



OFFICIAL REPORT

OF THE

STATES OF THE

ISLAND OF ALDERNEY

HANSARD

The Court House, Alderney, Wednesday, 17th November 2021

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

Volume 9, No. 13

Present:

Mr William Tate, President

Members

Mr Bill Abel

Ms Annie Burgess

Mr Ian Carter

Mr Kevin Gentle

Mr Boyd Kelly

Mr Steve Roberts

Mr Alexander Snowdon

The Greffier of the Court

Mr David Knight

Business transacted

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States of Alderney

The States met at 2.30 p.m. in the presence of Mr Roy Burke, a representative of His Excellency the Lieutenant-Governor of the Bailiwick of Guernsey

[THE PRESIDENT *in the Chair*]

PRAYERS

The Greffier

ROLL CALL

The Greffier

Welcome to His Excellency's Representative, Mr Roy Burke

The President: Firstly, might I thank everybody for wearing face coverings this afternoon.

It is a pleasure for me now to introduce His Excellency's Representative, Roy Burke, who sits in that chair for the first time. But, of course, I suspect most of the community will know that he was the Chief Executive here. So he has sat in a different position, but now he sits in the seat of the Lieutenant-Governor's Representative. So I would just like to extend, on behalf of the States, a very warm welcome to him.

Convenor's Report of the People's Meeting held on 10th November 2021

The President: Now, to business. Mr Abel, you were the Convenor of the People's Meeting.

Mr Abel: Yes, I was, Mr President.

The President: Can you tell us firstly please who was at that Meeting?

Mr Abel: Yes, Mr President.

There were eight States Members at that Meeting, excluding myself, there were 15 from the public, three from the press, and the President and his partner. I was assisted by the Head of Finance and the Head of Government Support. I had apologies from the Chief Executive and from Mr Ian Carter.

The President: Thank you, Mr Abel. I am a bit old-fashioned, I still call her my wife! *(Laughter)*

Mr Abel: I will leave that to yourself, sir.

The President: Thank you.

Billet d'État for Wednesday, 17th November 2021

**I-II. Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey)
(No.11) (Amendment) Regulations, 2021;
Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey)
(No.12) Regulations, 2021 –
Items not annulled**

Item I.

The States of Alderney is asked not to annul "The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.11) (Amendment) Regulations, 2021".

Item II.

The States of Alderney is asked not to annul "The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.12) Regulations, 2021".

25 **The President:** Now, can we move to Items ... I think Items I and II we are going to take together, Mr Greffier.

The Greffier: Yes, Mr President, Items I and II together.

30 Item I is the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.11) (Amendment) Regulations, 2021. The States of Alderney is asked not to annul the said Emergency Powers; and Item II, Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.12) (Amendment) Regulations, 2021. Again the States of Alderney is asked not to annul the said Regulations.

Both matters are proposed by Mr Abel and seconded by Mr Snowdon.

35

The President: Thank you very much indeed.

Firstly, Mr Abel, in relation to the People's Meeting, I think there were no comments on Item I but there were comments on Item II.

40

Mr Abel: That is correct, Mr President.

It was noted with regard to Item II that these Regulations included extra powers for the Police, including Customs. It was also clarified that the Customs Officer position currently being advertised is a States of Guernsey position as part of the transferred service.

Thank you.

45

The President: Thank you.

And now, I am afraid, you will have to stand again. It is for you to propose this Item, Mr Abel.

Mr Abel: Correct, thank you.

50

Mr President, colleagues, the Greffier has summarised the situation as regard Items I and II, which cover the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) Regulations. These Regulations are emergency regulations made by the Civil Contingencies Authority under Part 3 of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012.

55

They are made on the occurrence of an emergency, within the meaning of the Law, in the Bailiwick arising from the urgent need to prevent, control or mitigate the spread of the virus severe acute respiratory syndrome coronavirus 2 and the disease caused thereby, COVID-19. They

are prefaced with a statement by the Civil Contingencies Authority, as required by section 12(2) of the Law. COVID-19 was made a notifiable disease for the purposes of the Public Health Ordinance, 1936 on 10th February 2020.

60 With regard to Item I, Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.11) (Amendment) Regulations, these Regulations amend the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 11) Regulations. The amendments remove the requirements for Blue Arrivals, that is, persons who have arrived in the Bailiwick having spent all of the previous 10 days in the Common Travel Area, to take lateral flow tests for COVID-19 on the day of arrival and specified days thereafter.

65 They also extend the period in which an arrival in the Bailiwick may provide information as to his or her travel history, on the Travel Tracker website, from 48 hours before travel to eight days before travel. These Regulations came into force on 20th October 2021, and shall have temporary effect only in accordance with the provisions of section 16 of the Law.

70 Item II, Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.12) Regulations: these Regulations revoke and re-enact, with modifications, regulations previously made by the Civil Contingencies Authority in respect of the coronavirus pandemic and came into force on 27th October and shall have temporary effect only in accordance with the provisions of section 16 of the Law.

75 They also provide a mechanism for decisions in respect of whether a person has a full vaccination history within the meaning of the Regulations that can be challenged in the Royal Court. The key modifications also in these Regulations is that Blue Arrivals, that is, persons, including children, arriving in the Bailiwick from within the Common Travel Area, no longer have to self-isolate on arrival.

80 Mr President, I propose that the States of Alderney is asked not to annul the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.11) (Amendment) Regulations and the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.12) Regulations.

Thank you, sir.

85

The President: Thank you.

Mr Snowdon, you are going to second these Items.

Mr Snowdon: Happy to second, sir, thank you.

90

The President: Thank you very much indeed.

Would anybody like to speak in relation to these two matters? I think we can assume then that these both pass.

**III. The Partnership (Alderney) Law, 2021
and the Limited Partnerships (Alderney) Law, 2021 –
Approved**

Item III.

The States of Alderney is asked to:

(1) Approve "The Partnership (Alderney) Law, 2021"; and

(2) Approve "The Limited Partnerships (Alderney) Law, 2021"; and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.

95 **The Greffier:** Item III, Mr President, is the Partnership (Alderney) Law, 2021 and the Limited Partnerships (Alderney) Law, 2021. The States of Alderney is asked to approve the Partnership

(Alderney) Law, 2021; and approve the Limited Partnerships (Alderney) Law, 2021; and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.

Proposed by Mr Abel, seconded by Mr Dent.

100

The President: Thank you very much indeed.

I think there were observations made, Mr Abel, at the People's Meeting.

Mr Abel: Yes, sir.

105

Item III: it was noted that partnerships are required to be registered in Alderney, and that one partner has to be resident on the Island. This is a requirement of the Limited Partnership Law. It was advised that the definition of a 'partnership' is provided in the Law.

It was clarified that the Limited Partnership Law mirrors some of the Guernsey Law with regard to limited partnerships. These laws are seen as economic enablers. It was clarified that expulsion of partners is within the main Partnership Law.

110

The President: Would you like to go straight in to now proposing this Item?

Mr Abel: Yes, at least I will not have to jump up and down. Thank you, Mr President.

115

Mr President, colleagues, Item III: the Partnership (Alderney) Law, 2021 and the Limited Partnerships (Alderney) Law, 2021.

The Partnership (Alderney) Law, 2021 essentially replicates for Alderney the provisions of the Partnership (Guernsey) Law, 1995. In so doing it provides a statutory basis for partnerships in Alderney in a form that will be familiar to Bailiwick businesses.

120

It sets out what is meant by a 'partnership' and rules for determining if a partnership exists; the powers of partners to bind a partnership or 'firm'; rules in respect of personal liability of partners and partnerships in certain circumstances; and administrative provisions in respect of matters such as expelling partners and varying the terms of partnerships. There are also detailed provisions providing for the dissolution of partnerships in different circumstances, including dissolution by order of the Court of Alderney on application by a partner, and the rights and obligations of partners on dissolution.

125

The Law also makes necessary consequential amendments to Bailiwick-wide financial regulatory legislation to ensure that Alderney partnerships are brought within its scope in the same way as Guernsey partnerships.

130

Moving to the Limited Partnerships (Alderney) Law, 2021, subject to one important difference, this Law in large part replicates for Alderney the provisions of the Limited Partnerships (Guernsey) Law, 1995. A limited partnership has both general partners, with joint and several liability for partnership debts, like conventional partners, and limited partners who have no management authority, but also no liability for firm debts. The Law differs from the Guernsey Law and the United Kingdom legislation in providing that one or more of the limited partners may be an 'administrative partner' who may take part in the management of the business in the same way as a general partner, even though his or her liability would remain limited.

135

The main provisions in respect of administrative partners are found in Part II of the Law. The Law requires limited partnerships to have a registered office in Alderney and to be entered on a Register of Limited Partnerships to be established and maintained by the Greffier. It also provides that a limited partnership may be a legal person if the general partners so elect at the time of registration. Like the Guernsey Law, the Law makes provision in respect of administration matters, such as the keeping of records and the appointment of auditors to prepare accounts, and changes to the partnership. It also makes detailed provision as regards the dissolution of limited partnerships, including upon the making of an order by the Court of Alderney.

145

The Law also makes necessary consequential amendments to Bailiwick-wide financial regulatory legislation to ensure that Alderney limited partnerships are brought within its scope in

the same way as Guernsey limited partnerships, subject to appropriate provision for administrative partners.

150 Mr President, I propose that the States of Alderney is asked (1) to approve the Partnership (Alderney) Law, 2021 and (2) to approve the Limited Partnerships (Alderney) Law, 2021 and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.

Thank you, Mr President.

155

The President: Thank you very much indeed. Anything to add, Mr Gentle?

Mr Gentle: Thank you, Mr President, sir, colleagues. I will try not to be quite as technical as Mr Abel.

160 Alderney needs a new way to help attract new business and there are clauses in this Law that amend other legislation so that the competent authorities, the Guernsey Financial Services Commission – and I will refer to them as the GFSC if I come across them again – have the appropriate tools for policing and administering the legislation. I think the Law Officers were very wise to undertake a final review in full collaboration with the GFSC.

165 This legislation will add an important facet to Alderney's economic toolkit. Alderney is one of the very few remaining jurisdictions that has no partnership law and if we are to have any place amongst other economies we need all possible advantages that others have. And it is surely this Government's responsibility to ensure that we have those fit-for-purpose tools.

170 It will provide a form of partnerships that is different to that available in Guernsey, with the main difference being the introduction of the concept of an administrative partner who will be responsible for all data and tax filings etc. and who must be resident here in Alderney, although the other partners can reside elsewhere. We therefore have the opportunity to attract new, professional residents.

175 The key features of partnerships provide a flexibility in the way that businesses operate, give a form of privacy from nosy neighbours but not from the relevant and appropriate authorities and instil a care in the decision-making processes. The idea that a partner's assets could be at risk can only focus the mind.

180 For those who may be concerned about international crime, it is extremely unlikely to be an opportunity for fiscal fraud as those engaged in such fraud do not like partnerships as their vehicle of choice is actually the private limited company.

185 The Law requires that an administrative partner, as we have already heard from Mr Abel, has to be resident here and has to be responsible for the identification of all other partners and to register those details with the relevant authorities both here and in Guernsey and is a particular main feature of the difference between what we are looking at here and what is missing from the current Guernsey legislation. The administration will be able to be taken through the Greffier's Office, as is company law, and will not therefore be an additional burden on our civil service. Policing will be undertaken by the GFSC and the Guernsey Police, just as it is with all other financial legislation. The text as it now stands has been approved by the GFSC, the Law Office and the Ministry of Justice and is a process that has taken over four years.

190 Going forward, I would suggest that Policy and Finance might consider a public awareness promotion campaign in both the UK and further abroad, possibly led by the Economic Development Committee, because invigorating States of Alderney assistance given to businesses contemplating relocating here with a one-stop shop, able to give advice and assistance on all manner of things, can only, for me, be viewed as a good thing.

195 Thank you.

The President: Thank you, Mr Gentle.
Does anybody wish to ...? Ms Burgess.

200 **Ms Burgess:** Thank you, Mr President, fellow States Members.
Thank you, Mr Gentle and Mr Abel for being so thorough in bringing this, with all the detail.
I am going to keep it brief, and I do apologise because I have a sore throat; I will try and be clear.

I am going to support this and I will say that straight from the off. I would also like to thank the
205 former Chair of P&F, Mr Dent, for his contribution and determination to have this body of work come to a conclusion. I have shared his concerns that with each new States appearing every two years we can see a loss of ongoing policy development occurring.

I was in favour of having a partnership law in 2019 and I understand the difficulties of the last few years. However, I would be saddened to see this work come to nothing. As has been pointed
210 out already, Alderney is one of the very few places in the world where there is no partnership law. Alderney does have a thriving business community. Now, if we still want to recognise that we need to attract new businesses then we must provide the right institutional environment for this to happen. So I do see this as an economic enabler. However, we must do more than just support this and, as Mr Gentle has already mentioned, we need to be proactive in promoting it and getting
215 a wider audience to know that we are actually open for new business. So it is more than just passing this, but to actually promote it.

Thank you.

The President: Mr Carter.

220 **Mr Carter:** I, too, am fully supportive of this piece of legislation that is being proposed but, like Ms Burgess and Mr Gentle have said, the one area that does concern me is how we communicate this to the wider world.

It is all very well having an extremely good new piece of legislation as an economic enabler.
225 But are we already in the position that we can, if asked, tell potential new businesses what it actually means for them? It will potentially attract new people, it will hopefully then attract families and it will attract a higher tax take for Guernsey and so less of a drain on the Guernsey taxpayers.

As I say, I am very concerned that we do not have a communications strategy in place that will
230 actually attract and tell people what it means. The sort of people who will be attracted to this will no doubt be shrewd individuals who will want to know precisely, 'What does this mean for me?' And if we are competing with the Isle of Man or Gibraltar then I think it is very important that we do have that communication strategy there, ready and waiting and not that, potentially, tomorrow there is a press release and then we are in the position that the daily papers in London,
235 in England, pick this up, we get people ringing and we do not even have a telephone number or an email whereby they can communicate with us.

So can I seek assurance, if this legislation is passed, that we do have a communication strategy in place, we do have the right capacity in the civil service to be able to actually pass information on appropriately, so that it is a professional approach and not one that is just simply, 'This is a
240 good idea and let's see what happens'?

I would commend you to pass this piece of legislation. Thank you.

The President: Any other contributions? Mr Snowdon.

245 **Mr Snowdon:** Thank you, sir.

Firstly, I would like to thank Mr Abel and Mr Gentle for bringing this to the Assembly today. But I do think we need to highlight a couple of other points because that is what we are here to do; debate the actual item and then thrash it out, hopefully.

Now, at P&F some time ago, I was rather concerned to hear that the players who actually
250 brought this concept to the States of Alderney had direct communications and meetings – is my understanding from that P&F meeting – with Law Officers in Guernsey. I do feel very

uncomfortable with that. I think moving forward it should be avoided. If ideas are coming from the community or further afield, absolutely wonderful, but to have people having direct communication with Law Officers in Guernsey – it is really for the political represented elected Members, in my view, to take that forward, not for third parties. I still do not actually know who these players are, they are probably listening to this now, and it would be interesting to meet them sometime, but I think being open and transparent we should actually try and achieve that if other similar things come forward.

I think it would be naïve of us not to refer to the letter from the Alderney Chamber of Commerce, which I do appreciate was the 11th hour and would have been more helpful to have a little bit earlier, rather than today. However, it is a concern from the Chamber of Commerce that we should be noting and trying to sort out the issues that they have raised in their letter they sent to us today. It should be noted they represent over 160 companies and, from the letter that we have all seen, they do seem to be asking for this Item to be postponed, and they refer to raising the matter a few years ago. So I would like to know what actual engagement have we had with the Chamber of Commerce politically and are we addressing their concerns? I think we need more details as to what those concerns are. However, it is the 11th hour, we are in this Chamber today.

I have got reassurances that this has been looked at by Guernsey, so I actually will be supporting this Item today, but I think it just highlights a little bit of concern about the process, and I hope whoever is going to deal with the Chamber of Commerce can have that conversation with them swiftly.

Thank you.

The President: Thank you, Mr Snowdon.

Does anybody else ...? No. In that event, Mr Abel, do you wish to exercise your right to reply?

Mr Abel: Yes, please, Mr President, if I may.

I note Ms Burgess's comments and thank her for those.

To Mr Carter, I think it is a critical step for us once, and if, this legislation is approved how we communicate this and how we drive the process forward, and that certainly, I think, will be brought up in P&F in the coming week.

With regard to Mr Snowdon's questions, in that he was concerned about political people talking to the Law Officers, I think in this case –

Mr Snowdon: Point of correction. Sorry to interrupt, Mr Abel.

No, these were third parties that were talking to the Law Officers, they were not political people; that is my point.

Thank you.

Mr Abel: My apologies, I understood it was referenced to political parties but I will take up that point of yours.

With regard to the Chamber, yes, it was very disappointing and quite a surprise to see an email shortly before I walked out of my house, and really I was somewhat irritated because this issue has been on the table, not only for many years, but also for many weeks inside the current States process. And again, there is a process whereby through the People's Meeting and the open forums you can engage. There has never been any communication with the Chamber on this matter at all, so I do not know what it means but certainly we will follow up.

I have already sent an email to the Chamber asking them for clarity because the letter they sent us said they were not happy, I think, plus or minus, if I can summarise, Mr President, and that was the level of information we received. So it really was not adequate, but I will progress that.

Also, your comment on the involvement of the GFSC, that, I believe, has been quite critical to resolving a number of issues within the two pieces of legislation we have and also linking that into

the legislation that exists in the Bailiwick as well, and that also took a little bit more time when we first started with that.

305 Overall, Mr President, I think that covers the issues and I would propose to move the two Items of legislation be approved as stated previously.

The President: Thank you very much indeed.

310 I think, Mr Greffier, as this is new law, we will take a vote on this. I think we can take them both together.

A vote was taken and the results were as follows:

FOR	AGAINST	ABSTAINED
Mr Abel	None	None
Ms Burgess		
Mr Carter		
Mr Gentle		
Mr Harris		
Mr Kelly		
Mr Roberts		
Mr Snowden		

The Greffier: Unanimous within this Meeting, Mr President.

The President: Thank you.

IV. Public Holidays in 2022 – Approved

Item IV.

The States of Alderney is asked to approve “The Public Holidays (Alderney) Ordinance, 2021”.

315 **The Greffier:** Item IV, Public Holidays in 2022. The States of Alderney is asked to approve the Public Holidays (Alderney) Ordinance, 2021.

Proposed by Mr Abel and seconded by Mr Gentle.

The President: I think, Mr Abel, there was one comment at the People’s Meeting about this.

320 **Mr Abel:** With regard to this it was advised that there is the provision to revoke this Ordinance if required. Obviously some very negative people thinking that we will not reach that particular day.

Thank you, Mr President.

325 **The President:** I think very sensitively put. *(Laughter)*

Mr Abel: If I may continue.

The President: Yes, please do.

330

Mr Abel: Thank you.

Mr President, colleagues, with regard to Item IV, Public Holidays in 2022, the Policy and Finance Committee is seeking States approval for changes to do with creating a holiday in 2022 to celebrate Her Majesty the Queen’s Platinum Jubilee.

335 The proposal includes a change to designate Thursday 2nd June in place of 30th May as a public holiday as well as creating an additional public holiday on Friday 3rd June to celebrate Her Majesty the Queen's Platinum Jubilee.

This proposed change also enables Alderney to align itself to the UK which announced plans some months ago to mark the Queen's 70th anniversary as monarch.

340 The Public Holidays (Alderney) Ordinance, 2021 has been prepared in accordance with the Policy and Finance Committee resolution of 30th September.

Mr President, I propose the States of Alderney is asked to approve the Public Holidays (Alderney) Ordinance, 2021.

Thank you.

345

The President: Thank you very much indeed.

Mr Gentle, anything to add?

350 **Mr Gentle:** Mr President, colleagues, Jersey approved it, Guernsey approved it, we do not want to be the only ones who do not.

Thank you.

The President: Does anybody wish to speak on this Item? Mr Roberts.

355 **Mr Roberts:** Yes, sir, only that I am delighted. One day is my birthday and the day after is my recovery day! *(Laughter)*

The President: Well, I am sure we all share your enthusiasm.

360 Thank you very much indeed. Does anybody else wish to speak? I do not know whether you want to respond to Mr Roberts, Mr Abel, or will you just let that go?

Mr Abel: Absolutely, Mr President. None of us have had the invite yet! Thank you.

Sorry, Mr President.

365 **The Greffier:** Should we vote, Mr President?

The President: Yes.

A vote was taken and the results were as follows:

FOR	AGAINST	ABSTAINED
Mr Abel	None	None
Ms Burgess		
Mr Carter		
Mr Gentle		
Mr Harris		
Mr Kelly		
Mr Roberts		
Mr Snowdon		

The Greffier: Again, Mr President, unanimous; that passes.

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

**V. Amendments to eGambling Legislation –
Approved**

Item V.

The States of Alderney is asked to:

(1) Approve “The Gambling (Alderney) (Amendment) Law, 2021”, and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto; and

(2) Approve “The Alderney eGambling (Amendment) Ordinance, 2021”.

The Greffier: Item V, then, is the amendments to eGambling legislation. The States of Alderney is asked to (1) approve the Gambling (Alderney) (Amendment) Law, 2021, and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto; and (2) approve the Alderney eGambling (Amendment) Ordinance, 2021.

375 Proposed by Mr Abel, seconded by Mr Kelly.

The President: No comments from the People’s Meeting, Mr Abel, so if you would like to propose the Item.

380 **Mr Abel:** That is correct, Mr President; nothing from the People’s Meeting.

With regard to Item V, amendments to gambling and eGambling legislation, as part of its commitment to the Bailiwick of Guernsey Anti-Money Laundering and Combating of Funding of Terrorism Strategy – AML/CFT as it is referred to in the documentation – and the forthcoming Moneyval evaluation, the Alderney Gambling Control Commission has reviewed the current eGambling legislative framework against the Financial Action Task Force (FATF) recommendations. At its meeting on 29th July 2021, the AGCC approved in principle the following proposed amendments: the Gambling (Alderney) (Amendment) Law 2021, ‘the Law’; the Alderney eGambling (Amendment) Ordinance 2021, ‘the Ordinance’.

One of the Financial Action Task Force recommendations is that any sanction available to regulatory supervisors for any anti-money laundering and combatting of funding of terrorism failings must be dissuasive, effective and proportionate to deter money laundering and/or terrorist financing. The current maximum financial regulatory penalty is £25,000, which the AGCC believes is not in compliance with the Financial Action Task Force recommendations. Therefore, it is proposed that the maximum regulatory financial penalty be increased from £25,000 to £250,000 or 10% of turnover, whichever is the greater.

Further, it is also proposed that the criminal penalty for money laundering/terrorist financing offences be increased to five years imprisonment or an unlimited fine. In practice any money laundering/terrorist financing offence will be dealt with under the Proceeds of Crime Laws in place in the Bailiwick which carry greater punishment.

However, the penalty for these types of offences in the eGambling legislative framework should still be compliant with the Financial Action Task Force recommendations. Whilst reviewing these penalties, a review of all penalties in the legislation was undertaken to ensure that they remain proportionate, effective and dissuasive. It is proposed that the penalties for the minor offences be increased to mirror the maximum penalty of the Court of Alderney, which is 12 months imprisonment or £10,000.

There is one further amendment which modernises section 13(1) of the Law and consolidates the penalties into one. Finally, there are other consequential amendments within these drafts which seek to address some issues in earlier amendments.

The Memorandum of Understanding between the Home Department, States of Guernsey, the States of Alderney and AGCC states that any proposed amendments to the gambling and eGambling legislation must be sent to the Home Department for comment. AGCC have confirmed that the Home Department have had sight of the proposed amendments and have confirmed they have no comments on them. The Law Officers have drafted these amendments in line with the

415 AGCC instructions; and Richard Walker, Director of Financial Crime Policy, has been consulted to ensure they are in harmony with the Bailiwick Anti-Money Laundering and Combating the Financing of Terrorism Strategy and the Financial Action Task Force recommendations.

Mr President, I propose that the States of Alderney is asked to approve the Gambling (Alderney) (Amendment) Law, 2021 and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto; and to approve the Alderney eGambling (Amendment) Ordinance, 2021.

Thank you, sir.

The President: Thank you.
Anything to add, Mr Kelly?

425

Mr Kelly: Just a few words, sir, if I may.

We are quite fortunate, in fact very fortunate in Alderney to have a first-rate, internationally renowned regulatory body in the AGCC. As a small jurisdiction it is essential that we are ahead in terms of legislation to enable the Commission to carry out its role in combatting the funding of terrorism and money laundering, to keep us in line with international regulations.

430

I would ask my colleagues to support this. Thank you, sir.

The President: Thank you very much indeed. Would anybody like to speak on this Item? Mr Abel, do you wish to exercise your right of response?

435

Mr Abel: Thank you, Mr President. I have nothing to respond to.

The President: Thank you.
In that event, can we move to a vote, please.

A vote was taken and the results were as follows:

FOR	AGAINST	ABSTAINED
Mr Abel	None	None
Ms Burgess		
Mr Carter		
Mr Gentle		
Mr Harris		
Mr Kelly		
Mr Roberts		
Mr Snowdon		

440

The Greffier: Again, Mr President, unanimous; that passes.

The President: Thank you very much indeed.

VI. Alderney Property Tax Appeals Panel – Appointments approved

Item VI.

The States of Alderney is asked:

To approve the appointment of Mrs Julia White; Mrs Audrey Branch; Mr Raymond Le Poidevin and Mr Keith Bell to become members of the Alderney Property Tax Appeals Panel and furthermore, to approve the appointment of Mrs Julia White as Chair and Mr Keith Bell as Deputy Chair of that Panel.

445 **The Greffier:** If we move on then, Mr President, to Item VI, the Alderney Property Tax Appeals Panel. The States of Alderney is asked to approve the appointment of Mrs Julia White; Mrs Audrey Branch; Mr Raymond Le Poidevin and Mr Keith Bell to become members of the Alderney Property Tax Appeals Panel and furthermore to approve the appointment of Mrs Julia White as Chair and Mr Keith Bell as Deputy Chair of that Panel.

Proposed by Mr Abel, seconded by Mr Carter.

450 **The President:** Comments from the People's Meeting, Mr Abel.

Mr Abel: There was only one comment, Mr President, in that it was clarified that these were not salaried positions.

455 **The President:** Thank you.
If you would like now to go on and propose the Item.

Mr Abel: Thank you.

460 With regard to Item VI, Alderney Property Tax Appeals Panel, Mr President, colleagues, section 23 of the Alderney Property Tax Ordinance, 2020 requires the States of Alderney to establish an Alderney Property Tax Appeals Panel for the purpose of hearing and determining any appeals against relevant decisions. These are specified in the Ordinance as: (a) a decision as to the amount of APT due in respect of any real property; (b) a decision as to the property reference into which any real property falls; (c) a decision as to the plan area of any real property or the number
465 of assessable units thereof; (d) a decision as to the ownership of any real property; (e) a decision to levy a flat rate penalty or interest in accordance with section 9 of the Ordinance; and (f) a decision to amend or not to amend the Register under section 13(8). The Chair of the APT Appeals Panel will appoint a Tribunal of three from the Panel to hear and determine any appeals.

470 Following a recruitment process, four candidates have been identified for the Panel. All are also current members of the Guernsey Taxation on Real Property Panel which carries out exactly the same function for the States of Guernsey in respect of TRP. No Alderney resident applied for the roles but all candidates are resident in Guernsey. This does bring the advantage of minimising the potential risk of conflict with Alderney property owners in the event of an appeal.

475 Mr President, following the recommendation of the Policy and Finance Committee at its meeting on 30th September, I propose that the States of Alderney is asked to approve the appointment of Mrs Julia White, Mrs Audrey Branch, Mr Raymond Le Poidevin and Mr Keith Bell to become members of the Alderney Property Tax Appeals Panel, and furthermore to approve the appointment of Mrs Julia White as Chair and Mr Keith Bell as Deputy Chair of that Panel.

Thank you, sir.

480 **The President:** Thank you.
Mr Carter.

Mr Carter: Nothing further to say other than to formally second this motion.

485 **The President:** Thank you very much indeed. Would anybody wish to speak on this Item? Then I think we can take this one as having passed.

**VII. Accounts for Information –
Reports received**

Item VII.

The attached reports, for information purposes, were received from Mr Abel, Chairman of the Policy and Finance Committee:-

(1) Alderney Commission for Renewable Energy Annual Report & Accounts 2019 and 2020

(2) Alderney eGambling Limited Financial Statements 2020

(3) Alderney Gambling Control Commission Financial Statements 2020

(4) Royal Connaught Residential Home Limited Financial Statements 2020

The Greffier: Thank you, Mr President.

490 Item VII, Accounts for Information. The attached reports, for information purposes, were received from Mr Abel, Chairman of the Policy and Finance Committee: (1) Alderney Commission for Renewable Energy Annual Report & Accounts 2019 and 2020; (2) Alderney eGambling Limited Financial Statements 2020; (3) Alderney Gambling Control Commission Financial Statements 2020; (4) Royal Connaught Residential Home Limited Financial Statements 2020. These are for information only, Mr President.

495

The President: Thank you. And I think there were some comments, Mr Abel, at the People's Meeting.

Mr Abel: Yes, sir, there were.

500

With regard to item (1), Alderney Commission for Renewable Energy Annual Report & Accounts 2019 and 2020, it was noted that the loan for the unpaid licence fees is due for repayment at the end of this year, and it was queried what actions the Commissioners are taking to settle this debt.

The Convenor advised that the Commissioners have this in hand, but it is confidential, so not available for the public domain. The States of Alderney will be updated when required.

505

It was noted that the financial statement makes no reference to the debt. The Convenor advised that this issue will be taken up with the Commissioners.

With regard to item (2), Alderney eGambling Limited Financial Statements 2020, it was clarified that the two current States Members who sit on the eGambling Board are Mr Christian Harris and Mr Boyd Kelly.

510

It was noted that the two employees of eGambling Limited are the CEO of the company that travels the world promoting Alderney as a gambling jurisdiction, and their PA/secretary who lives in Guernsey.

It was commented that the income from gambling is decreasing, and is the continuation of the CEO role required at the vast expense for travelling the world. Mr Kelly advised that he would raise this point at the next board meeting. It was also clarified that for 2021 the income from gambling has increased.

515

Thank you, Mr President.

The President: Thank you, Mr Abel.

**VIII. Questions and Reports –
Seven questions for verbal reply
and no Reports**

Item VIII.

The following questions have been received:

One question from Mr Gentle for the Alderney Representatives in the States of Deliberation:

(1) Could our two Alderney Representatives briefly summarise any matters of importance to Alderney that may have been debated recently in the Guernsey States of Deliberation?

Five questions from Mr Snowdon for the Chairman of Policy and Finance Committee:

(1) Would the Chairman explain if any public presentation from Alderney Housing Association (AHA) will take place soon, detailing social housing strategy and explaining short, medium and long term planning to address the social housing crisis?

(2) Are there any updates around child-care delivery, in order to ensure working people can improve their labour output by increasing working hours?

(3) Could the Chairman outline the current situation with the PSO contract and why the States of Guernsey is exploring the options for a longer runway for Alderney Airport?

(4) Can you please explain the relationship between States of Alderney (SOA) and Alderney Commission for Renewable Energy (ACRE), can the States of Alderney, elected members direct ACRE with any decisions taken?

(5) Does the P&F Chairman have any CCA guidance he would like to reinforce to our community?

One question from Mr Snowdon for the Chairman of General Services Committee:

(1) Is the Chairman able to update on Harbour gates following public interest on the matter?

520 **The President:** We now move on, Mr Greffier, to Questions and Reports.

The Greffier: Yes, Mr President, Item VIII, Questions and Reports. First received was a question from Mr Gentle to the Alderney Representatives.

525 **The President:** Can I just, for the sake of completeness, Mr Abel, say it was confirmed at the People's Meeting that no Questions or Reports had been received at that time, they have all been submitted subsequent to the People's Meeting.

Mr Abel: That is correct, Mr President.

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

In order to avoid me having to keep repeating the same question, there are a number of questions and Members have the right to ask a supplementary question which arises out of the answer that has been given. So if a Member wants to speak, rather than me having to continually be asking, could you make it very clear please that you wish to speak and I am sure I will be corrected if I miss anybody.

Mr Gentle.

Guernsey States of Deliberation – Update from the Alderney Representatives

Mr Gentle: Thank you, sir, colleagues.

540 Could our two Alderney Representatives briefly summarise matters of importance to Alderney that may have been debated recently in the Guernsey States of Deliberation?

Thank you.

The President: Who would like to take the floor first? Mr Snowdon.

545 **Mr Snowdon:** Thank you, Mr Gentle, for asking that question; much appreciated.

I just want to touch on a couple of bits which are quite important for Alderney. Obviously the tax debate, we both spoke quite strongly about the impact of GST, if it did come in, to the Island. I think there was a misunderstanding that went out by Guernsey media which I do not think actually put the right side across, but just to emphasise if GST did come into Guernsey it would
550 come into Alderney as well. And then it was laid, which basically did not let the Assembly vote on that as a specific item ... and the other items instead were replaced with the Propositions that the tax debate would continue and come back by July 2022. It should be noted that we did have conversations ... because I believe that P&R are potentially going to be talking to different Deputies about the tax situation and we did raise the point that hopefully either Deputy Helyar or
555 Deputy Ferbrache will come over and talk with Members to see what we are thinking with the increases of taxes, because taxes will have to go up, but obviously we need to try and make sure they go up in the right place. So I think that stakeholder input from the States of Alderney will be a good thing to have because I believe that working stream is starting quite rapidly, it actually has already started, so the sooner the better.

Another big point for Alderney is also Aurigny, the recapitalisation of Aurigny. As we know, that is quite an important subject for us. Also the Aurigny strategy that went to the States of Deliberation at that time, it should be worth noting, and I think we do dispute this number, but £16.3 million is put onto the Alderney losses between 2015 and 2020, hence why Aurigny are looking at a different strategy to deliver aviation services for us. But a positive is that we do have
565 the PSO in place. I believe that we will hopefully be getting a presentation from STSB civil servants and the Aurigny CEO, fingers crossed, in December and hopefully some media connection with the CEO of Aurigny, with the local radio station, Quay FM, and also further engagement in January about how we are moving forward with that. But obviously the community does need to hopefully buy in or raise concerns and listen to the presentation and see if we can move forward with
570 aviation services regarding that one.

Touching on that, that actually brings the conversation around to the longer runway, which I believe is progressing from colleagues in Guernsey with a feasibility study that is potentially coming back and that is what is going to be presented to us to potentially move to that new model. But just to emphasise, that does need approval by the States of Deliberation for the increase from
575 the £12.2 million which was approved, I believe, in 2018. So that would have to be a debate going to the full States.

A minor one that I would just like to highlight, the gambling funds which go to the States of Deliberation in the budget every year, but it was just important to highlight that the gambling, particularly for our capital programmes, is essential for us so if that did ... I am not saying it is
580 disappearing, but if something did happen to that in the future we would be – as I think I have said a few times – in a sticky situation. Anyway, that was passed and Economic Development has got the £300,000, which I am sure we will spend wisely.

That is a quick summary, but I am happy to answer any questions on that or anything else.
Thank you.

585

The President: Thank you, Mr Snowdon.

Mr Gentle: No questions, sir, thank you; but thank you, Mr Snowdon.

590

The President: Mr Roberts, take the floor.

Mr Roberts: Thank you, sir.

The good things that have come from it: there is a new meeting being looked at by Guernsey civil service to link Guernsey Economic Development and Alderney Economic Development and see if they can improve our demographics and exchange ideas on the way forward. This came
595 about in a Guernsey Presidents meeting that Mr Snowdon and myself attend on a monthly basis. This committal would be of mutual benefit to both Islands and a first step forward to working on

the belts and braces of improving our lot. Alderney restructuring was also in this and recapitalisation was voted in almost unanimously.

600 The November meeting itself was mostly of unfinished business from 13th October. The tax review was the longest – and we voted against GST on 13th November. And then the meeting carried over to 2nd November, there was a statement from P&R then the main event was discrimination. The Discrimination Ordinance was forwarded and this brought much debate with everybody speaking and it took a long a time. At the end, Proposition 1 was thrown out as it was self-discriminative against Catholic schools. Propositions 2 and 3 were carried and will be brought back and tailored for the Islands, similar to Jersey.

605 A European blanket law that was imposed on Britain before Brexit simply does not fit here in these Islands. It is just too strong. It actually discriminates against some people in its entirety in other places, in other words. Public Guernsey holidays followed and we abstain from those; and that was all that was on the table.

610 We had meetings with P&R, we had meetings with STSB, we had meetings with Economic Development and relations are still very good indeed. It is a time of friendship and now we have to keep up the momentum of the many offers and outstretched hands. This in all is of great benefit to Alderney. It is a time of opportunity that we must embrace and encourage with our Guernsey friends. We are in a very good place indeed at this moment in time and we need to continue this friendly communication.

The President: Thank you, Mr Roberts.

620 **Mr Gentle:** Nothing further, sir. Thank you, Mr Roberts.

The President: Mr Abel.

625 **Mr Abel:** Sir, if I may just ask a question which hopefully will clarify something that supports Mr Roberts's comments with regard to the good working relationship. Could he explain the Presidents' council which you participate in? It is quite important to us.

Thank you.

630 **Mr Roberts:** Yes, sir. It was something we were invited to some time ago and it is the Guernsey States Presidents talking together. The President of P&R and the President of every other Committee attend this and discuss their relevant problems throughout their Committees and what they have and communicate between Committees; communication.

635 Mr Snowdon and I have been invited, as Members of the States of Deliberation, to participate in this and it is very useful indeed, particularly the last meeting when it came up that they requested that they work with Economic Development, come to Alderney, meet with our co-optive Members, work together, and find a common strategy on how to help both Islands. This was actually being forwarded in the Guernsey civil service last week and we are hoping that we hear more quite soon from the Chairman, who you know well.

640 **The President:** Thank you.

Mr Abel: Thank you, Mr President; thank you, Mr Roberts.

**Alderney Housing Association –
Public presentation**

The President: Now, Mr Snowdon, you have a number of questions. Question 1, please.

645 **Mr Snowdon:** It is to the Chairman of P&F, thank you, Mr President.

Could the Chairman explain if any public presentation from Alderney Housing Association (AHA) will take place soon, detailing social housing strategy and explaining short-, medium- and long-term planning to address the social housing crisis?

Thank you, sir.

650

The President: Mr Abel.

Mr Abel: Mr President, thank you, Mr Snowdon, for the question.

655 This is more a question I would have thought for the Alderney Housing Association to answer as they operate as an arm's-length entity from the States of Alderney.

I understand that the Alderney Housing Association has identified that they have a shortage of social housing and, as I understand it, they are in the process of identifying and acquiring further social housing units. I will raise your question of community meetings with the Alderney Housing Association via the Chief Executive, as it is a good point.

660

With regard to Policy and Finance, we have a housing group who, on behalf of P&F, have delegated authority to evaluate the Island's housing requirements and to engage with other groups and to report back to P&F. This question can be put to the group at the upcoming P&F meeting.

Thank you, sir.

665

The President: Thank you. Mr Snowdon, a supplementary question?

Mr Snowdon: Yes, thank you, sir.

670 It was just to say thank you to Mr Abel. The question really being, would you agree that this followed on from the People's Meeting on three trots in a row where the public wanted a presentation? I thought it was going to go to P&F where we going to request officially from P&F but I think you may have hopefully made that reassurance already, Mr Abel, thank you.

Mr Abel: Thank you.

675

The President: Thank you very much indeed.

Mr Roberts.

Mr Roberts: Yes, please, sir.

680

Many complaints source the AHA as not being fair in their allocation to order and needs of a home. Does the Chairman feel if, or should, an independent appeal panel be constructed to serve in the interests of these desperate and deserving appellants, now struggling in Alderney for a seemingly unfair system that we now have?

685

The President: Mr Abel.

Mr Abel: Mr President, I think that is an item that we can also discuss at P&F and determine a way forward for that. It certainly is relevant. I would also like to point out that the Alderney Housing Association does not get any grants or subsidies from the States in terms of that and hence they probably are operating at an economic basis, so the use of social housing is probably a little bit of a stretch at the moment. That is something I think we do have to discuss and debate.

690

Thank you.

The President: Thank you, Mr Abel.

695

Mr Kelly.

Mr Kelly: If I may, sir. I am sure Mr Abel is a well-read man. I am sure he will have read the AHA's annual report, and in that report does he remember seeing the customer satisfaction? They do have a satisfaction survey regularly and that is published in the report. Will he have seen it and can he comment on how highly satisfied the tenants are with their landlord?

700

The President: Mr Abel.

Mr Abel: Mr President, colleagues, it is a good question. I cannot recall reading that part of it, Mr Kelly, and thank you for raising that with me. But as I understand from your question, and the way it was phrased, the satisfaction report will indicate satisfaction by the users of the housing. Is that the case?

705

The President: I am afraid you cannot ask him a question.

710

Mr Abel: Sorry. I will read that report again and bring that to debate. Thank you, Mr President.

The President: But knowing Mr Kelly I guess we all know the answer.

715

Mr Kelly: You are absolutely correct, sir.

The President: Thank you.

Childcare delivery – Updates for working people

The President: Second question then please, Mr Snowdon.

720

Mr Snowdon: Thank you, President.
Are there any updates around childcare delivery, in order to ensure working people can improve their labour output by increasing working hours? That is to Mr Abel again.
Thank you, sir.

725

The President: Mr Abel.

Mr Abel: Yes, thank you, Mr President; thank you, Mr Snowdon, for the question.

This is currently under investigation by a limited civil service and is something that should have been dealt with over previous years and has now become a stumbling block for the Island community and in attracting and keeping people with families.

730

As you are aware, this is one of a number of critical areas facing Alderney, such as housing, care, sheltered housing, the Connaught, childcare and early years schooling, the swimming pool, marina and other areas of concern which this States is trying to catch up with as previous States had not managed to advance a number of these issues.

735

The development of the Island Plan is key to current and ongoing needs and also its priorities. With its adoption the process to sustain it will continue beyond the term of any States. The civil service has limited capacity and will be sized to handle the normal day-to-day workings of the Island and is not sized to handle the number of issues that now face the States.

740

For years the States has been criticised for using consultants, with possible justification. But if are we to handle these issues we need to bring in expertise and this cost is not likely to be small.

An area that is also key is care and I am hopeful that you as a member of the Guernsey Health & Social Care Committee can advance Alderney's needs in this area.

Thank you, Mr President; thank you, Mr Snowdon.

745 **The President:** Mr Snowdon.

Mr Snowdon: Thank you, sir.

750 Just to say thank you to Mr Abel. Would he agree with one point that we do need to probably look at with the relationship with Guernsey is the 1948 Agreement and how we are going to improve working forward. But it is obviously getting more money into our economy, would you agree, sir?

The President: Mr Abel.

755 **Mr Abel:** Absolutely so, Mr Snowdon.

Obviously we have been skirting, shall I say, for quite a while the 1948 Agreement and certainly with the current relationship we have with Guernsey, possibly as we get a moment to breathe, Mr President, colleagues, this is something we have to take head on and try to advance some of the issues, particularly with regard to the non-transferable service and with regard to social care in particular.

760 Thank you.

The President: Thank you.

Public Service Obligation contract – Current situation and longer runway option

765 **The President:** Next question, Mr Snowdon, please.

Mr Snowdon: Thank you, Mr President.

Could the Chairman outline the current situation with the PSO contract and why the States of Guernsey is exploring the options for a longer runway for Alderney Airport?

770 Thank you, sir.

The President: Mr Abel.

Mr Abel: Mr President, thank you to Mr Snowdon for his question, and colleagues.

775 This has been raised previously but it gives me an opportunity to make some key points. The PSO contract is five years and is a subsidy of some £3 million per annum through Guernsey's Policy & Resources Committee.

The PSO generally requires Aurigny to provide flights –

780 **Mr Snowdon:** Point of order, sorry ... I think it is £2 million, Mr Abel.

Mr Abel: What did I say? (**Mr Snowdon:** £3 million.) Obviously inflation caught me.

The President: Wishful thinking!

785 **Mr Abel:** Thank you for pointing that out; £2 million is the subsidy.

790 The PSO generally requires Aurigny to provide flights on the Southampton and Guernsey route using two modern Dorniers. There is no obligation to provide back-up aircraft while the current fleet is being maintained. However, Aurigny recognise the risks and will hire in aircraft if there is a likelihood of an extended outage of the operational aircraft. However, like weather impacts, we are going to face disruptions but with the commitment of the Aurigny management I would expect this to be minimal.

In terms of the PSO, there is a requirement on Alderney not to impact on the profitability of Aurigny on these routes as it may lead to the loss of the Southampton route and the £2 million of subsidy needed.

795 The feasibility project currently under way, which is looking at both upgrading the current runway as well as now looking at the extension to that runway, is basically in terms of the extension to use the ATR72s as part of a single fleet strategy for Alderney. The introduction of an ATR72 means that Alderney will be provided with more seats on the route but that services will be limited to at least two flights a day between Alderney and Guernsey and one flight per day to Southamton. As yet, this has not been discussed or clarified with Aurigny or with Guernsey as it stands.

800 In terms of the length of the runway and the use of ATRs this will be seen to futureproof Alderney beyond the term of the PSO and this is critical in terms of attracting businesses and people to the Island.

805 The timeframe for the study has stretched and it is anticipated the States and the community will be briefed in early December.

Thank you.

810 **The President:** Mr Snowdon.

Mr Snowdon: Thank you, sir, and thank you to Mr Abel for that very detailed answer.

815 Would he agree that politically, potentially at the end of that five-year contract or four years remaining, the £2 million subsidy may not be there because of the tax pressures in Guernsey and therefore it is essential a new model is explored?

The President: Mr Abel.

Mr Abel: If I may, Mr President.

820 Certainly in all of the discussions we have had that £2 million subsidy per year is only for the next five years and the general guidelines, as we understand from P&R to Aurigny as well as to the States Trading Supervisory Board, is to look at options and ways to reduce and negate the extension of that.

Thank you.

825 **The President:** Thank you. Mr Roberts.

Mr Roberts: Thank you, sir.

I would just like to also thank Mr Abel for answering all these questions, to put it out to the public is why we ask them.

830 The PSO has just got four years to run. Would the Chairman not agree that if a longer runway business case stacks up and Guernsey States and Aurigny do request it, that this would ensure our future with a Guernsey States subsidised Aurigny, not to gamble with losing Aurigny, a service not guaranteed after this PSO ends, and ending in disaster for our Island?

835 **The President:** Mr Abel.

Mr Abel: Sorry, I am just trying to take that in, Mr President, so I can answer effectively.

840 Certainly we had the presentation by the CEO of Guernsey, and I can pronounce his surname, Mr Nico Bezuidenhout, (*Laughter*) and basically the guidance that he had been provided – and I suppose that is a nice way of putting it – by the States Trading Supervisory Board is that Aurigny will no longer receive subsidies from the States of Guernsey and I think if I looked at his budget that really is in from 2023 onwards. Obviously the £2 million subsidy to fly the routes to Alderney and from Alderney to Southampton cover the overrun on his budget, again is the discussion we had with him because he presented that to States Members here.

845 His projections were that he will be running at approximately break-even in ... I am trying to remember, two to three years, if not slightly less, and at the end of the five-year period he anticipates obviously that to continue, but again his budgeting projections were not based on the fact that ATRs would come into Alderney. And again, his guideline only went to the end of the five-year period in that case.

850 Going forward as we understand, and as we have discussed, if the runway is extended and it is seen as economic to bring in the ATR72s you are quite correct that is considered for us here in Alderney to provide future-proofing going forward with services to the Island.

Thank you.

855 **The President:** Thank you, Mr Abel.

Alderney Commission for Renewable Energy – Relationship with the States of Alderney

The President: Next question please, Mr Snowdon.

Mr Snowdon: Thank you, sir.

860 Can the Chairman please explain the relationship between the States of Alderney and Alderney Commission for Renewable Energy (ACRE), can the States of Alderney, elected Members direct ACRE with any decisions taken?

Thank you, sir.

The President: Mr Abel.

865

Mr Abel: Yes, Mr President, thank you, Mr Snowdon, colleagues.

The ACRE annual report attached to the Billet provides the roles and responsibilities for the Commission that has actually been discussed with States Members.

870 It should be noted, and this is just a point to clarify an item, that the accounts are income and expenditure and not a financial statement with a balance sheet and hence does not show the ARE liability, but moving forward from this report it notes that ACRE remains a separate entity and is required to carry out the functions set out in the Renewable Energy (Alderney) Law, 2007. ACRE is not a Committee of the States of Alderney, although the Law does provide that the States may give guidance or direction of the general character in discharge of any of its functions. The Commission is required by law to take account of this guidance or act in accordance with any direction. There are a number of other items, but I think that covers the key areas we have talked about.

875

The States of Alderney has confidence in its commissioners who are working with Guernsey Law Officers and the auditors Grant Thornton. The commissioners will keep the States of Alderney informed of any matters and consult with the States of Alderney before taking any significant decisions.

Thank you.

880 **The President:** Thank you. Mr Snowdon.

Mr Snowdon: Nothing to add. Just to thank Mr Abel.

**Civil Contingencies Authority –
Guidance to the community**

The President: Final question then please, Mr Snowdon, to Mr Abel.

885 **Mr Snowdon:** Thank you, sir.
Does the P&F Chairman have any CCA guidance he would like to reinforce to our community?

The President: Mr Abel.

890 **Mr Abel:** Thank you, Mr Snowdon, Mr President and colleagues.
I think, and I do not know whether everybody has caught up with it, but the recent CCA press release and the briefing given just shortly before this meeting reiterated that the CCA is strongly ...
Sorry, I am running out of speech after all this time, Mr President.

895 **The President:** This is the last one!

Mr Abel: Thank you.

The CCA has reiterated its strongly recommended guidance in terms of the use of various face masks and other non-pharmaceutical interventions and have not put regulations in place to make this mandatory, and certainly that was a concern to us all. The basis for this decision is that although active cases are high, today they stand at 482, with an additional 68 from yesterday, also the number in hospital is low, today it is at four. And it is also felt that the community has responded to the October briefing of strongly recommended and the uptake in face mask wearing has improved. However, we must still improve on mask wearing and consider close, crowded and confined as we still need to reduce the level of infections across the Bailiwick, of which we are a part and share in its medical facilities.

Thank you.

The President: Mr Snowdon.

910 **Mr Snowdon:** No, just to thank Mr Abel again, thank you.

The President: Mr Roberts.

915 **Mr Roberts:** Yes, please, just one more, sir.

I would like to thank Mr Abel for all the sterling work he has done on behalf of Alderney and the CCA over the last period. It has been a very difficult post, I am sure, to make these decisions and please assure yourself that, along with a lot of other people, I am extremely grateful for the work that you do on our behalf.

920 Would he not agree that the CCA's relaxed attitude and thinking on COVID rules stems from a lower effect of COVID impact as, on average, triple-jabbed people are unlikely to suffer death, but the CCA are not concerned with other cancer patients receiving treatments across the Bailiwick, rendering body zero immunity and leaving them extremely vulnerable still? Is this considered within your meetings, sir?

925

Mr Abel: With regard to your question, it is not an easy one to answer, but it is certainly on the minds of the CCA, as it is on the minds of Public Health. Certainly we have seen here in the Bailiwick, and you can hear it being repeated in the UK, that the treatment for other medical problems, if I can call it that, has fallen behind where it needs to be and there is a great deal of
930 debate by everybody on whether COVID has now become over-focused on and that death from COVID, with the vaccinations now, is not as big a risk as it was possibly 12 months ago, when we did not have the vaccine. And again, people have now got to focus more on a holistic approach to healthcare across both the Bailiwick, the UK and in other countries.

Within the bounds of what I can say with regard to the CCA, they do look at holistic pictures
935 continuously, and again look towards the welfare of the Bailiwick and its communities. Certainly you can see in their own thinking as they go forward with the various briefings that there is movement towards living responsibly with COVID but again we are still learning what that is and what the risks are around that. Certainly this stance by the CCA, and I say this as an independent, if I can, is such there that they are recognising that COVID is not the only thing to drive our lives
940 going forward.

Thank you, Mr President.

The President: Thank you.
Mr Gentle.

945

Mr Gentle: Thank you, sir.

Mr Abel, sir, given our demographics, do you agree that making mask wearing mandatory might well be the next step if Bailiwick cases continue to rise?

Thank you.

950

The President: Mr Abel.

Mr Abel: Mr Gentle, I think it is a good question and one that has been debated. I think if you take the opportunity to look at the briefing from today you will see that they do probably answer
955 that indirectly because there certainly has been debate, and everybody has been aware of it, of whether today would have been similar to the Monetary Committee of the Bank of England where everybody thought that they were going to increase interest rates and they did not. For ourselves here, we are fortunate that it has not become mandatory in terms of face masks because it will be difficult for a lot of people across the board.

It is a question of us trying to do the best we can, practically and reasonably, so our lives are
960 not overtaken by COVID but rather our lives are living with COVID. I have debated with my wife a lot on these issues and it is a difficult one, I think, for everybody to try and balance what that means and the risks we have in front of us.

Certainly Dr Brink, I think, today in the briefing, will have highlighted the fact that it is very
965 difficult for them now to model what the impacts are of the triple vaccination for some folks, what is the impact of single and double vaccinations for our younger people and then also whether we move even further down our community in terms of age for vaccination. Modelling that is very difficult because you do not know what the impacts are and to a certain extent they now look at what has happened with regard to people being in hospital and again the case levels. Plus also if
970 you look around the UK, the Isle of Man, Jersey and a number of other European countries, yes, they have got extremely high levels of infection per 100,000 people but they are managing to contain and deal with COVID hospitalisations. But again, to a certain extent to the detriment of other treatments that are going on.

If you look at France, and I think Spain is another good example, both of those are actually low.
975 Spain ... I am trying to remember the number, it is down well below 100 per 100,000. France I think is 130. We stand at 678 per 100,000 in our small community, with four hospitalisations. France and Spain have mandatory requirements in terms of face masks and in terms of entering

pubs, clubs and various other things and they have reduced it, but overall I do not think their hospitalisation rate – not that I have seen the statistic – is much lower than or better than ours.
980 So it is very difficult to understand where we are going to be, and the next months will give us a much better idea of that.

We are very fortunate to have Dr Brink and her team. They are continuously sifting the information. She looks very drawn and tired, from time to time, when she is trying to put the numbers together, and we are very fortunate to have her as part of the Bailiwick.

985 Thank you, Mr President.

Mr Gentle: Thank you very much, Mr Abel.

The President: Thank you.

990 Mr Kelly.

Mr Kelly: If I may, sir.

I am sure Dr Brink would be quite flattered to hear that she is looking drawn! I hope the press don't report that one! *(Laughter)*

995 Does Mr Abel think that there is an argument for looking at the two Islands differently, given the potential for there being different casualty rates and different amounts of people with the infection?

The President: Mr Abel.

1000 **Mr Abel:** Thank you, Mr President, and Mr Kelly, for that question; it is a difficult one.

If I think back to my term to date on the CCA, and I go back to when we asked to come out of lockdown earlier and the debate around that, certainly there was recognition that Alderney and Sark, for example, were slightly different in terms of risk profiles. At the present time, that has been evaluated and again if mandatory mask wearing or NPIs, or whatever those are, become more legislated then that is going to require a little bit more discussion in terms of the balance.

1005 When I consider some of the discussions we have had over the last 12 months, and I think everybody would understand that we, as part of the Bailiwick, and also we having to rely on the total medical services in the Bailiwick, cannot add additional strain to the Bailiwick, Guernsey in this case, if it is under stress, and that has been a discussion we have had in the past. So if the Bailiwick starts to have many more hospital cases, which we still have to understand, what happens against the infection rate to hospitalisation rates, until we understand that ... and if the Bailiwick suddenly has a run, if I can use that word, then for us to say 'close it off' at a different standard I think would be very difficult for us to table and discuss with the Bailiwick. We have people from the Bailiwick travelling here. We also travel to the Bailiwick and we also have people coming in and out of the Island, and as we see both in Guernsey and here the initial source of infection does come from travel.

1010
1015 So it is a difficult question but a good one, thank you.

Harbour gates – Update

1020 **The President:** And now, Mr Snowdon, you have a question for Mr Kelly.

Mr Snowdon: It is my last question, thank you, sir.

Is the Chairman able to update on the Harbour gates following public interest on the matter?
Thank you, sir, to Mr Kelly.

1025

The President: Mr Kelly.

Mr Kelly: Thank you, sir.

1030 I am intrigued by the term 'public interest'. If you are talking about one or two people at the
People's Meeting as public interest, then yes. However, as I said at the People's Meeting, I
reminded the public, and I will Members today, that under rule 19 all Committee meetings and
Committee minutes shall remain confidential until such time as the minutes have been published.
So whilst I would dearly love to tell my colleagues here the position in relation to the Harbour
gates, because it was discussed at our last GSC meeting, the minutes of which have not been
1035 published yet – well, they were not an hour ago before I came into this Chamber – I cannot answer
it, sir.

The President: Thank you.

1040

Mr Snowdon: One supplementary to that, if that is all right, sir.

The President: Yes, please.

1045 **Mr Snowdon:** The one supplementary being, would the Chairman agree that we need to get
minutes out with sharpness so that we can get stuff into the public straightaway, and then
everyone knows what is going on, not a month or two months later because it sort of misses the
boat on public interest, I would have thought. Would you agree?

1050 **Mr Kelly:** I would agree that it would be rather good if we could get the minutes out. However,
the meeting was only last week, the civil service have been under pressure in relation to
absenteeism because of injury and holiday, that is why they have not come out. Last months are
out, it is just the one from last week.

The President: Thank you, Mr Kelly.

1055 I am not seeing any other hands so I think that being the case we can now move to close the
meeting, Mr Greffier, please.

PRAYERS

The Greffier

The Assembly adjourned at 3.48 p.m.