afternoon which states that fine fees are, that the actual time of licence expires before there is any reminder to stop them incurring any more overdue fees. Now the point – this to me, should not happen – as part of the service we provide, what should happen, I hope, and I hope that we could all together try to ensure that it does happen, is that a reminder is issued to those people, so that they do not incur the late fee.

Thank you.

470 **The President:** Thank you Mr Jean.

Does any other Member wish to speak on the Companies Law Ordinance 2013? Mr Rowley.

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

475 Yes, I would like to say I agree with Mr Jean. I would like to support him on what he said. I gathered from the complaint at the People's Meeting that the only communication that people got was when they actually got a fine, and I do not know if this is the case or not but...

480 **Mr Jean:** Sir, I am sorry I missed a bit, would you allow me, at the end, to speak again? I am sorry. I apologise...

**The President:** Can we just wait until Mr Rowley is finished.

485 **Mr Rowley:** Well, if that is not the case, then I am sorry, but that is what I was given to understand was that the only form of communication that they got was when they were really too late. I do not know if that is true or not, that is not a really desirable state of affairs.

**The President:** Thank you, Mr Rowley.  
Mr Jean, I take it this is new information?

490 **Mr Jean:** Yes, I am very sorry, yes.

**The President:** If it is new information, then you may carry on.

495 **Mr Jean:** Well, it is actually only the bit of the increase in the fees which concerns me. I am not at all happy about it and so I am not going to be supporting it.  
Thank you.

**The President:** Thank you.  
Does any other Member wish to speak on the Ordinance? Mr Arditti.

500 **Mr Arditti:** Thank you, sir.

I rise, briefly, to add my own voice to the contributor at the People's Meeting and to Mr Jean and to Mr Rowley, who expressed his concern about the late filing fee, which, by my mathematics, we are being asked to increase by some 30%. His concern, which he repeated in a subsequent letter to all States Members, is about an unfriendly service which results in some members of the public incurring this late filing fee.

505 He made two points which I would hope that we could all support. First, the Registry is a public service and exists, therefore, to serve the public. We have just agreed to change the procedure for compiling the electoral register in order to help people who previously found themselves excluded, because they failed to comply with the bureaucratic requirement to re-register every two years. Soon the position will be reversed so that everyone will remain on the register of electors until such time as that registrar has cause to remove someone. The idea is to help the public, not catch them out and not to penalise them – except those who persist, or are deliberate about what they need to do or fail to do.

515 Second, these late filing fees, penalties, fines, are not to be used as a fund raising exercise. They should be reserved for those who persist or refuse to comply. All of this falls squarely within Mr Jean's drive for a friendlier, gentler administration of the Island, a lighter touch, which I support whole-heartedly.

520 A little more than two hours ago, we received a briefing by e-mail about the contributor's letter of 17th October. I am pleased that some revised system is being considered, I accept that the cost needs to be proportioned, I do not accept that we want to focus unduly on the public's duty under the law, in the way that the briefing tended to do. Our job is to help people to comply with the law, and I note that under the present system, according to the briefing, the phone call comes after the first filing fee has already been incurred. Of course, a professional corporate service provider may not need the same approach as an individual, but even so, we can, and we should aim to provide a friendlier, less bureaucratic business environment than others. It is one way in which we can help Alderney to compete and, at the same time to improve morale on the Island.

525 It is my hope therefore, that the Companies Registry will, during the course of the next 12 months, see how it can introduce some reminder system and adjustment of the deadlines with a view to helping individuals to avoid incurring the late filing fee. Otherwise we may have to consider reducing the fee in order to make the system friendlier and gentler in that way. This may run contrary to the suggestion in the briefing that helping people may put the cost up, but there are other ways to address the costs of the registry if the need should arise and, of course, the decision is in our hands.

535 Lastly, I should declare an interest. I believe that I incur a late filing fee almost every year for a company for which I am responsible. As a Member of two States, the requirement for the annual filing of information about this company, which never changes, pales into insignificance with everything else on my plate. I know it is the same for others with busy lives. My plea is let us support Mr Jean in finding easier and friendlier ways to administer the Island.

540 Thank you, sir.

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

Does any other Member wish to speak on the Fee Ordinance with regard to fees? Mr Simonet, do you wish to sum up on this?

545

**Mr Simonet:** I do not think there is anything, in particular, to add, I think I would endorse most of what has been said. A friendly regime is always welcome. However, filing fees are due at the same time every year and it is not difficult, actually, to pay them on time. This is aimed solely, or mainly, at the large corporate services who regularly do not pay their filing fees on time and are very tardy indeed.

550

Apart from that, I do not think there is any real issue but it is being looked at. The Greffier has already said they are going to have a closer look at the way the operation runs and so they should.

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

555

Madame Greffier, would you put Item V to the vote, please?

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

<b>FOR</b>	<b>AGAINST</b>
Mr Tugby	Mr Jean
Mr Arditti	
Mr Birmingham	
Mr Harvey	
Mr Simonet	
Mr McDowall	
Mr Rowley	

560

**The Greffier:** Carried, sir.

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

### **The Al-Qaida (Restrictive Measures) (Alderney) Ordinance, 2013 approved**

*Item VI*

*The States is asked:*

565

*to approve "The Al-Qaida (Restrictive Measures) (Alderney) Ordinance, 2013*

**The President:** We move on to Item VI, please.

570

**The Greffier:** Item VI is The Al-Qaida (Restrictive Measures) (Alderney) Ordinance, 2013. The States is asked to approve that Ordinance.

**The President:** Thank you very much, Madam Greffier.  
Mr McDowall, as Convenor.

575

**Mr McDowall:** Yes, there were no comments on this Item, Mr President.

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

580

**Mr Simonet:** Yes, I do, sir.

This is one of the regular Ordinances we get through for this sort of area. It is self-explanatory and I have nothing really to add to it.

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

585 Mr Rowley, I believe you wish to second this.

**Mr Rowley:** Yes, sir.

**The President:** Thank you.

590 Does any Member wish to speak on the Al-Qaida (Restrictive Measures) (Alderney) Ordinance? Madam Greffier, I think you can take that as approved.

**The Greffier:** Yes, sir.

**Alderney Commission for Renewable Energy  
Ms Pamela Dixon appointed Chairman for six-month term**

595 *Item VII*

*The States is asked:*

*to approve, on the recommendation of the Policy and Finance Committee and in accordance with section 6 of the Renewable Energy (Alderney) Law, 2007, the appointment for a period of 6 months, the term ending on 24th April 2014, of Ms Pamela Dixon as Chairman of the Alderney Commission for Renewable Energy.*

600

**The President:** Can we move on to Item VII, please?

605 **The Greffier:** Item VII is the Alderney Commission for Renewable Energy appointment of Chairman. The States is asked to approve, on the recommendation of the Policy and Finance Committee and in accordance with section 6 of the Renewable Energy (Alderney) Law, 2007, the appointment for a period of six months, the term ending on 24th April 2014, of Pamela Dixon as Chairman of the Alderney Commission for Renewable Energy.

610 **The President:** Thank you very much, Madam Greffier.  
Mr McDowall, as Convenor.

**Mr McDowall:** Yes, there were no comments on this Item, Mr President.

615 **The President:** Thank you very much, Mr McDowall.  
Mr Simonet, I believe you wish to propose this.

**Mr Simonet:** Yes, I do, sir.

620 As you can see, Pamela Dixon has been Chairman for a long number of years and this is designed solely to help the Board select its new Chairman and have a transitional period to enable this to take place in a smoother way.

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

Mr Harvey, I believe you wish to second this.

625

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

Yes, I am pleased to second this Item.

630 **The President:** Thank you very much indeed. Does any Member wish to comment on Item VII?

Mr Simonet, do you see any reason to sum up? Or are you...?

**Mr Simonet:** No, sir, I am quite satisfied.

635 **The President:** Thank you very much indeed.  
Madam Greffier, you can take that as approved, please.

**The Greffier:** Yes, sir.

640

**Questions and Reports**

**Reform of the Electoral Roll; States of Alderney Initiative with PricewaterhouseCoopers**

*Item VIII*

*Questions and Reports.*

645 **The President:** We will move on to Item VIII, please.

**The Greffier:** Sir, Item VII is Questions and Reports. We have two Reports submitted: one by Mr Simonet, in relation to the reform of the Electoral Roll and one by Mr Harvey in relation to a States of Alderney Initiative.

650

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

We will take the one with regard to the Electoral Roll, Mr Simonet first, if we may.

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

655 This is a Report of the States on the reform of the Electoral Roll.

The background, at a States meeting on 17th July, the States considered and approved the following resolution: reform of the Electoral Roll. In view of the long history of public dissatisfaction and some residents found that they are not included in the register of electors on election day it is important to review the way in which the register of electors is replaced every two years. However hard the Chief Executive tries, a not insignificant number of people think that they remain on the register from one election to the next. They forget that the register is renewed every two years and that they have to re-apply every two years.

660

It is not good for anyone who could have been included in the register to be turned away on polling day. The States directs the Chief Executive, as Registrar, to consider and consult as to the best options for changing the Government of Alderney Law 2004, in order to achieve a system whereby electors, who would otherwise qualify, do not have to reapply for inclusion on successive registers of electors, and bearing in mind, the date of the next election to report by the end of September 2013.

665

The Returning Officer has consulted with the Electoral Commission in the UK and the Law Officers. He has also considered the current situation in Great Britain and Northern Island, and concluded that the issue appears to be how the register of electors is maintained, rather than a problem with the Government of Alderney Law. A report was provided to the States Members at the end of September 2013. It seems that the main problem is that the voters in Alderney who have registered to vote, do not fully understand the need to re-register. The practice and procedure in Alderney has been to require all eligible voters to re-register, otherwise their name will not be included in the new register. The recommendation is that there should be two concurrent administrative process changes. Firstly, a higher profile programme of encouraging voters to register, and secondly, a positive approach with those who have registered by updating the register rather than compiling a completely new register every two years.

675

For Alderney, the register is kept accurate as a result of the very small community and the Chief Executive's office staff who are able to make the appropriate enquiries about those who seek to register. Completeness is, however, not assured because it is not possible for the staff to know every person on the Island that might be eligible to vote and, of course, there are those who choose not to register. There is no evidence of electoral fraud.

680

The next thing is continuous legislation. In Alderney, the Government of Alderney Law confers upon the Chief Executive the power to delete from the register the names of any person who, in the opinion of the Chief Executive, are not entitled to have their names inscribed in it, and make such other corrections to the register as appear to him to be necessary. There are safeguards built into the law to challenge that action by petition to the Court of Alderney, section 34(4) refers.

690

It is therefore not recommended that any additional powers to seek data from other sources be sought or taken. Continuous registration with enhanced canvassing should deal readily with the problem identified by the Billet submission. The recommendation to move to a system of continuous registration, investigating the possibility of adopting electronic registration as an additional option for voters, and adopting a more vigorous programme of canvassing, there would be no need to amend the Government of Alderney Law. States Members have indicated their support for the proposals made by the Chief Executive.

695

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

Does any Member have any questions for the Chairman, with regard to this? Do you want to...?

700

**Mr Arditti:** It is not what was discussed on Monday.

**The President:** Does anybody have any questions?

705 **Mr Jean:** Could I ask you...?

**The President:** For the Chairman who made the Report?

710 **Mr Jean:** Do you want me to turn to him again?

**The President:** No, just as long you are aware that we are addressing the Chairman who made the Report.

715 **Mr Jean:** Is it what was discussed on Monday, or has it been changed?

**Mr Simonet:** It is exactly as of Monday, unless anybody has spotted an error. If there is, it will be corrected!

720 **Mr Arditti:** It was agreed on Monday that the proposition at the end of the Requête would form the concluding part of the Report.

**Mr Simonet:** No, I do not think this is correct. However, this is still open to further discussion, if it is required.

725 **The President:** I think if there is any mistake or error here, then we can only say that we would do our very best to put it right. I do not think there is...

**Mr Jean:** That is fine.

730 Could I just, if I may, speak momentarily to record thanks?

**The President:** Yes, please do.

735 **Mr Jean:** Thanks, particularly, to those who have supported me in my efforts, and that is most of you. Also to my colleague, Mr Arditti, for his help, that has been invaluable to me and I am very grateful indeed, and to the Chief Executive for all his help.

I can be quite a frustrating individual when I am on the trail of something and I can be quite persistent and I know, at times, I have tried some of your patience, but I do thank you very much for this. I think it is going to make life that little bit better and everything we can do to make life better is good.

740

**The President:** Thank you very much, Mr Jean.  
Mr Arditti, you wish to ask a question?

745 **Mr Arditti:** Yes, I think that, for *Hansard*, in view of what has just been said previously, I should formally reserve, on behalf of the signatories to the Requête, their position as to whether they proceed with the Requête or not.

**The President:** They have that, anyway, Mr Arditti, that is not a problem.

750 Madame Greffier, for the sake of the record, if you can ensure that that is placed on *Hansard* as it was please, so that people have a chance to see exactly what was said.

**The Greffier:** Yes, sir.

755 **The President:** If you do the same for the next Report as well, please.

**The Greffier:** Yes, sir.

760 **The President:** Which we will now move on to. We now move on to Report number 2, from Mr Harvey.

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



I shall try to be brief. This is a short report regarding an initiative between the States of Alderney and PwC, commonly known as Pricewaterhouse.

765 We are pleased to announce that the States are working in partnership with PwC, a leading professional firm, to develop a centre of excellence in anti-money laundering processing. A feasibility study is to be undertaken within PwC, at their own expense, which, if successful, will lead to a full scale pilot in Alderney next year.

770 Anti-money laundering procedures are undertaken by banks, financial institutions and other organisations such as estate agents every time they take on new clients. It is felt that a specialist provider, using digital technology and sophisticated analytical techniques, can offer a more effective solution to this need, particularly when dealing with complex world-wide applicants.

775 In order to provide security of data, and a degree of independence, it is likely that the centre of excellence would be owned by the States of Alderney through a non-profit organisation on similar lines to the model of the successful Alderney Gambling Control Commission. There are many procedural, technical and legal issues to be resolved over the coming months, but if these can be overcome, there is the potential to generate significant new employment in Alderney.

780 PwC have much experience in this field, and we are delighted to be working with them. We very much hope this project will be successful, and if so, we must acknowledge the part played by you, sir, and Mr President in suggesting to the original authors that they should look at Alderney as a home for the new organisation.

Thank you.

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

785 Does anybody have any questions for Mr Harvey on this Report?

#### **Address by the President to *The Press***

790 **The President:** In that case, Madam Greffier, if you just give me one minute. I would like to address *The Press*.

795 *The Press*, you have the privileged position within the States, you always have a place reserved for you. The reason that this is done is so that you can report accurately on the proceedings that take place here. Now, it has been brought to my attention that, of late, there have been proceedings within the States of Alderney which have been reported incorrectly and I would just point out to you that deliberations are available if, for any reason, you cannot remember how the voting went or what actually happened here and I would point you to the deliberations to check the veracity of what you put in your publications.

Thank you very much.

800 If you would like to close now, please.

**The Greffier:** Sir.

#### **PRAYERS**

*The Greffier*

*The Assembly adjourned at 6.17 p.m.*