



OFFICIAL REPORT
OF THE
STATES OF THE
ISLAND OF ALDERNEY

HANSARD

The Court House, Alderney, Wednesday, 18th June 2014

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

Volume 2, No. 4

Present:

Mr Stuart Trought, President

Members

Mr Raymond Berry
Mr Matthew Birmingham
Mr Neil Harvey
Mr Louis Jean
Mr Steve Roberts
Mr Francis Simonet
Mr Ian Tugby

Representative of the Lieutenant Governor:

Colonel Colin Mason

The Greffier of the Court

Mrs Sarah Kelly

Business transacted

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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 received –
Procedural**

The Greffier: Sir, we have received apologies from Mrs Paris.

The President: Thank you very much.
For the sake of the record, would you just declare us quorate, please?

5

The Greffier: Yes, sir, in accordance with the Government of Alderney Law, the quorum for 10 sitting States Members is seven, and then plus yourself, sir.

The President: Thank you very much.

10 One other Item we need to mention this evening is, Mr Rowley is not here this evening. He is ill. So the Convener's Report this evening will be read by Mr Harvey, who was present at the People's Meeting.

Billet d'État for Wednesday, 18th June 2014

**I. The Housing (Exemptions) (Alderney) Ordinance, 2014 –
Approved**

Item I

*The States is asked:
to approve "The Housing (Exemptions) (Alderney) Ordinance, 2014".*

The President: So if we move on to Item I, please.

15 **The Greffier:** Sir, The Housing (Exemptions) (Alderney) Ordinance, 2014. The States is asked to approve that Ordinance.

The President: Thank you very much.
Mr Harvey, would you give the Convener's Report, please.

20

Mr Harvey: Thank you, sir.

First of all to say, the meeting was attended by approximately 50 members of the public, four Press, five States Members plus the Convener, and of course yourself.

Item I, The Housing (Exemptions) (Alderney) Ordinance, 2014. Comments on this Item included:

25 One contributor, having received a letter from the States Engineer, was of the understanding that due to the Planning Review being carried out by ARUP, applications for individual Ordinances will not be considered by the States at this time. Mr Birmingham, Chairman of BDCC, advised that this application fits in with the Committee's current policy as it is a conversion of an existing building as opposed to a new build.

30 Under section 33 of the Ordinance this is considered a new single dwelling being promoted and it is not normal for the Committee to grant it.

Another person said: will this not set a precedent to others for conversions of garages and workshops into dwellings? Mr Birmingham advised that similar applications have been granted by the Committee in the past.

35

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

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

40 As you will all no doubt be aware, section 33 of the 2002 Building and Development Control Law places strict criteria on the creation of new dwellings. In this case, despite this proposed development being a conversion of an existing building and not the creation of a new building, the outcome will lead to the creation of a new dwelling. Therefore, in those circumstances the development requires that the applicant has to be prescribed as an exempted person to enable the BDCC to consider the planning application.

45 In this case, the proposed development conforms to the current policy for the promotion of Exemption Ordinances in that it is a conversion of an existing building and fills an identified need for downsized property, particularly in relation to the elderly.

Therefore, the Building and Development Control Committee has unanimously recommended that an Exemption Ordinance be granted for this proposal, and I commend the Item to the States.

50

The President: Mr Simonet. I believe you wish to second this.

Mr Simonet: Yes I do, sir.

55 **The President:** Thank you. Does any Member wish to comment on this Item?

Mr Jean: Sir, if I may?

The President: Of course.

60

Mr Jean: I would like to declare an interest. Mr Lewis is a good friend of mine and I would like to ask the advice of the Greffier on how I should proceed. He is only a friend. I have absolutely no interest in the Item. How do you feel I should go? Do you feel that I should leave it to my own discretion as to whether I vote or not on this Item?

65

The President: Mr Jean, that decision lies with me, and you may vote on that Item. It is up to you to decide, now that you have declared your interest. You may take part in the debate. You may vote or not vote according to your conscience.

70 **Mr Jean:** Thank you, that is fine.

The President: Do you wish to speak on this Item?

Mr Jean: No.

75

The President: Does any other Member wish to...?

Mr Tugby: Sir, I had better declare an interest as well, because Mr Lewis asked me to quote on the building, so I will not vote on this Item.

80

The President: Thank you very much indeed.
Does any other Member wish to...? Mr Berry.

85 **Mr Berry:** Sir, I raised this point at Building and Development Control. My concern is, as you know, to do with the traffic management on this Island and I am concerned that any future development of existing garaging or car occupancy space on the sites is of some concern. We have in the past allowed conversions and to the detriment of the traffic situation, so I will be voting according to my conscience on that, sir.

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

Mr Birmingham: May I make a point of information?

The President: You may make a point of information, yes.
95

Mr Birmingham: Thank you. Just for Mr Berry, though he is probably aware of this from being on the BDCC, during the considerations of the plans, one of the considerations was that there should still be adequate off-road parking as the garage is being lost, and there is space for off-road parking in this particular case.
100

The President: Thank you, Mr Birmingham.
Does any other Member wish to speak on this subject?
In that case, Madam Greffier... Sorry, Mr Birmingham, do you care to sum up?

105 **Mr Birmingham:** No, thank you.

The President: Okay, Madam Greffier, if you would call the vote, please.

A vote was taken and the results were as follows:

FOR	AGAINST	ABSTAINED	ABSENT
Mr Birmingham	None	Mr Tugby	Mr McDowall
Mr Harvey		Mr Berry	Mrs Paris
Mr Simonet		Mr Jean	Mr Rowley
Mr Roberts			

110 **The Greffier:** Sir, that is 4 for the motion and 3 abstentions, so that is carried.

The President: Thank you very much, Madam Greffier.

II. General Services Committee Membership – Mrs Paris appointed as fourth member

Item II

The States is asked:

to appoint a fourth member to the General Services Committee.

The President: Could we move on to Item II, please?

115 **The Greffier:** Item II, sir, is the General Services Committee Membership. The States is asked to appoint a fourth member to the General Services Committee.

The President: Thank you.
Mr Harvey, would you read the Convener's Report, please?

120 **Mr Harvey:** Thank you, sir.

There were several comments on this Item.

Will this change make the Committee stronger? The Convener advised that it would and a full complement of members will allow the Committee to be quorate for voting purposes, even in the event of absences from members. The change will also bring the Committee membership into line with that of BDCC, who also have five members.
125

One contributor advised that there used to be a practice in the past that when committees fell short with members for any reason, members of the public with relevant expertise would be co-opted into meetings.

130 Another contributor asked whether there were any Members currently not on any Committees. The
Convener advised that all Members are on the Policy and Finance Committee and the newly elected
Member, Norma Paris, has expressed interest to be on the General Services Committee. However,
nominations would be made at the States Meeting.

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

Mr Tugby: Yes, sir.
I have nothing further to add, so I just propose it.

The President: Thank you very much.
140 Mr Berry, I believe you wish to second this.

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

The President: In that case, do we have any nominations for this position, please?
145

Mr Birmingham: Yes, I would like to nominate Mrs Norma Paris for the position.

The President: Thank you, and do we have a seconder for that?

150 **Mr Tugby:** I will second it, sir.

The President: Thank you very much.
Do we have any other nominations for this position?
We have no other nominations for his position, Madam Greffier.

155 **The Greffier:** Then Norma Paris, sir, is appointed to the General Services Committee.

The President: Thank you very much.

III. The Alderney Housing Association – Grant Funding – Sable D’Or, Rue de Beaumont – Grant approved

Item III

The States is asked:

*to approve the awarding of a grant to the Alderney Housing Association of Two Hundred and Thirty
Eight Thousand Pounds (£238,000) from the capital account towards the above project, to provide two
social housing units for rental and partial ownership.*

160 **The President:** May we move to Item III, please?

The Greffier: Item III, sir, is The Alderney Housing Association – Grant Funding for Sable D’Or on
Rue de Beaumont.

165 The States is asked to approve the awarding of a grant to the Alderney Housing Association of £238,000
from the capital account towards the above project, to provide two social housing units for rental and partial
ownership.

The President: Thank you very much.
170 Mr Harvey, would you please read the Convener’s Report?

Mr Harvey: Thank you, sir.
There were a number of comments on this Item.

At £516,000, it is expensive for two properties. The Convener advised that this proposal was considered
by P&F following a presentation by the Housing Association.

175 Why are building and refurbishment works being undertaken by the Housing Association with funding
from the States? The Treasurer advised that it was part of the agreement with the Housing Association

when it was formed and the housing stock transferred, that the States would assist with financial grants in the early phases of getting the social housing up to a reasonable standard.

180 Has the Housing Association any interest in partial ownership of properties, as it is difficult to see why someone would only want to own 80% percent of a house? The Treasurer advised that partial ownership is usually available in stages of 10% up to 80% to enable those to get on the housing ladder.

185 Another contributor asked why spend £500,000 on building two properties when the Housing Association can purchase two for £300,000? The Convener asked Mr Simonet, Chairman of P&F, to provide an explanation. Mr Simonet stated that the system of grants to AHA had been pre-arranged and that the Housing Association raise money from bank loans as well. He believes it is a good, workable system and the Housing Association is providing quality social housing for the people of Alderney. He advised that he had requested in 2013 that AHA explore the purchasing of properties on the market. However, those available are not up to standard.

190 Another contributor suggested that the current properties be demolished and the site sold. Does the Housing Association have people interested in partial ownership? Mr Simonet, Chairman of P&F, advised that AHA indicated that they have two or three people on the list but have not yet been promoting partial ownership until the properties are known to be available. This has since been verified by the Housing Association. Promotion of the properties will commence later this year.

195 It was stated at the inception of the Housing Association that it would be independent from the States and no longer be a burden on the taxpayer. However, the funding by the States still continues. The Treasurer reiterated that it was part of the agreement with the Housing Association that the States would assist with financial grants in the early phases of getting the social housing up to a reasonable standard. However, this will not continue indefinitely.

200 Is the value of the plot known? Mr Simonet advised that he is uncertain of the value of the plots. However, he stated that it is in the ownership of the Housing Association, as it was part of the transfer of the housing stock.

Finally, a contributor stated that it would deplete the stock available to others not requiring social housing.

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

Mr Simonet, I believe you wish to propose this?

Mr Simonet: Yes, indeed I do, sir.

210 Mr President, Alderney Housing Association has been in existence for a little over three years. It is registered as a not-for-profit company with charitable objectives.

The main core business objective of Alderney Housing Association is to improve the existing housing stock and increase the supply of good quality, social housing, giving greater choice for the people of Alderney and housing need.

215 In August 2010, States' housing stock of 52 properties were transferred to Alderney Housing Association. The majority of these properties were in very poor condition, having suffered from a lack of investment in maintenance and renovation over many years.

I would like to briefly outline the performance of Alderney Housing Association over the past three years.

220 Initially, Alderney Housing Association carried out surveys of all the existing properties, and have implemented a repair, refurbishment and maintenance programme on those properties that they consider worth investing in in the long term.

They have organised the renovation of nine properties at Alexander Court, and these are now near completion. A further 11 properties at Bird Cage Row are scheduled for renovation and these are going out to tender in July this year.

225 Seven houses in Coastguards are scheduled for renovation. Tenders will also be sought in July.

Some of the properties at Whitegates have been demolished, and the remainder will suffer the same fate as soon as the tenants can be rehoused. The aim is to redevelop the site with new, high quality low maintenance houses. Construction is expected to start next year.

230 New homes are currently being built on the Grand Hotel site, consisting of nine two-bedroom flats and four three-bedroom houses. These are expected to be ready for occupation early next year.

The Platte Saline site has already received planning permission for six properties, and will be developed during the next three to five years, depending on housing need and funding.

The building of two three-bedroom chalet bungalows on the Sable D'Or site will start as soon as possible, if the grant application that is before the States tonight is successful.

235 Alderney Housing Association is self-funding for the majority of its modernisation work, reinvesting its rental income and using its bank overdraft facilities. However, some assistance in the shape of grant

funding from the States is required until Alderney Housing Association builds up its stock of property to a level that will enable it to become financially independent.

240 A member of the public, as you heard, queried the cost of Sable D'Or development. Alderney Housing Association received tenders from three local builders. The lowest tender was accepted. This tender has been carefully scrutinised by the Alderney Housing Association professional staff, and is considered to represent value for money.

It is also worth noting that all the construction work is being kept on-Island, with the obvious benefits for the local economy.

245 Another member of the public asked why Alderney Housing Association has not purchased some of the properties that are currently on the market. During the past year, the Housing Association has viewed a number of the available properties. However, none of them can be proved to be financially viable, once the cost of repairs, renovation or modernisation to bring the properties up to the required standard was added to the purchase price. The Housing Association will continue to monitor the housing market for suitable projects.

250 Alderney Housing Association has demonstrated its ability and commitment to provide high quality social housing for our Island residents and I hope my fellow States' Members will continue to give them the support that they need to achieve their objectives.

Thank you, sir.

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

Mr Harvey: I do, sir, and I reserve the right to speak.

260 **The President:** Thank you.
Does any Member wish to speak on this? Mr Jean.

265 **Mr Jean:** I would like to thank Mr Simonet first of all for clearing up something for me, and that was a concern of mine that I have had for a long time that they Housing Association *did* look at other properties. I am grateful to hear that they have.

It is interesting to hear that they could not find the value for money, or that they probably required too much work to be suitable.

270 My concern about the Housing Association is the fact that we may end up with the Grand Hotel site and a lot of the properties out at Mannez and at Coastguards have recently become empty. My concern is that the Housing Association may be allowed to go too far, and I think that is really what we should keep our eye on, because we may well be in a situation where the Housing Association has too many houses and not enough tenants. I am already concerned that when they speak to us – and they are very truthful, for which I am grateful – that the list is not a long one, and the fact of the matter, when these lists are called upon and materialised into action, or asked to action the request that they took away forms, perhaps, it often materialises that these enquiries are just that: enquiries, and they are put down on the list. That is what I am not sure about.

275 However, there is another reason why today I am going to support this. There is an idea of selling the site. The site is now no longer as valuable as it was, the House is derelict and I am going to support it. Although – and I am very grateful for what Mr Simonet said, and that has actually changed my mind because I was not going to support it. But I am now.

Thank you.

280 **The President:** Thank you, Mr Jean.
Does any other Member wish to speak on this? Mr Tugby.

285 **Mr Tugby:** Yes, sir. I have got quite a lot to say on this one, sir.

290 With the Housing Association, we are talking about giving them more money for us to waste. We are going to build to rabbit hutches – because that is what they are – 18'6" long inside measurements, and 17' wide. If you put to 20' containers together, and a half a container on the top, that is what one of these houses is going to cost: £250,000 for that! Absolutely ridiculous! How on earth they got to this figure, I do not know.

295 Alright it went out to tender, but it depends on what the people were saying to go in, because it is a timber framed building, So for comparison and I have compared it per block: double cavity, and also insulation. It will not take more than 3,000 blocks per property.

Now, to lay those blocks, even if you went over the top and you said £5 per block, for the block and to lay it, you have come up to £15,000 for the blocking. The roof trusses for a small place like that: not much

more than £1,000. The oversight for the floor much to my amazement, I have done bigger garages than that – seven tonnes concrete, to lay it as well, another £1,000.

300 So how on earth they have got this sort of money. I do not know.

Do you realise the size of one of the bathrooms is 4' x 7'? Sorry, shower room, that one. A bedroom is 8'6" x 4'6". The kitchen, before you put the cupboards in, is 8' x 5'. You have got to put the cupboards in that as well. Talk about swinging the cat around! There is no chance of doing that. It is just far over the top, and alright, I have got nothing against spending money, but I do not believe that the States of Alderney should see their money wasted. We have wasted too much in the past, instead of investing in seeing to what is needed doing in the Island, and we are going to waste more money on this! It is absolutely ridiculous.

305

Where on earth...? If you added it all up, you would be lucky for one house to cost more than £100,000 – and that is going over the top basically.

The floor for the street, that size floor you could lay it in a day, because the two houses together are only the size of my kitchen, actually, and we laid that in a day. It is just absolutely ridiculous.

310

When we look at the sizes, were talking about quality housing, Mr Simonet said. Quality? Rabbit hutches maybe, but definitely not quality at that size. We should really look at these plans again before we grant £200,000-odd for any of this development. There are lots of things we could do with this money, like investing into the future of this Island, without going down this route. We have got 13 houses coming on line with the Housing Association. Wherever there find all these people? Another couple of young families have left in the last couple of weeks and some more are going. How are they going to fill these houses?

315

It is just unbelievable, and here we are dishing out money willy-nilly, and it just gets on my nerves. And if I lose it on this vote, it just proves another point: there is no point in me wasting my time being a States' Member.

320

The President: Mr Tugby.

Does any other Member wish to speak on this Item?

Mr Roberts: I just want to agree with Mr Tugby. I am not against spending the money – wisely spent money – and I do not think this is wisely spent money. What we are going get for those two size houses for that money, I cannot endorse. I just cannot endorse, so I totally support what Mr Tugby has just said.

325

The President: Thank you, Mr Roberts.

Does anyone else wish to speak on...? Mr Berry.

330

Mr Berry: I am concerned, sir, if we are spending this amount of money, at what we get for the money. This is what Mr Tugby has said, and I am not against the Housing Association. I think people in rented accommodation require modern type housing. But with the depopulation going on, and the fact that we have got that Grand Hotel site coming on, the size of property does give you some concern, sir, and the amount of money that we are being asked to spend.

335

I have serious concerns. I shall vote against this, sir, and I will vote against the only decision of our Committee. But in times when money is short, I think if you get the best that we can for our money, and if we are going to build housing, we build something of quality, but also of a suitable size that you can put families in. We have got to keep families in Alderney and encourage families to stay, but they have got have the right size property.

340

The President: Thank you, Mr Berry.

Does anyone else wish to speak on this Item? Mr Harvey, do you wish to exercise your reserved right?

Mr Harvey: I do not, sir, thank you.

345

The President: Thank you.

Does any other Member wish to speak?

In which case, Mr Simonet, would you like to sum up?

350

Mr Simonet: Yes, sir. I always listen with interest to my fellow Members' comments. Answering Mr Tugby really, why the size of the houses, well, there is a need for small houses. That is why small houses are being built. Small accommodation is highly insulated and low maintenance, and that is something that has been highlighted by the Housing Needs Survey for some time.

355

The Housing Association have adopted a very careful strategy to provide the current and future housing needs and this is just one of them. There are actually some 10 people on the waiting list currently. There are of course the tenant is that need to transfer from existing properties – old dilapidated properties – into the

new properties as they come on stream, and this will enable the new properties to be built. So that sequence, you have to house some people somewhere. You have to have houses to put them in.

As regarding the cost, these houses went out to tender. They went out and they had three quotes. These quotes have been rigorously examined and thought to be fair. Perhaps Mr Tugby missed out by not tendering! Perhaps we are all the losers for that, but nevertheless we cannot do more than put properties out to tender.

There are comments from a number of Members, particularly about the size of the properties. These plans were presented to the Policy Committee by the Housing Association when this grant was put forward.

Mr Tugby: Further point of order.

The President: Yes, please go ahead.

Mr Tugby: We were shown the pictures without the measurements on. It is only when I went through it with the scale on, that I realised how small they were.

The President: Thank you, Mr Tugby.
Pray continue.

Mr Simonet: Yes, I think Mr Tugby is quite right, but I am... [*Inaudible*] – and I have no problem in doing that – but I did that before the meeting, and questions could have been raised with the Housing Association, if any Member had any doubts about that.

However, this is small, quality housing to fill a housing need. If the Island is to progress and provide social housing of a quality that we all should support, then we have to carry on with this grant system in the short term. Eventually, when the housing stock is of sufficient size, then the Housing Association will be completely financially independent. But this is part of the progression.

So therefore I do hope that the majority of Members will support the policy. I believe the Housing Association has done a first-class job. It is no surprise to anyone here that I was brought up for a good period of my life in the social housing on Alderney, and I know with all of you looking at me and saying what a fine figure of a man I am, (*Laughter*) I did not come to any harm. However, I can assure you the conditions of those housing in the 1950s was appalling, and they have not improved a great deal in subsequent years. Providing this social housing is something we have a responsibility to do. We have a good professional bunch of people in the Alderney Housing Association that are actually supplying this need, and something that the States of Alderney failed miserably to do over decades.

So I do hope you will reconsider and support this grant.
Thank you.

The President: Thank you, Mr Simonet.
Madam Greffier, if you could put that to the vote, please.

A vote was taken and the results were as follows:

FOR	AGAINST	ABSTAINED	ABSENT
Mr Birmingham	Mr Tugby	None	Mr McDowall
Mr Jean	Mr Berry		Mrs Paris
Mr Harvey	Mr Roberts		Mr Rowley
Mr Simonet			

The Greffier: That is 4 for the motion, sir, and 3 against. That is carried.

The President: Thank you.

IV. The Alderney Road Traffic and Public Highways (Amendment) Regulations, 2014 – Amended and not annulled

Item IV.

The States is asked:

to resolve that “The Alderney Road Traffic and Public Highways (Amendment) Regulations, 2014” not be annulled.

400 **The President:** We move to Item IV, please.

The Greffier: Item IV, sir, is the Alderney Road Traffic and Public Highways (Amendment) Regulations, 2014. The States is asked to resolve that those Regulations not be annulled.

405 **The President:** Mr Harvey, could you care to read the Convener's Report, please?

Mr Harvey: Thank you, sir.

Comments on this Item included: it was suggested that the restriction could only be enforced during working hours, otherwise cars parked in the two- and four- hour bays will not be able to park over night.
410 The Convener advised that this will be clarified and the regulations appropriately reworded if necessary.

It was queried whether the parking spaces will be numbered or marked to identify the different areas. The Convener advised that it will be clearly defined.

A contributor queried whether this was necessary. The Convener asked Mr Berry to clarify the reasons for these regulations. Mr Berry gave a history of the situation and advised that the Committee had been
415 monitoring the car park for some time, due to complaints from the public of congestion as cars are left abandoned.

It was queried whether GSC had considered residents' parking permits. The Convener advised that the Committee had considered the matter; however, there was not enough support.

420 It was queried whether this will be enforced and monitored. The Convener advised that you will have to display your parking clock and the car park will be monitored by the traffic warden.

Another contributor asked, is the car park legally part of the public highway? The Convener confirmed that it was.

A contributor queried whether the Item will be withdrawn from the Billet, and the Convener advised that it would if necessary.

425

The President: Thank you very much.

Mr Tugby, I believe you wish to propose this Item?

430 **Mr Tugby:** Yes, sir, I would like to propose it, to bring this Item forward and I reserve my own comments.

The President: Very good. Mr Berry, I believe you wish to second this Item.

435 **Mr Berry:** I wish to second it, sir, and for the sake of Members who were not at the meeting, say this matter has been discussed for some years now, initially by a subcommittee of the General Services Committee, chaired by the late Mr Paul Arditti, including myself and Mr Tugby, and it was deferred onto such time as initially the New Connaught Care Home was built and then subsequently the doctors' surgery was built. Taking to mind the concerns that members of the public of shopping in town. It is not a matter that has just been raised in the last few weeks; it is an ongoing matter, and I support this.

440

The President: Thank you very much.

Madam Greffier, I believe we received an amendment to Item IV?

445 **The Greffier:** Yes, sir. There is an amendment proposed by Mr Rowley and seconded by Mr Berry, that the proposed amendment is to revise the duration of the disc restrictions in the 12-bay and 10-bay designated parking areas from continuous to between 0900 to 1700 hours on any weekday.

The President: Thank you very much.

Mr Tugby, I believe you wish to propose this amendment.

450

Mr Tugby: Yes, sir.

The President: Thank you very much.

Mr Berry, I believe you wish to second this amendment.

455

Mr Berry: I wish to second it, sir, and say that I am grateful to the members of the public for their concern and that it proves that we on the General Services Committee do listen to the concerns of the public regarding overnight parking.

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

Does any Member wish to speak on this amendment?

Mr Jean: I want to speak on the amendment and the proposition together, if I may.

465 **The President:** You may. You can speak, as long as it concerns the amendment. Please do.

Mr Jean: Ah, I will stay down, I will wait for the proposition.

470 **The President:** Okay, thank you. Does anybody else wish to speak on the amendment?

Mr Jean: Yes, I could speak now, on both, if you wish.

The President: Yes, go ahead.

475 **Mr Jean:** On the amendment, to my mind, if I heard correctly at the People's Meeting, first of all, this Item was going to be withdrawn – completely withdrawn.

The President: Can I make a point of order here, please? (**Mr Jean:** Yes.)

480 Once an Item has appeared on the Billet, and is being presented to the public on the Billet, the only way it can be taken off the Billet is if the votes make an amendment to remove it. Not the Convener nor anyone else has the authority to remove an Item from the Billet once it has gone on, until it comes before the full States.

Mr Jean: Right, then I will speak on the amendment.

485 What I will say about the amendment, is this is making it up as we go along.

What traffic problem is there that requires this? There is none. The car park on Sunday was empty. There was nobody in there, because the actual effect of what you have done, instead of doing last year what we embarked upon, and were going to do this year as the surgery got near to fruition, which was to talk to the various people who had cars parked at the Val car park on a long-term basis and had left them for a long time. Admittedly some of those owners do live in High Street, yes?

490 The point about this car park is that until you actually do the first part of it, you cannot actually measure the need, or even whether this amendment is needed. To my mind, the amendment is not needed, and therefore I will vote against the amendment.

495 We will then talk about the proposition, I believe the proposition should not be here. The preparation work has not been done for this. What has happened is three or four fences have been jumped, before you actually get to the parking restrictions, to the amendment, to anything else. I do not believe that this was required – any of it – amendment, proposition, none of it.

So there my views on the amendment: I am against.

500 **The President:** Thank you very much, Mr Jean.
Does anybody else wish to speak on the amendment?

Mr Birmingham: If I may, Mr President, fellow Members, ladies and gentlemen, I am slightly with Mr Jean here, in terms of the comments I wish to speak about. But I think this refers just as much to the amendment as it is to the proposition.

505 I applaud the attempt being made by the General Services to deal with the parking issues in the Val car park, but I do believe that they have failed to take into consideration the needs of town residents, particularly in Victoria Street and High Street. Now, if memory serves me correctly – and I think this echoes what Mr Jean said – when high Street was designated as one way and parking was removed from the north side of the road, one of the reasons given in mitigation was that the residents of High Street could still have the ability to park in Val car park as an alternative. The parking restrictions that the Committee are introducing here seem to go against those guarantees that were made at that time.

510 For me there is a simple solution to the situation, and that would be the introduction of a number of residents' parking spaces in the Val car park operated by the simple issuing of a residents' permit. This system that works well in many urban areas in the UK. Some might say that that is unnecessarily complex, but I do not believe that is the case. We already have a number of disabled parking spaces in town that work on such a system.

515 I would urge the GSC to consider this issue further, so as not to penalise residents of town, and I think I have to agree with Mr Jean that I would have to vote against the amendment and against the proposition, as
520 I feel it needs further consideration.

The President: Thank you very much, Mr Birmingham.
Does anybody else wish to speak on the amendment? Yes, Mr Harvey.

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

Yes, I came from the Guernsey States only a month or so ago, where a rather vexatious debate on paid parking was being undertaken, so there is a sense of *déjà vu*. I think it is probably important to state that I do not think anybody has a right to park on public land. It is something that the States can decide who should park there and on what terms, and having said that, one has to feel sympathy for people who find themselves living in town with no other parking space.

530

I did enquire about residents' permits and was told that this idea had been rejected, and so I do still have some reservations. I think there was a need – perhaps a pressing need – to do something about the car park because of the problems of the doctors' surgery being open and, understandably, certain people trying to get to that surgery with mobility problems, who were having some difficulty. So I think there was a degree of urgency to do something about this, but I think that there are still some issues that have not been properly considered, and I do feel inclined to believe they should be referred back to General Services for a bit further consideration – maybe even for some simple survey of who is in the car park, what it is being used for, and dealing separately with the derelicts, as has been raised at the People's Meeting.

535

Thank you.

540

The President: Thank you, Mr Harvey.
Mr Tugby.

Mr Tugby: Yes, sir, I was not going to speak yet, but some of the things that have been said, I have taken on board.

545

We are talking of... There are some spaces will have 96 hours parking. Surely if you are not going to move the car for four days – that is what 96 hours is, after all – you could go home, park it up at Butes, where you can park as long as you like. This is purely for people who during the week want to get into town, because you have difficulty parking in town, then the people leaving their cars in the car park long-term and that is why we have brought in these regulations – or trying to bring in the regulations. We have talked about it on a number of occasions. This is gone on for two or three years, basically, since the car park first started.

550

We have taken on board what some of the people said, and that is why they have brought this amendment forward to cater for some of the problems, but at the end of the day, 96 hours should be more than sufficient for any resident in Victoria Street. If they are not using the car more than that, well, they can park it at Butes.

555

It is purely to try and stop the people who go put their cars in the car park and leave them there forever, basically, and there is no restriction on them at all. The most complaints that I have had from people is that there is no room in the car park. If you got the cars moved that have been in there for two or three weeks then there would be no problems – but you try and get a car... If there are no restrictions in the car park, you cannot get them to move, basically. This is purely to remedy that problem.

560

The President: I think that concludes the debate on the amendment. Could you put the amendment to the vote, please, Madam Greffier?

565

A vote was taken and the results were as follows:

FOR	AGAINST	ABSTAINED	ABSENT
Mr Roberts	Mr Jean	None	Mr McDowall
Mr Simonet	Mr Birmingham		Mrs Paris
Mr Harvey			Mr Rowley
Mr Berry			
Mr Tugby			

The Greffier: That is carried, sir.

The President: So that means that we do not proceed to the main Item, as the amendment has been carried.

570

The Greffier: That is the amendment, sir, just to change that one item to the 12-bay and 10-bay designated parking areas, from continuous to 9 a.m. to 5 p.m. in any weekday. That is not the Regulations themselves.

575

The President: Okay, so we now need to have the debate on the Regulations. We have already had that proposed and seconded. Does anybody wish to speak on the main Item now?

Mr Jean: I would like to, if I may.

580 I first of all declare an interest. My family are consumers of the product, (*Laughter*) although we are making our own arrangements.

What I would like to point out on the main proposition itself, now obviously amended, is that the preparation work should have been done before, to actually see the picture properly. What we cannot see – and in actual fact what has taken place since... Because this is already in place, although we are standing
585 here voting tonight, it is already been acted upon, it is in place, and there are now clear car parking spaces. Yesterday, I counted 10 spaces along one side and four along on the other long-term. There are several long-term plans park there, which have now moved. They have gone. And there is even a lorry with grass growing out of the back of it, and quite a lot of vehicles, and on a weekly basis, the car park itself was actually used as a waiting area for jobs going into the garage next door.

590 Now, let us take the priorities, let us look at the situation. The Connaught is very well catered for with its car parking. It has no need of the Val Road car park. The original purpose, which Matt brought up, of the car park, one of its main priorities was to aim to decongest High Street and Victoria Street of parked cars, and also when the one-way came in, that of course was very successful.

But what happened at the same time was that some very large vans moved into the car park, and quite a waiting list to the garage, plus the daily trade for that garage. My belief and the discussion that I had with
595 the Committee last year, that I believe should have taken place, and I do not believe took place – certainly not to my satisfaction or within my earshot or anything that I made any significant impact, that I actually heard – it was happening that these people had been approached and told, ‘Look this car park is not very large – large enough for the purpose, but not very large – and the fact of the matter is we want you to move
600 these vans that we know have been parked here for some weeks. These vehicles here awaiting work must go into your own area.’

The doctors’ surgery has got a car parking. We just discussed the Connaught. That is very well catered for.

605 Now, I think that this is what I call an overreaction. We have gone over two or three fences before you should have got to this one, and the only way to have measured whether this one was necessary was by doing that preparatory work which has not been done, which I recommended last year.

I am really against this because of that, but I have also noticed that since this is now in and has come in, those cars that were... and why this is not necessary, there is now clear space during the morning, during the afternoon, and quite a lot of clear space.

610 So in other words, if you had had the clear-out and the sort out, these measure would not be necessary. We do not yet have a traffic problem in Alderney. That is the point, and that is why I am saying and I am urging you to vote against this. I think this is wrong.

Thank you, sir.

615 **The President:** Thank you, Mr Jean.
Does any other Member wish to speak on this?

Mr Berry: Can I speak again, sir?

620 **The President:** Mr Berry. You are now speaking on the main motion, you may speak again.

Mr Berry: Yes, I have listened to what Mr Jean said. I am a member of the public who uses the Connaught Home. I go and visit my ex-mother-in-law. I prefer to park in the car park, because I know there
625 are some elderly people who cannot walk up the hill to the parking space and sometimes the parking spaces are quite full at the Connaught. It is not that wide.

When discussing this, I was told that we could not do anything in particular because of the situation to suit particular businesses, such as the doctors’ surgery. It is a car park for the general public.

In regard to the Members and their concerns about parking generally, many of our roads are one-way roads, simply because we have got that number of vehicles parking on the Island. At the meeting the other
630 night, I made the promise to that meeting that I would bring a paper forward regarding the future of traffic management in Alderney. That is coming to the General Services as a discussion document in July and hopefully, if it goes through with that, it would come to a public meeting, so that we can discuss how we can provide adequate parking within the streets of Alderney rather than having to provide car parks.

635 I would urge Members of this House and also members of the public if it is made public, to take careful note of and to put in whatever comments that they may have, because we are at the present moment in time, trying to encourage new business, new people to the Island. We have got a number of empty houses. Some

say about 300. If you average out two cars per household, we have got to think now what the situation might be in the future. We have had a propensity in the past to wait till something happens and then try and react to it. We do not want to be in a situation – and I mean this genuinely, ladies and gentlemen and
640 Members of this House – where we are going to have to deal with the situation like Guernsey is going to deal with the situation, when it is too late to do anything.

I am not asking for draconian measures. I am just saying that the car park in the Val is for everybody to use, not just a selected few. If you cannot say we can dedicate some to the Connaught, some to the shops in town, you cannot dedicate it to anybody else. It is there for whoever comes in at the time that the space is
645 there, and the number of people who have said to me, they have come into that car park and they cannot park there; they have to go elsewhere, or come back at some later time, to see if there is a problem with parking. It is a simple solution, sir, and we are just trying to do the best we can for the general public, not just for the few.

650 **The President:** Thank you very much, Mr Berry.
Does any other Member wish to speak on this Item? Mr Roberts.

Mr Roberts: With 96 hours, it is a trial: if it works we keep it; if it does not work, we can change it.
I am also in favour of possible residents' permits. We can give that a trial, see if that works. There are
655 many options open to us.

There has been a lot of traffic dumped in the car park, and it is quite interesting to see, Louis said, about emptying out.

Rome was not built in a day. Let's try it.

660 **Mr Jean:** On a point of order, sir,

The President: Point of order, Mr Jean, yes.

Mr Jean: The point of order I wish to raise is that you cannot be that casual about something so
665 permanent.

The President: That is not a point of order, Mr Jean. That is an opinion.

Mr Jean: It is a fact. It is a fact: it is looking at the thing too casually, and we cannot afford to do that.
670 This wants to go out.

Mr Roberts: Perhaps you want to do it all at once. Sometimes it does not work.

The President: Mr Roberts, you may finish your speech, you can continue.
675

Mr Roberts: Thank you.

It is just my view. Residents' permits: I am also keen on exploring that. So I am going to vote for this.

The President: Thank you very much, Mr Roberts.
680 Does any other Member wish to speak on this? Mr Birmingham.

Mr Birmingham: I will just reiterate the points I made on the amendment: my opinion is the same here.

I would just like to raise one small point relating to the doctors' surgery. When the BDCC considered the plans for the doctors' surgery, one of the major considerations we took into consideration was car
685 parking, and we ensure that there was adequate car parking around the doctors' surgery so that it would not impinge on the car park.

I am perhaps slightly concerned that perhaps that carparking that was catered for is perhaps not being used in the proper manner and I would say that as part of any discussion that GSC should have in relation to the car park, it might be that they need to engage with the doctors' surgery, to ensure that they are using the
690 adequate provision that was put into the planning application that came to BDCC.

But my view still stands: I think there is further work that needs to be done here.

Mr Berry mentions that... he used this phrase, 'not for the selected few' when he was referring to the parking spaces. If you were a resident of High Street and you have your car parking that you had used previously removed from you because of changes to the parking restrictions and you are told that you are
695 given another option elsewhere, only to have that removed as well, I do not think that is a case of saying that you are doing something for the selected few. I think what you are doing is changing the goalpost – changing the rules of the game.

So it is still, on this situation, I believe it requires further discussion, and... therefore I shall abstain from this matter.

700

The President: Thank you, Mr Birmingham.
Does any other Member wish to speak on this Item?

705

Mr Tugby: Shall I just sum up?

The President: If nobody wants to speak, yes. Does anybody else wish to speak on this Item?

710

Mr Simonet: Just a word. I have listened to the debate which is quite interesting. I do commend the GSC for at least trying to resolve the problems in the car park – and there are problems, as there are problems with car parking in a number of areas – and I can appreciate what Mr Jean is saying. He has seen a change already, because these proposed changes are already having an effect.

715

I think he is also right that we would ask the GSC if this goes through tonight, I will support it, but if it goes through, to monitor the situation over the next two to three months, and then come back with the results of their surveys and see if in fact it has been beneficial in the way that they think it will be, or whether there should be further discussion and further alteration taking in the various elements that are being discussed here tonight, such as residents' permits, etc.

720

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

Mr Harvey: Thank you, sir.

Yes, I would certainly support Mr Simonet's view. I think that this probably is a necessary measure that has not been perhaps fully thought out, but nevertheless, perhaps something needs to be done there.

725

I think going back to Mr Jean's point, a car park that is permanently full or is permanently empty is not really achieving its purpose, so one would expect to see spaces there, if it is functioning properly. But that is a bit of a judgement call.

I will support the proposal, but I agree that there needs to be a fairly early review of its effectiveness, and I think that the GSC should be asked to look at the issue of residents' permits.

730

The President: Thank you, Mr Harvey.
Mr Tugby, do you wish to sum up?

735

Mr Tugby: Sir, with the 96-hour parking spaces, it is equivalent for them to be more or less permanent. If the residents in town who want to leave their cars there permanently, they have only got to use them for an hour every four days, and then they can put them back there for another four days.

So is that really asking too much of anybody? And if they want to go on holiday, well they just park them up at Butes and forget about it for as long as they like.

740

But we have brought these proposals forward purely to try and make the car park work in a more efficient manner than what it was, and to stop any problems with the long-term parking. With 96 hours in certain days, that should be more than adequate for anybody. The other quicker turnaround bays are purely to help people who go into town shopping or even jobs in town. They can leave their car in the car park all morning basically, there is no problem with these times, and that should not be a problem.

I hope the House votes this through.

745

The President: Thank you, Mr Tugby.
Madam Greffier, we now take a vote on the main Item IV.

A vote was taken and the results were as follows:

FOR	AGAINST	ABSTAINED	ABSENT
Mr Roberts	Mr Jean	None	Mr McDowall
Mr Simonet	Mr Birmingham		Mrs Paris
Mr Harvey			Mr Rowley
Mr Berry			
Mr Tugby			

750

The Greffier: That is carried, sir.

The President: Thank you very much.

V. The Gambling (Exempt Gaming and Racing) (Alderney) Ordinance, 2014 – Approved

Item V

The States is asked:

to approve “The Gambling (Exempt Gaming and Racing) (Alderney) Ordinance, 2014”.

The President: Madam Greffier, if you could move on to Item V, please.

755 **The Greffier:** Item V, sir, is the Gambling (Exempt Gaming and Racing) (Alderney) Ordinance, 2014. The States is asked to approve that Ordinance.

The President: Thank you very much.
Mr Harvey, would you please read the Convener’s Report?

760 **Mr Harvey:** There were no comments on this Item, Mr President.

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

765 **Mr Simonet:** I am pleased to propose this Item, Mr President.
I am not going to speak on it now, but I may... I will reserve the right to speak later, if I feel it is necessary.

770 **The President:** Thank you. You will have the right to sum up at the end, anyway.
Mr Birmingham, I believe you wish to second this.

Mr Birmingham: Mr President, fellow Members, ladies and gentlemen, some time ago it came to my attention that an international organisation was flouting the law and masterminding unlicensed gaming activity in Alderney, including illegal card tables for poker and blackjack, crown and anchor and other dice games, alongside European roulette tables. This information may come as a shock to many.

775 Which fiendish organisation is responsible for this flagrant flouting of the law? Do I refer to the Yakuza, the infamous Japanese criminal gangs involved in international drug trafficking and prostitution? Do I refer to the Cosa Nostra, the Sicilian criminal organisation based in Corleone, responsible for kidnapping and murder of public officials and other criminal activity?

780 No. I of course refer to that infamous organisation, the Rotary Club.

Mr Harvey: Mr President, point of order.
As one of the croupiers there, I ask my colleague to withdraw his slur on the Rotary. *(Laughter)*

785 **Mr Birmingham:** I mean no slur at all on the Rotary Club – I hoped to use some counterpoint to show the ridiculousness of the current situation!

Sir, the Rotary Club: well, in 1975, the States of Alderney introduced the Gambling Law, principally encouraged by a number of religious bodies, the aim of which was to protect the local population from the pitfalls of gambling. Now, this Law made all forms of gambling illegal on the Island, unless there was an Ordinance that permitted that type of gambling to take place. It is certainly a lofty and well-intentioned aim. However, as often can be the case, the ‘Law of Unintended Consequences’ raised its head, and it was subsequently realised that some of the things that had been made illegal by this law included such non-controversial matters such as Christmas draws, charity fund-raising raffles, and – irony or irony – the tombola at the Church fete.

795 So in 1994, the States passed the Draws, Lotteries and Raffles (Exemption) Ordinance that made such charity fund-raising efforts exempt from the Gambling Law.

800 However, the one areas that this Exemption Ordinance did not cover was a number of types of fund-raising efforts used by clubs and societies based around race nights, casino nights, and card games. It is those types of charity fund-raising exercises that this Ordinance seeks to exempt from the Gambling Law.

In reality, this formalises the current informal situation, where the organisers of such events are usually politely informed that the event is actually against the law, but then in effect the Law is not policed.

805 So is this change a good thing? After all, problem gambling is a serious social problem. Well, in my view it is. Alderney has a reputation as very generous place for raising funds for charity, and this changes the law. It allows people to raise money for charity or for their club or society, while still having a little harmless fun.

As an example, recently one of these illegal events raised over £2,000 for Alderney Cancer Relief. I am sure that everybody can agree that that is a very good thing indeed.

810 I believe that generous individuals who are happy to use their time to organise events like race nights for charity should not be potentially criminalised for the good work that they do. Likewise, neither should the charities, clubs and societies that benefit from the money that events like this raise be penalised by having an income stream denied to them, and therefore I commend this Ordinance to the States.

The President: Thank you, Mr Birmingham.
815 Does any other Member wish to speak on Item V?
Mr Simonet, do you wish to exercise your right to sum up?

Mr Simonet: No, I have nothing further to add, Mr President.

820 **The President:** In that case, Madam President, Greffier, if you put that to the vote, please.

A vote was taken and the results were as follows:

FOR	AGAINST	ABSTAINED	ABSENT
Mr Tugby	None	None	Mr McDowall
Mr Birmingham			Mrs Paris
Mr Berry			Mr Rowley
Mr Jean			
Mr Harvey			
Mr Simonet			
Mr Roberts			

The Greffier: Thank you.

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

VI. The Alderney (Liquor Licensing) (Amendment) Ordinance, 2014 – Approved

*The States is asked:
to approve 'The Alderney (Liquor Licensing) (Amendment) Ordinance, 2014'.*

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

The Greffier: Item VI, sir, is The Alderney (Liquor Licensing) (Amendment) Ordinance, 2014. The States is asked to approve that Ordinance.

835 **The President:** Thank you very much.
Mr Harvey, if you would be kind enough to read the Convener's Report.

Mr Harvey: Thank you, sir.

840 A contributor queried the changes as they were deemed unnecessary and stated that section 25 of the Ordinance should be amended by inserting the opening hours. The Convener referred the question to Mr Simonet, Chairman of P&F, who advised that the Law Officers had drafted the necessary amendments and he trusts that these are correct.

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

Mr Simonet: Yes, I am pleased to propose this Item, which is of course for obvious reasons, and follows on from the previous Item, so I am not going to expand on this at all at this stage.

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

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

I would just like to start off with the issue that was raised at the People's Meeting which was section 25 of the Licensing Law.

855 Section 25 of the Licensing Law covers under a bracket called 'Carrying on other business'. It has nothing to do with licensing hours, licensing times or that section of the Law, and I shall come to that in my speech at the moment.

Section 25 which is to specifically restrict what type of business can take place on licensed premises, so I will just quickly quote that:

'The whole of the liquor licence shall not in the licensed premises or any premises in his occupation at which the licensed premises form part engage in any trade or business other than the provision of board and lodging, the sale of intoxicating and non-intoxicating liquor, confectionary, tobacco, cigarettes and cigars, lighters and matches and other items associated with such business, including tickets under the Gambling Channel Islands Lottery and food to be consumed on or off the premises.'

860 It really has absolutely nothing to do with the times that bars should be open, nor anything to do with section 30 of the Law.

So if I go on to the main speech relating to the Items on the Billet, earlier this year, as a member of the Business Development, Tourism and Marketing Committee, I undertook discussions with the Island's licensees about the current situation of the licensed trade, to see if there were any areas that the States could assist with to help the businesses at what has been an immensely difficult trading period for the industry.

865 A very constructive meeting was held between the industry, members of the Port Office and myself, and as a direct result of which I am delighted to say that the Island's Licensed Victuallers' Association reformed. This body has given the industry a cohesive voice for the future in conversations with the States, in order that we may as a Government body look at issues that affect the industry and assist in the development of policy that can give the Island modern licensing arrangements for the future.

870 As a result of those discussions, two issues arose, that it was felt by BDTM could be dealt with quickly to assist the trade by some minor alterations to the existing Liquor Licensing Law. The first involved section 27 of the Law, which deals with games of chance and gambling on licensed premises.

875 This issue has a direct effect on the previous Item on this evening's Billet, the Gambling (Exempt Gaming and Racing) Ordinance. Under section 27 of the Liquor Licensing Law as currently drafted, it was unclear as to the legality of all charity fund-raising events based around gambling on licensed premises. The proposed changes to the Law clarified the situation. Gambling will still be illegal on licensed premises, unless it complies with the exemptions granted under the Gambling Law relating to charity events and ordinances related to charity gaming.

880 This change is needed as nearly every fund-raising event of this type takes place in licensed premises in one form or another. It may be a club or society raising funds for its own purpose, such as the Football Club raising funds to cover costs of travel to Guernsey, or a fund-raising event for charitable purposes such as the Rotary Club holding a casino night for the purposes of disaster relief.

885 These changes place all parties on a firm footing, so that they know exactly what is and what is not allowable under the law.

The second change relates to section 30 of the Law. This section applies specifically to on category of licence only, which is Public House Licences. Under section 30, the holder of a public house licence cannot open at all for any business purpose allowable to licensees under section 25 of the Law outside the times of the first schedule.

890 The first schedule deals with times at which a business may serve alcohol. Every other category of licence – i.e. club, hotel, residential or restaurant – is not bound by this restriction.

895 Over the last 20 years since the current Law was introduced, the nature of the licensed trade has changed, particularly with the development of café culture. The outcome therefore of section 30 is that it prevents businesses from opening to trade for purposes other than the supply of alcohol, outside the time where serving alcohol is allowed by the first schedule.

900 In other words, the holder of a public house licence is prevented from opening before 10 a.m. to conduct business such as serving food, or to serve non-alcoholic beverages. To be clear, this change does not affect the times at which alcohol is served. These remain the same, as no change is being proposed to the first schedule. It just enables these businesses that hold a public house licence to legally develop other income streams within the Law.

905 The change also has another benefit for publicans, and that is at the end of the evening. Closing time for a public house has a cut-off time for the serving of alcohol and a period of drinking-up time. But on a busy evening, this leads to significant difficulties in clearing a pub of its clientele. Staff can find themselves not only removing drinks from the customers, but also being pushed into having to act in a more forceful way than they would wish, to clear the premises to comply with section 30. The effects can lead to an unnecessarily confrontational atmosphere that puts staff in a difficult situation, whilst at the same time creating a mob situation outside a public house, with all the customers pushed onto the street *en masse*, which can potentially create a noise burden on neighbours of the licensed premises.

910 The change to the Law here allows publicans to manage the exit of its clientele in a much more orderly manner, diffusing any potential volatile situations in a calm manner, instead of being forced into creating conflict, just to comply with section 30.

915 I stress again, this change does not affect the times at which alcohol can be served. Time at the bar and drinking-up time do not change, but the LVA believed that this minor alteration to the Law will enable them to manage their licences more effectively and in a less confrontational manner. I believe that these very simple changes to the Law are positive changes that help clarify the situation for the trade, whilst giving them options to look at possible new revenue streams, and to aid them in the operation of their licences.

920 I will declare at this point that I myself am a designated official of a club licence. However, I have discussed my situation with the President regarding conflict of interest and the voting rules of the States, and I am assured that I am free to vote on this matter with no conflict. So I will be voting in favour of these changes, and I commend this Ordinance to the States.

The President: Does any Member wish to speak on this subject? Mr Harvey.

925 **Mr Harvey:** Thank you, sir.

This section 30 is a little bit like an appendix. It is there. Nobody knows what useful purpose it serves and occasionally it causes problems. So I am rather pleased, and I commend Mr Birmingham for his diligence in trying to deal with this. We know it may not have happened as quickly as certain members of the Public Gallery would have liked, but with the Law Officers involved, it does take a little time. Long overdue, I fully commend it and thank you for bringing it forward.

930

The President: Thank you.
Mr Jean.

935 **Mr Jean:** I would like to ask a question, about which I am concerned. We were talking about the dual purpose, of which there are a few on Alderney. Restaurants that have a licence to serve alcohol combined perhaps with a bar: is this affecting their ability if they do open for breakfasts, because the licensing hours are from 10 until midnight, and is this in any way affecting their ability or can they just open their premises, serve their breakfasts as usual and open the bar at 10.20?

940 I am told there is a problem. If there is a problem, I would like this to go back to be sorted before we vote it through, because I think that is the right way to do it.

Thank you, sir.

The President: Thank you, Mr Jean.
Does any other Member wish to speak on this?
In that case, Mr Simonet, if you wish to sum up?

945

Mr Simonet: I just thank Mr Birmingham for his very detailed proposal, and I fully support it.

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

Before we vote on this, I would just like to point out for the rest of the Members that the section whereby Mr Birmingham is allowed to vote is section 21(1)(b), which is quite clear on this subject. It says:

‘On issues which apply to a section of the community...’

– it goes on to detail them, including hoteliers, etc –

‘... where the Member is directly affected by the proposed change, he should declare his interest but remain free to participate in the debate and to vote or abstain from voting according to conscience.’

955 If you would like to put that to the vote, please.

Mr Jean: Could I ask, sir, on a point of order?

The President: You may.

960 **Mr Jean:** My question has not been answered.

The President: Your question to...?

965 **Mr Jean:** Well, I am not sure whether I am to address the question to Mr Simonet or to Mr Birmingham now.

The President: Questions can be put if they are written or verbal, if sufficient notice is given to the Chairman of the Committee. The purpose of speaking here is make your speech.

970 **Mr Jean:** Okay, fine. Then I will vote against.

The President: Thank you.
Madam Greffier, if you put that to the vote, please.

A vote was taken and the results were as follows:

FOR	AGAINST	ABSTAINED	ABSENT
Mr Tugby	Mr Jean	None	Mr McDowall
Mr Birmingham			Mrs Paris
Mr Berry			Mr Rowley
Mr Harvey			
Mr Simonet			
Mr Roberts			

975

The Greffier: That is carried, sir.

The President: Thank you very much.

VII. Questions and Reports

980 **The Greffier:** Sir, there are no Questions or Reports as far as I am concerned.

The President: Thank you. I have received no notice of Questions and Reports.

Purpose of debate – Statement by the President

985 **The President:** I just would like to take this opportunity to point out to States' Members that the purpose of these debates is to debate it amongst yourself, and this evening various States' Members have started addressing the general audience. I will say that is not what we are here for. We are here to debate it as States Members.

On that note, thank you very much. You may close.

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

PRAYERS *The Greffier*

The Assembly adjourned at 6.42 p.m.