



OFFICIAL REPORT
OF THE
STATES OF THE
ISLAND OF ALDERNEY

HANSARD

The Court House, Alderney, Wednesday, 18th December 2013

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

Volume 1, No. 7

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 Francis Simonet

Mr Ian Tugby

Apologies:

Colonel Colin Mason, Lt Governor's Representative

Lieutenant G T Workman, Alternative Lt Governor's Representative

Mr Chris Rowley

The Greffier of the Court

Mrs Sarah Kelly

Business Transacted

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Billet for Wednesday, 18th December 2013

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The Assembly adjourned at 6.27 p.m.

States of Alderney

The States met at 5.30 p.m.

[THE PRESIDENT *in the Chair*]

PRAYERS

The Greffier

ROLL CALL

The Greffier

The Greffier: Mr Rowley: sir, we have had apologies from Mr Rowley for this evening.

The President: Thank you.

5

The Greffier: Sir, I think we have also had apologies from both the Governor's Representatives, Mr Mason and Mr Workman.

The President: Thank you very much.

10

Just for the sake of the record can you confirm that we are quorate, please?

The Greffier: Yes, sir, we are.

The President: Thank you very much.

Billet d'État for Wednesday, 18th December 2013

Order of the Day

The Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2013 approved

15

Item I

The States is asked:

to approve the Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2013.

20

The President: If you would like to lead to Item 1, please.

The Greffier: Sir, Item I is The Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2013. The States is asked to approve that Law.

25

The President: Thank you very much.

Mr Tugby as Convener, were there any comments on this at the People's Meeting?

Mr Tugby: There were no comments, sir.

30 **The President:** No comments, thank you very much.
Mr Simonet, I believe you wish to propose this.

Mr Simonet: Yes, thank you, Mr President.
I am in fact very pleased to propose this Item. The need to modernise and reform this
35 legislation has been apparent for many years. I have no doubt that this Law will give young people
a substantial level of protection and deal adequately with all of the categories of sexual offences.
I recommend that the States give approval to this Law.

The President: Thank you very much, Mr Simonet.
40 Mr Harvey, I believe you wish to second this.

Mr Harvey: Thank you, Mr President.
Yes, I think probably a long overdue piece of legislation, which I am pleased to second.

The President: Thank you very much indeed.
45 Does any Member wish to comment on Item I? No comments at all.
In that case, Mr Simonet do you wish to summate at all or are you happy?

Mr Simonet: No, sir, I think we have covered all items.

50 **The President:** Thank you very much indeed. Madam Greffier, for the record, we can take that
as passed.

The Greffier: Thank you, sir.

Sale of States Land approved

Item II
55 *The States is asked to resolve that:*
1. The area of land at Butes, adjoining the current boundary of Limpet Cottage to the north,
listed as AY245 (part), may be disposed of by the Estates and Services Committee by way of
freehold sale, to the current owner of Limpet Cottage, at the price of £10,000.

60 **The President:** We will move on to Item II, please.

The Greffier: Sir, that is the sale of States land. The States is asked to resolve that the area of
land shown hatched on the attached map at Butes, adjoining the current boundary of Limpet
Cottage to the north, listed as AY245 (part), may be disposed of by the Estates and Services
65 Committee by way of freehold sale, to the current owner of Limpet Cottage, at the price of
£10,000.

The President: Thank you very much.
70 Mr Tugby as Convener, were there any comments on this?

Mr Tugby: Sir, I forgot to mention that there were three States Members, excluding the
Convener. The President was there. Public, there were seven people and the press, there were three
people, and there were no comments on that.

75 **The President:** And no comments on Item II either?

Mr Tugby: No.

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

Mr Jean: Yes, indeed. It seems a sensible situation to regularise, sir. We have no use for the
piece of land and it is better to sell it with the cottage and we get a fairly good price for it. I am
satisfied with the matter.
85 Thank you, sir.

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

90 **Mr McDowall:** Yes, I just want to endorse Mr Jean's comments.
Thank you.

The President: Thank you very much, Mr McDowall.
Does any Member wish to comment on Item II, sale of States land? Mr Jean, do you wish to
summate or are you happy as things are?

95 **Mr Jean:** I am perfectly happy, thank you, sir.

The President: Thank you very much, Mr Jean.
Madam Greffier, if you can resolve that the sale of States land has been approved.

100 **The Greffier:** Thank you, sir.

**Policy and Finance Committee
Annual Report for 2013 accepted**

Item III

The States is asked:

105 *to accept the Annual Report for 2013 of the Policy and Finance (Policy) Committee.*

The President: We will move to Item III, please.

The Greffier: That is the Policy and Finance Committee Annual Report for 2013. The States is
asked to accept the Annual Report for 2013 of the Policy and Finance (Policy) Committee.

110 **The President:** Thank you very much.
Mr Tugby as Convener, were there any comments on this at the People's Meeting?

115 **Mr Tugby:** No comments.

The President: No comments at the People's Meeting.
Mr Simonet, I believe you wish to propose this.

120 **Mr Simonet:** Yes, indeed sir. I am pleased to present the Annual Policy Committee Report. I
have just a few comments to add to my report.

I am pleased to be able to say that the change in the structure of the Committee to include all
States Members has, in my view, been successful. Every Member is well briefed and takes a full
part in the discussions, with decisions being reached in a timely manner.

125 It has been a busy period with many important and complex subjects being considered. With
very few exceptions they are being resolved or progressed or developed. Although this Committee
has not been in its present form for many months, it has already demonstrated that it is both
willing and able to act responsibly and decisively when facing difficult decisions.

Thank you, Mr President.

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

Mr McDowall: Yes, thank you, Mr President.

135 I would just like to make one or two further comments. The reports come in all shapes and
forms and sizes. Some are very descriptive, some are long, some are short, and while obviously I
endorse the Report, it would be nice to see some sort of consistency in approach in future, I think.

But I support Mr Simonet.

140 **The President:** Just for the sake of clarification, when you say some type of...?

Mr McDowall: Yes, I think there should be a particular format. For example, a brief description of what was done, what was achieved, what the challenges were.

145 **The President:** So, a template in effect?

Mr McDowall: A template sort of thing. Because some are highly descriptive and some are very short, so some consistency I think would help those who read them in detail.

150 **The President:** Thank you very much, Mr McDowall.
Does any Member wish to comment on the Policy and Finance Annual Report?
Mr Arditti.

Mr Arditti: Thank you, sir.
Sir, I shall vote to reject this Report. It has been sanitised and air-brushed to become the Report
155 that makes Policy Committee look good, and in this respect it is a fiction, not a report.

Mr McDowall would like to see consistency of approach. I shall seek to persuade you that the Report should contain a lot more than consistency.

160 Just a few examples will suffice. But before I continue, I must first distinguish between States Members on the one hand and staff on the other hand.

Despite a States which has forfeited the trust and respect of the public and is reputationally bankrupt in Guernsey, the Civil Service has soldiered on. Parts of this Report are a tribute to their hard work and dedication. And they should be congratulated for the fact that Government has continued, despite the States Members who populate it. If it were possible to differentiate, to dissect this Report, I would vote for the bits that reflect the hard work of the staff, and against the
165 rest. But I cannot, and alas I must vote against it all.

This so-called Report runs to nine pages of dense type and contains no mention of anything that has gone wrong. For seven months everything has gone well, with no setbacks – according to the Report. Everything is rosy in the garden and tickety-boo. No States Member, no Committee, no group has made a single mistake. No apologies required. You would not believe it, and of course you would be right.
170

Here is an example why no States Member should vote to accept this Report: on page 2, third paragraph Mr McDowall has written and I quote:

175 ‘We have adhered to our budget plans...’

No we have not. Mr McDowall has presided over a £205,000 of unapproved spending. Together with Mr Simonet and Mr Harvey they applied for Strategic Development funding in Guernsey, but they spent the money without waiting for the result. The application did not qualify and it was rejected.

180 Worse, Alderney has been admonished for breaking the rules because this expenditure was not in the approved budget – so much for Mr McDowall’s financial expertise, loudly trumpeted by Mr Simonet in this Chamber in September.

It has taken a lot of time and effort to expose the truth about this ineptitude and you will not find it anywhere in this Report.

185 We are spending £1.9 million per annum more than we earn and Guernsey plugs this hole for us. The result is not a balanced budget as claimed; it is a £1.9 million subsidy from Guernsey, over and above the transferred services.

Here is another quote from Mr McDowall:

190 ‘I confidently predict that Guernsey will seek to reduce its revenue contribution in 2015.’

Bunkum! Mr McDowall has absolutely no idea what they will do.

195 What about the artificial fight which the Policy Committee picked with the volunteer board of the New Connaught Care Home? Fortunately the Care Home board were resolute and faced down the Policy Committee, yet at the same time, the Policy Committee stood by and supported the self-satisfied, self-important board of AEL. I pay tribute to both *The Press* and *The Journal* who have done a good job of investigating and reporting what this Report does not report.

Now, let’s have a quick look at the Alderney Liaison Group, chaired by Mr Harvey, or ‘lead politician’ as Mr Simonet calls him. On page 2, the last paragraph of the Report reads, and I quote:

200 ‘In January this year we agreed to set up a Liaison Group with politicians from Guernsey. Meetings have taken place with almost all of Guernsey’s key politicians.’

205 That is not what I have heard in Guernsey, and the Island Hall does not have a single agenda or minute of any meeting of the Alderney Liaison Group.

According to Mr Harvey, the Guernsey contingent of the Alderney Liaison Group agreed that yet another consultant's report to tell us what we already know about the airfield in Alderney would be a useful thing to do, that they agreed to pay half the cost and have gone back on their word. In Guernsey, I am told that they only agreed to consider the idea of such a report and that it is by no means accepted that such a report represents value for money. Alderney Liaison Group Meetings so embarrassed Mr Jean that he had to resign.

210 We started off the year united with the public who had voted out the old brigade and had high expectations for a new States which had reverted to a five-member Policy Committee comprising the chairs of the other slimmer committees. Now we are back to a ten-man Committee with eight States Members united in and about themselves, and paying lip service to the public.

215 One of these Members proclaimed the other day that it was 'inappropriate' for a Member to be held to account by another Member in publicly available committee minutes. Thanks to the diligence and persistence of Mr Jean, these minutes have finally been published on the Government website. I will not catalogue now all the Rule changes by the Policy Committee in the second half of this year. I will just say you will not find any mention of them in this Report.

I could go on, but I will not.

220 If States Members are content with what they have heard so far, they will vote to accept the Report. They do not need to hear any more from me.

Thank you, sir.

225 **The President:** Thank you, Mr Arditti.
Would anybody else like to comment on this Report? Mr Harvey.

Mr Harvey: Thank you, Mr President.

230 As ever, the world of Mr Arditti is unrecognisable to most of those who live in the real world.

Let me pick up one or two of the points. I think it is very interesting that Mr Arditti has now become an apologist for Guernsey and suggesting a very gentle and soft approach for Guernsey, because I have on record notes of meetings at which he attended at which he threatened Guernsey with exposing safety issues on Trislander's commercial operations if they did not increase our runways, and that is a matter of record which I would be very happy to publish.

235 Be that as it may. Let us talk for a moment – if I may use Mr McDowall's area of finance – the £205,000 for business development and economic development. These programmes or series of programmes have been discussed and have been agreed by the Policy Committee throughout the course of the last few months. They have been aired with the Alderney Liaison Group which contains a number of senior Ministers from Guernsey. They have looked at those proposals and they have said, 'That's good, we think that is the right thing to be doing.' Our assumption was that those projects, insofar as they were about the future development of this Island would be treated as capital expenditure, a view which is supported by all of the authorities on accounting including, for instance, Her Majesty's Revenue and Customs, their view of what is capital expenditure.

240 Unfortunately, a fairly... certainly not a senior member of the Treasury and Resources took a different view, that capital expenditure was solely physical items that the States could purchase. That is a view which we intend to discuss at considerable length, as Mr Arditti is aware, on Friday when we meet with Treasury and Resources. Our view was that the Gambling Commission monies, which fund our capital expenditure, are our funds, they are the Island's funds and they should be used for the betterment and development of the Island.

245 However, we also were advised of a Strategic Development Fund in Guernsey and we were encouraged to make an application to them, even though the terms of the applications had not been made clear to our civil servants. Therefore, we made such an application and it was declined for reasons which we do not begin to accept and which again will be the subject of discussion on Friday.

250 So we are left in a situation where there is £205,000 of expenditure, some of which Mr Arditti should know is not already committed – it is not spent, it is not committed, but it seems that we would like to do it because we feel it is important to improve the economy of this Island and we feel that if Guernsey will not help us, then we should help ourselves. And that is a view which I am perfectly happy to expose to public gaze and discussion.

260 Let's move on to the area of the air transportation study. This again, was an attempt to get the cart before the horse, to say let's not argue about how many hundred yards of wet concrete we have up at the airport; let's not, as Mr Arditti had proposed, suggest that we should get ATRs in there and act like it is a dormitory town, a dormitory town for key workers. Well, I do not know about the other States Members, but I would not wish to be lying on an operating theatre bed in

Guernsey, hoping that fog had not prevented my key worker from coming down from Alderney. So the whole idea of Alderney being a dormitory town for key workers in Guernsey – well, I leave people to draw their own conclusions. Our priority is actually to get jobs in Alderney, and that is what we intend to do.

270 So, our view was that we should be considering not the airport in itself, but the air services. After all, the airport is only there to serve the air services. So our view was we should get some more expert opinion and views (*Interjection by Mr Arditti*) than is available within this States or within the States of Deliberation. We therefore approached a number of people, and on the recommendation from Aurigny themselves, we selected a consultant with an extremely long track record, who will be able to look at a whole host of issues, including the frequency of flights, the type of aircraft to operate those flights, the pricing of flights, which is obviously key to all of us, and in other words to come to us with some suggestions for air services from Alderney that would meet our needs in the coming years, and then, and only then, would it be appropriate to consider what changes might or might not be needed to be made at the airport.

280 This is an approach which was supported by the Chief Minister in Guernsey, and we hope to have the results of that consultation exercise by the end of January. So, I make no apologies for saying we believe this is the right way of doing things, to talk about what sort of airport we want without considering the airport services is ludicrous.

285 I think I have probably said enough, actually. I am very happy to sit down and I am sure some of my colleagues will wish to make comment.

Thank you, Mr President.

The President: Thank you, Mr Harvey.

Does any other Member wish to comment on this? Mr McDowall.

290

Mr McDowall: Yes, if I may, I forgive –

The President: Mr McDowall... Mr Arditti, I am well aware of what the procedures are and I will look after them without your constant reminders, please. Thank you.

295

Mr McDowall: Yes, I forgive Mr...

The President: Now, Mr McDowall, (**Mr McDowall:** Yes.) you have already seconded your speech –

300

Mr McDowall: I have indeed.

The President: – so you are only allowed to speak now if you have something new to say and you are not repeating something else.

305

Mr McDowall: Yes, indeed.

I forgive Mr Arditti his seasonal biliousness, but I just want to make a point of clarity about the comment.

310

Yesterday at the Policy Committee, on a one-off basis, the rent has been reduced to £40,000 and –

The President: Mr McDowall, this is not actually a point of order. It is not relating to something which has been said before.

315

Mr McDowall: Alright, I will sit down.

The President: Thank you very much.

Does any other Member have anything to say on this Report?

Louis Jean.

320

Mr Jean: Yes, I would just like to say one thing, sir.

I agree with my colleague, Mr Arditti about the Policy Committee, and I did explain in my speech earlier in the year, when this was brought about, that I did not think it was a good idea, and it is no reflection on my fellow colleagues. But what I really mean is that when you vote in such a big committee on vital items, it is better to be a committee of five than ten, because there truly is the anonymity of the fact that these votes are not seen and are harder to get at and harder for people to see.

325

I find that difficult to reconcile myself with and I do still think it is wrong, and I am sorry you all went that way, but I understand you wanted to include everybody, I truly do.

330 Thank you, sir.

The President: Thank you very much, Mr Jean.
Does anybody else wish to...? Mr Tugby.

335 **Mr Tugby:** Listening to some of the speeches here tonight, we are given the impression by Mr Arditti that some of us just follow and do as we are told, but anybody who has been in a meeting with me knows that I do not follow anybody, if I do not agree totally with what they are saying. And I will have my say in any meeting on any subject which I do not agree with. Some I win, some I lose, but I just accept it.

340 As regards the 10-man Policy Committee, it was not working with five, and the rest of the States realised it was not working. Mr Arditti got upset, basically, and Mr Jean, because it was their idea to have five and they did not end up getting what they wanted after a few months, and that is what really is upsetting.

345 Every meeting I have been in on the Policy Committee, it has been very forward looking and trying to take the Island forward and I hope long may it continue, because I believe that for the first time in a long time the Island is actually looking at things and going forward. Alright, we may get a few things wrong occasionally, but at the end of the day, this is the first States I have been on where we have really looked at every option and different things. Some might not work, but that does not matter, at least we are looking – more than what any other States have ever done, as far as
350 I can remember.

The President: Thank you very much, Mr Tugby.
Does any other Member wish to speak?
Yes, Mr Berry.

355 **Mr Berry:** Just to say this, sir.

I agree with what Mr Tugby has said, and I will say this in public now: my commitment is for the people of Alderney. Anybody that knows me knows that they can phone me at any time day or night and I will deal with the problem if it arises in the best way that I can.

360 I am not here to support other Members if I think they are wrong. But I prefer to be on a 10-man committee and have my say on behalf of the people of Alderney.

We have the future to plan for and to work for and if anybody has any complaints about my service, I will talk to them at any time to deal with whatever they have in mind, sir.
Thank you.

365 **The President:** Thank you very much, Mr Berry.

Mr Roberts: Just to concur with Mr Tugby and everything he said, absolutely.

370 **The President:** Thank you very much.
Mr Birmingham, do you wish to say anything?

Mr Birmingham: No, I am fine, thank you.

375 **The President:** Right, Mr Simonet, would you care to sum up, please?

Mr Simonet: Yes, thank you, Mr President.

380 I did expect this sort of bilious attack from Mr Arditti, as he never misses an occasion to undermine his fellow States Members whenever he can, sadly. That is dissatisfaction of what happened in May of this year when his peers decided that he was not a fit person to chair the Policy Committee. This is very sad, but the Committee has the right to choose its own Chairman.

I think anybody who has watched these States proceedings over the last six months will know why that decision was taken. His 10 months –

385 **Mr Jean:** On a point of order, sir.

The President: Excuse me – the point of order, Mr Jean, is?

390 **Mr Jean:** The point of order is that is not correct. I did not hear Mr Arditti talking about himself or his own circumstances. His speech was an objective one and a good speech.
Thank you, sir.

The President: Thank you.
Please carry on.

395 **Mr Simonet:** Yes, thank you, Mr President.
Simply to sum up: you have heard what our colleagues have said, what the majority of States Members have said, that all on this Committee, it is working extremely well. It has its problems, but they are only minor problems, but fortunately we have made good, sound, positive decisions throughout the past six or seven months and I expect that to continue.

400 I am actually delighted with the results of a 10-man committee. I have nothing further to add to my Report, and I just hope that my fellow States Members will support it.
Thank you.

405 **The President:** Thank you very much, Mr Simonet.
Madam Greffier, will you put that to the vote for the approval of the Annual Report for the Policy and Finance Committee.

The Greffier: Yes, sir.

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

FOR	AGAINST
Mr Tugby	Mr Arditti
Mr Birmingham	Mr Jean
Mr Berry	
Mr Harvey	
Mr Simonet	
Mr McDowall	
Mr Roberts	

The Greffier: That is carried, sir.

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

The Building and Development Control Committee Annual Report for 2013 accepted

Item IV

The States is asked:

420 *to accept the Annual Report for 2013 of the Building and Development Control Committee.*

The President: Could we move on to Item IV, please? The Report for the Building and Development Control Committee.

425 **The Greffier:** Sir, the Building and Development Control Committee Annual Report for 2013. The States is asked to accept that Report.

The President: Mr Tugby as Convener, were there any comments on this?

Mr Tugby: Yes, sir.

430 The States were congratulated on the good work which is currently being carried out, as highlighted in the three annual reports.

435 One query was raised regarding the legislation in respect of bunded oil tanks. The contributor advised that the use of bunded tanks should be looked at as a priority due to the risk of contaminating the water supply should the single skin tanks fail. The Chairman of BDCC advised that the Committee is in the process of adapting the legislation and updating the regulations and this issue will be included in those discussions.

The President: Thank you very much indeed.

Mr Birmingham, I believe you wish to propose this Report.

440

Mr Birmingham: Thank you.

Just quickly to start, I would just like to address the point that was raised by the member of the public at the People's Meeting relating to bundled oil tanks. I have since had conversations at officer level to see where our legislation sits and we have got up-to-date regulations that we can be

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looking at putting in place for the future when we update the building regulations from where they are, so as a confirmation to the contributor that we are looking at that.

Okay, thank you Mr President, fellow States Members, ladies and gentlemen. I am delighted to propose the 2013 Building and Development Control Committee Annual Report to the States Members on behalf of the members of the Committee.

450

First, I would like to thank the States officers for their hard work and dedication shown throughout the year. The job is not an easy one. Sometimes the application of the Law and the policies that relate to the Law that the BDCC use to process planning applications can seem complex, especially to the layman and to members of the public, this sometimes can lead to frustration. I am always impressed with the calm and good humoured way in which the officers deal with what sometimes, on occasion, can be difficult circumstances.

455

In the last year, 120 applications out of 125 were approved by the Committee. I hope that this figure shows that the Planning Office and the BDCC are there not to hinder but to help in the planning process. I think that in the minds of some members of the public, this is not the perception of the BDCC that prevails. On occasion, I have heard some say that the BDCC makes arbitrary decisions and criticise the body in the past for inconsistency. But I can assure the public that nothing could be further from the truth. All the members of the BDCC take the role as independent arbiters of the 2002 Law very seriously indeed.

460

In one incidence this year, a case occurred where despite every member of the Committee being fully supportive of the aims of the applicant, the proposal was denied because it infringed on the Law. This I believe shows our attempts to apply consistency to application of the Law as we should.

465

In another instance, the BDCC had to process an application from the EFC, another States body, and we refused part of that application after careful consideration of the legal complexities of that situation, and this I believe also shows our attempts to apply ourselves as independent arbiters of the Law.

470

I hope these examples give the public confidence in the independence that the body shows in its decision-making process. It is sometimes hard to check your opinions at the door of a committee meeting, but I believe that the current and also previous committee in which I have served have managed to do so, and I would commend my fellow committee members for their ability to do so as well.

475

Over this year, the Committee has also continued to operate the fast track application system, for works of an uncontentious and minor nature. I believe that this procedural change has been a great success by removing unnecessary delays to applications of this sort and has been a massive benefit to the public and the planning process as a whole.

480

2013 has also seen the BDCC start to undertake a review of the whole planning process by the UK planning advisory company, Arup. This process is currently ongoing, but I would like to thank all those members of the public and representatives of interested groups and bodies that took part in the call for evidence that has taken place this autumn. This input is vital in order to create a balanced and thorough review of the current system in order to identify its weaknesses and its strengths and to identify improvements for the future.

485

Finally, on behalf of the members of the BDCC, I would like to wish all Island residents a Merry Christmas and a Happy New Year ,and I commend this Report before the States.

The President: Thank you very much, Mr Birmingham.

490

Mr Simonet, I believe you wish to second this.

Mr Simonet: Yes, indeed, sir.

I would just like to say, or indeed congratulate Mr Birmingham on his chairmanship. It is impressive, his grasp of detail is impressive. The debates that we have on the Building and Development Control Committee are robust, they are quite intense at times, but once a decision is taken, then everybody accepts it with good grace – perhaps a lesson that could be learned for other Members here.

495

However, I am delighted to be a member of that Committee and hope to be so next year.

500 **The President:** Thank you very much indeed.
Does any other Member wish to comment on the Building and Development Control Committee Annual Report? Mr Berry.

505 **Mr Berry:** I would just like to add, sir, that I have every confidence in our Chairman and I thank him for his good guidance.

The President: Does any other Member wish to comment on this Report?
Madam Greffier, would you please call the vote?

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

A vote was taken and the results were as follows:

FOR	AGAINST
Mr Tugby	None
Mr Arditti	
Mr Birmingham	
Mr Berry	
Mr Jean	
Mr Harvey	
Mr Simonet	
Mr McDowall	
Mr Roberts	

515 **The Greffier:** Thank you.

The President: Thank you very much indeed.

**General Services Committee
Annual Report for 2013 approved**

Item V

The States is asked:

520 *to accept the Annual Report for 2013 of the General Services (Estates & Services) Committee.*

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

525 **The Greffier:** Sir, Item V is the General Services Committee Annual Report for 2013. The States is asked to approve that Report.

The President: Thank you.

Mr Tugby as Convener, were there any comments on this at the People's Meeting?

530 **Mr Tugby:** Yes, sir. Two queries were raised regarding the continued use of asbestos water pipes, and potential contamination from PFOS. The Convener advised that as part of the ongoing capital programme the Water Board is currently replacing the distribution system, and that water testing is carried out on a regular basis, taken from various points through the network and the levels are remaining static.

535 **The President:** Thank you very much, Mr Tugby.
Mr Jean, I believe you wish to propose this Report for our acceptance.

540 **Mr Jean:** I do, sir, thank you.
I have got a few little things I need to add to it, sir. One of them got omitted with my home notes during typing, if I may.

545 This paragraph is about the work on St Anne's Church roof, to restore it and keep our wonderful town church in good order. The Committee at the beginning of the year was asked for permission to undertake work on the bell tower, with a new galvanised steel frame being installed and six new bells, some of the older bells being re-tuned at the same time. We are all truly delighted to receive such a kind gift by a kind benefactor, and I would like to take this opportunity to thank them on behalf of us all. It is a wonderful contribution to our magnificent church.

And if I may sir, I was too late with this section on children and young persons, which is also my responsibility, so I would like to add that if I may.

550 My Children and Young Persons' Report as States Member, my responsibilities apart from my role of Education rep at St Anne's school: I attended a meeting in February with Lisa Oates at the Island Hall. We talked about her current role at the Butes Centre and throughout the Island in general, and how this youth work connects her to both our schools, St Anne's School and Ormer House. It is hardly surprising when a person is as capable as Lisa, I have not been required a great
555 deal throughout the year. Although quiet for me, through our meeting, if I am needed our contact is good. I take pleasure in thanking Lisa for all her good work undertaken by her during 2013. I also had a pleasant meeting with a mother and toddler group and as a result signs were placed to and from the Butes Centre, reminding people to slow down as children may be crossing.

560 Some improvements were suggested for the Butes play park area. These have not taken place yet and some of them have not materialised. I enjoyed the time I spent with those young mums, very much.

This year I was sorry as well to hear about the closing of Alderney's only private school, Ormer House, and I hope, as our economy recovers, this school will reopen again in some form.

565 I also got involved with the school garden run by Mr David Wedd, and I helped staff re-open a German bunker at the top end of their wildlife garden. I was helped by several boys and girls that Saturday morning, carrying buckets of soil and helping with the digging. I was impressed with their enthusiasm. I wish them well and hope to see them all again soon.

570 I was invited to a very interesting award ceremony for young boys and girls. These ranger awards were given for wildlife conservation, topics various. And those young people receiving those awards entertained us all that evening by giving us a brief talk on their chosen subject, which was much enjoyed by a full and enthusiastic room full of people at the Alderney Society's Museum, all eager to enjoy those wonderful achievements. Well done, my thanks to Mr Wedd and all those people for the invitation to such a memorable evening.

575 In conclusion, I had an enjoyable role in my year representing children and young people, and I look forward to next year, should I be re-elected. I ask all those young people – and I take this opportunity to wish you all the best for the coming year ahead – and this ends my Report on the young persons.

I also see attached to my report is the Maritime Trust Report. And I would, while I am up, like to make comment on that.

580 It has been attached to the EFC Report. Having read this Report, I would like to pass on my thanks for both this Report and the update of the AMT's activities in 2013 in the last journal. However, there is an omission which I am sure the other trustees would be grateful if I rectified. The resignation of Mr Mensun Bound received in May, at a meeting of the Alderney Maritime Trust has not yet received public recognition, although the public do know about it, for all the help
585 he gave us. The AMT achieved throughout nearly 20 years of service to the trust... I will highlight just a few of those achievements, and 27 and 28 are the years I will centre in on out of 20.

590 In those years, Mensun helped organise a dinner at Buckingham Palace in combination with fundraising. The two cannon, one of which is now at the Alderney Museum, were raised, brought into Braye Harbour for the public to view on a barge, and then off to the Tower of London for an exhibition along with other artefacts from the Alderney Society. All part of a wonderful exhibition which Mr Bound and Mr Mike Corfield helped organise.

595 Needless to say, all of these combine to make this a year of amazing achievement for the Alderney Maritime Trust. Mensun along with many other divers who kindly came to help the Trust would eat at my house. He got along well with so many people here and really was part of our scene. He would tell us when he was coming and we would pick up where we left off, just like old times. He helped the Elizabethan wreck attain international status and in nearly 20 years with us altogether, with his own Island background, he became just like one of us.

600 In recent years, he has not been well and last I heard he had improved in health. I would like on behalf of all his Alderney friends and my fellow trustees 'to wish Mensun all the very best for nearly 20 years of your assistance and help throughout those years. You gave Alderney so much in work and humour and became a real friend to us all and I look forward to seeing you soon. Thank you from us all Mensun. Louis, fellow trustee.'

Thank you, sir.

605 **The President:** Thank you.

Right, Mr Tugby, I believe you wish to second this.

Mr Tugby: Yes sir, I will second it, sir. I have got nothing to add.

610 **The President:** Thank you very much.
Does any other Member wish to comment on the General Services Committee Annual Report?
Mr Harvey.

Mr Harvey: Thank you, Mr President.
615 I commend the work of the Committee. I think they have a high regard for the Members, they cover a very diverse range of subjects and I think on the whole they handle it extremely well.
Just referring to the Chairman's Report though, I have to just reflect on the fourth paragraph, where he says:

620 'A couple of projects I would personally like to highlight is the Sea Fisheries agreement relating to a voluntary code of practice developed and agreed by the fishermen and anglers.'

I am unaware of any anglers who have agreed to the voluntary code of practice, which seems
625 to have resulted from the dismissal of the White Paper which was worked on over many months and with many consultations by previous States. It does seem unfortunate that the White Paper was thus dismissed in favour of a voluntary agreement which does not appear to be inclusive.
Thank you, Mr President.

The President: Thank you, Mr Harvey.
630 Does any other Member wish to comment on the General Services Committee Annual Report?
No, okay. Mr Jean would you care to sum up?

Mr Jean: Yes, I will take up Mr Harvey's point. Thank you for that, Mr Harvey.
635 Yes, I could probably take the blame for that, and I would fair and square on the shoulders, and the reason for it is I did not want to see our fishermen tied up in legislation, which they did not want. I think I measured the mood very well and, supported by my Committee, we decided, and of course in consultation with Chris Morris, the Sea Fisheries Officer, I and the Committee decided that that was the best course of action. The fishermen were very happy with it indeed, and apparently it is working well, which is a good sign. I have not heard...

640 I spoke to Dick Smith after the fishing festival, and he said that everything had been fine. So I think a very gentle hand on the tiller always with these things. It has been a very emotive issue, people have been extremely upset. I am grateful to you for bringing it up, and yes we did spend a lot of time on the White Paper.

645 But I really did know that the fishermen felt passionately about not being bound in too tightly, and they wanted that trust. We have given them that trust. I hope it continues to work. I may be wrong, time will prove who is right and who is wrong. But I do thank you for your remarks, Mr Harvey.

The President: Thank you, Mr Jean.
650 Madam Greffier, would you put that to the vote, please?

The Greffier: Yes, sir.

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

FOR	AGAINST
Mr Tugby	None
Mr Arditti	
Mr Birmingham	
Mr Berry	
Mr Jean	
Mr Harvey	
Mr Simonet	
Mr McDowall	
Mr Roberts	

The Greffier: Thank you.

The President: Thank you very much.

660

**Regulation on Nutrition and Health claims and Implementation of
Food Supplements Directive postponed to next sitting**

Item VI

The States is asked to approve:

The European Communities (Implementation of Council Regulation on Nutrition and Health Claims) (Alderney) Ordinance, 2014; and

665 *The European Communities (Implementation of Food Supplements Directive) (Alderney) Ordinance, 2014.*

The President: Madam Greffier, we will move to Item VI, and if you would just like to give the public the general background to what we are going to do here.

670

The Greffier: Yes, sir. Item VI is the Regulation on Nutrition and Health claims and Implementation of Food Supplements Directive.

675 Sir, two Ordinances were drafted to put before us this evening, but we have had advice from the Law Officers that there a few amendments to the actual draft Ordinances and they have asked the matter be postponed until the January meeting. I understand that there is an amendment to be put forward that the matter is postponed until the next meeting of the States.

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

680

Mr Tugby: There was no comment, sir.

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

685

Mr Birmingham: Yes, I will propose the Item.

The President: Thank you.
Mr Tugby, I believe you wish to second this.

690

Mr Tugby: Yes, sir.

The President: Mr Simonet, I believe you wish to propose an amendment.

695

Mr Simonet: Yes, indeed sir.
I would like to propose that this Item is postponed until the next States Meeting.

The President: Thank you very much.
Do we have a seconder for that please?

700

Mr Harvey: Mr President, yes, I would be happy to second Mr Simonet's proposal.

The President: Thank you very much indeed.
Does any States Member wish to comment on this?

705

Madam Greffier, can you take that the amendment is passed to postpone this to the next States Meeting.

The Greffier: Yes, sir.

Voluntary Early Severance Scheme approved

Item VII

710

*The States of Alderney is asked:
to support and approve the terms of the Voluntary Early Severance Scheme and to approve capital expenditure of up to £500K, to be taken from capital.*

The President: We will move to item VII, please.

715 **The Greffier:** Sir, Item VII is the Voluntary Early Severance Scheme. The States of Alderney are asked to support and approve the terms of the Voluntary Early Severance Scheme and to approve capital expenditure of up to £500,000, to be taken from capital.

The President: Thank you very much.
720 Mr Tugby as Convener, were there any comments on this at the People's Meeting?

Mr Tugby: There was no comment, sir.

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

Mr Simonet: Yes, sir.

This Voluntary Severance Scheme is an important part of the restructuring of the States Works Department. The proposed new structure has been created for a series of workshops with staff and
730 managers and has been approved by the Estates and Services Committee. A reduction in the workforce has been recognised to be an essential part of the restructuring that will enable the Estates Works Department to reduce costs and give the new management team the opportunity to put in place a new management and organisational structure that is fit for purpose for the future.

735 The proposed Voluntary Early Severance Scheme will allow staff who have worked for the States for many years, to leave with some dignity. It is expected that up to 12 members of staff will be released at a cost to the States of £434,260. It is calculated that the States will recover this sum by the savings made in under two years.

Thank you, Mr President.

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

Mr McDowall: Yes, I do wish to second it and I do so with mixed feelings, in fact.

745 Measures such as this can only be implemented with political backing and I feel it is a shame it has taken a number of years to get the political backing to both implement the changes in structure and the attendant costs that will impact on that. But I think it is important that we proceed with this, and we proceed with this over the next year. The costs of recovery come relatively quickly and I would like to commend it to my fellow States Members.

750 **The President:** Thank you very much, Mr McDowall.
Would any Member wish to speak on this? Mr Jean.

Mr Jean: Yes. I am pleased to hear Mr McDowall say that, because I too have mixed feelings about this.

755 I find it hard to accept the severance with money; I find that difficult to accept. But I think that is part of another picture that we may need to look at, and that is the Civil Service schedule of employment conditions. I think we would probably find that we are unable to do it any other way, there is no other way, and like you I am not happy about it, but we are going to have to perhaps grin and bear it for the moment.

760 But we need also to look in time at what we are doing when we take other people on, whether those conditions... whether there is anything that we can do to have them re-evaluated and re-set and re-calibrated. Because in the private sector nobody gets severance and it really means that... I cannot understand this happening, that is my difficulty with it, because we would not get it in the private sector.

765 **A Member:** Yes.

The President: Thank you, Mr Jean.
Mr Arditti, you wish to speak on this?

770 **Mr Arditti:** Yes, please. Thank you, sir.

In these difficult times, a job working for the public on the public payroll is a privilege in Alderney, as it is in the UK and elsewhere. This is not to say that those in public service should not be appreciated for their efforts. Effort in the service of the public should be appreciated – duty and appreciation. This is what management is all about: instilling a culture of duty and
775 appreciation of effort.

The audit revealed that this culture is missing, or more precisely, is not universal in public service in Alderney. And in my view this indicates management issues. Yet this proposal, while it seeks to improve the culture of public service, is focused almost entirely on the troops instead of the managers. This is the difficulty I have with this proposal.

780

I have been told that this proposal is part of an overall solution which will address the culture throughout the public workforce at all levels, managers and managed, from top to bottom. On this basis, I will not oppose this severance scheme.

This audit and how we act upon it is extremely important, in my view. We will only get one shot at this, and we must be bold. Voting up to half a million pounds of other people's money to spend on a generous severance scheme is not difficult. Nothing for the public to congratulate us about in this regard. The difficult bit will be the resolve necessary to insist that the rest of the solution is implemented, and that henceforth the culture of public service will be non-negotiable.

785

I have no idea whether this will be successful, I hope it will be. If it fails it will be because we addressed the wrong end of the chain of command. I shall vote for this proposal on the basis of the promised payback in two and a half years. But I see this as the beginning of a solution, not the solution itself.

790

Thank you, sir.

795

The President: Thank you, Mr Arditti.
Does anybody...? Mr Harvey.

Mr Harvey: Thank you, Mr President.

I cannot disagree with anything that the previous speakers have said. I think that it is a fairly generous scheme. In the private sector, which I have much more familiarity with, and as others obviously do, the process would have been managed differently. It would have been managed by setting of objectives, regular appraisals, provision of training where necessary. For historic reasons, some of those things have not been the rule in Alderney and I am sure that is going to be changed, and I shall pay tribute to our Chief Executive, who I think is trying to bring around those changes. (A Member: Hear, hear.)

800

805

So I would agree with Mr Arditti that this is only one end of the solution. The other end is the way that the civil servants or the Public Works Department are managed. And I think that will improve enormously and I think this is ultimately going to be a good move for the Island.

810

The President: Thank you very much.
Does any other Member wish to speak on Item VII?

Mr Berry: Sir.

815

The President: Mr Berry.

Mr Berry: I must state at this moment, sir, that I have a vested interest.

I have a brother working for the Department and I worked for the Department for 44 years. I will be voting for this because I think it is something that is long overdue.

820

The fact that we have to get this sorted, we have to get a new structure in place for the benefit of the Island – and not only for the benefit of the Island; for the pride and ability of the workforce that we will employ in the future. And I commend it to the House, sir.

The President: Thank you very much.
Does anybody else wish to speak?

825

Mr Tugby: Sir.

The President: Yes, Mr Tugby.

830

Mr Tugby: I will vote for this, sir, but I have a few reservations.

Like Mr Arditti and Mr Harvey, I do not blame the men. If something goes wrong in a firm, the bloke at the top takes the blame. If anything goes wrong in my firm, it is me that gets the blame and the reputation. We have got to actually address the top end as well as addressing the bottom.

835

It is a culture that has been allowed to develop over a number of years and one of the problems is because it is very difficult to dismiss anybody when they get into public service without a long drawn-out procedure. And that is one of the problems – you cannot just give them a rollicking basically and get on with it; you have to be very careful nowadays what you say to them because

840 of the nature of things. I do not think in some of these things that we need quite so many team
leaders and everything that they are talking about.

But I will vote for it and hopefully it can be streamlined a bit in the process, in the future.

The President: Thank you, Mr Tugby.

Does any other Member wish to speak on this – Mr Birmingham or Mr Roberts?

845 Mr Birmingham.

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

I would just like to take this opportunity to express my support for the attempts by the States to reorganise and restructure Public Works.

850 In my view, the fundamental change that the formation of the AHA has had upon the type and
distribution of different work-streams within the Public Works, along with the situation that will
see nearly a quarter of the body's workforce reaching retirement age within three years means that
not only is restructuring necessary, it is absolutely essential. Also, redundancy when it is taken on
a voluntary basis rather than a compulsory one is by far the best way to reorganise and refresh
855 while maintaining morale within an organisation. So I support the proposal.

However, I, like other Members here, do have an immediate family member that may or may
not be involved within the scheme, so for me this does create, in my view, a conflict of interest for
myself, so as such on this I will be abstaining.

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

I take it no other Members... Mr Roberts does not wish to speak, I think.

Mr Roberts: No, that is fine.

865 **The President:** You do wish to speak, yes?

Mr Roberts: No, that is fine. I just agree with everything Mr Tugby said.

The President: Alright, thank you very much.

870

Mr Roberts: And Mr Arditti.

The President: Right, that is everybody.

Mr Simonet, would you care to summate please?

875

Mr Simonet: Yes, thank you, Mr President.

Well, I did not think this hour would come when we are all in agreement. *(Laughter)* It is a
nice way to end the year. I do commend this Item to the States.

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

Madam Greffier, we have an abstention. Would you call the vote please?

The Greffier: Yes, sir.

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

FOR

Mr Tugby
Mr Arditti
Mr Berry
Mr Jean
Mr Harvey
Mr Simonet
Mr McDowall
Mr Roberts

AGAINST

None

ABSTAINED

Mr Birmingham

The Greffier: Thank you.

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

QUESTIONS AND REPORTS

The President: We will move to Item VIII.

The Greffier: Sir, that is Questions and Reports. I have not received either.

895

The President: To the best of my knowledge, we have not had Questions and Reports. So, it just remains for me to wish everybody a very Merry Christmas and a happy, prosperous and united New Year.

Thank you very much.

PRAYERS

The Greffier

The Assembly adjourned at 6.27 p.m.